

REPORT UPDATE

Application No: AW/130/18/OUT

Reason for the Update / Changes

Reason for Update/Changes:

NEW NPPF:

A new version of the National Planning Policy Framework (NPPF) was published after this officer report was finalised. There is a reference to the NPPF within the third new paragraph on page 84 of the agenda. This refers to paragraph 17 of the NPPF. This has now been replaced by paragraph 127 which states that:

"Planning policies and decisions should ensure that developments: (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."

FURTHER WSCC HIGHWAYS ADVICE:

The applicant provided swept path analysis drawings on the 27th July. These show that an ADC refuse vehicle and a fire appliance vehicle can make the turn into or out of the site and these vehicles can exit the site in a forward gear (having turned within the site). West Sussex Highways responded on the 1st August to state that they are satisfied with these arrangements. They do request an additional information plus a condition to require double yellow lines to be included at the new access to ensure no parking can take place at any time on either side.

The applicant has agreed to the yellow lining condition. The applicant also provided a new indicative layout plan on the 31st July which incorporates a revised drive to accommodate large appliance vehicles. The additional condition and informative are as follows:

CONDITION - No development shall be commenced until such time as a Traffic Regulation Order, or revision to an existing order, securing the provision of no waiting at any time restrictions in accordance with details to be submitted has been approved by the Highway Authority and written confirmation of this approval has been made available to the Local Planning Authority. **REASON** - It is considered necessary for this to be a pre-commencement condition as this goes to the heart of the planning permission.

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.

MISSING POLICIES:

Policies ENV DM5 (Pagham Harbour) and SD SP1 (Sustainable Development) of the Arun District Local Plan 2011-2031 were omitted from the original report and should be considered within the determination

of this application.

MISSING TEXT IN CONDITION REASONS:

No reasons were given for the pre-commencement nature of conditions 08 (Construction Environmental Management Plan) and 10 (Wheel Washing). The following text is to be added to the reasons for both of these conditions:

"It is considered necessary for this to be a pre-commencement condition as these details must be agreed before the impacts of construction begin."

Officers Comment:

The recommendation has been amended to include the additional condition, the additional informative the additional text within the reasons for conditions 08 & 10 and the Plans condition (03) has been amended to reference the swept path plans and the revised layout drawing. These changes are reflected by the attached amended replacement recommendation sheet.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.

Recommendation Report for Outline Consent

REF NO:	AW/130/18/OUT
LOCATION:	Land to the rear of 34, 36, 38, 40 & 44 Carlton Avenue Aldwick
PROPOSAL:	Outline application with some matters reserved for the erection of 8 No. dwellings with new access between 34 & 36 Carlton Avenue.

SITE AND SURROUNDINGS	
DESCRIPTION OF APPLICATION	This is an outline application for 8 dwellings with all matters reserved aside from access which will be between 34 and 36 Carlton Avenue. An indicative layout plan is included which shows how the development might be laid out with a mix of bungalows, chalet bungalows and 1.5-2 storey houses all with private gardens, parking and garages. Replacement parking for 36 would be provided within its front garden. The application is a resubmission of AW/53/13/OUT and AW/135/14/OUT.
SITE AREA	0.4907 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	16 per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	There is extensive tree planting to the eastern end of the site

	and across the boundary within the Avisford Park recreation ground. Some of trees are notable.
BOUNDARY TREATMENT	Mixture of dwarf walls, fencing and hedging to the front of site, fencing to sides and rear with mature hedging. There is also a small watercourse running the length of the eastern site boundary.
SITE CHARACTERISTICS	Residential gardens located behind nos. 34, 36, 38, 40 and 44 Carlton Avenue (there is no number 42).
CHARACTER OF LOCALITY	The site forms part of an established residential area within the built up area boundary. Carlton Avenue has a fairly uniform character with detached properties set in medium plots and set back from the highway with gardens to the rear. Properties on this eastern section of Carlton Avenue have very deep gardens whilst those to the northern and southern ends of the road and on the western side are much shorter in comparison. In terms of scale, there is a mix of dwelling heights within the streetscene with some traditional bungalows, some chalet bungalows and a few genuine two storey dwellings.

RELEVANT SITE HISTORY

AW/135/14/OUT	Outline application for residential development consisting of 2 detached 3 bed bungalows, 2 detached 3 bed chalets & 4 semi detached 3 bed chalets with new access between no's 34 & 36. Resubmission of AW/53/13/	Refused 02-09-14 Appeal: Withdrawn 18-08-15
AW/53/13/	Outline application for residential development consisting of 2 detached 3 bed bungalows, 2 detached 3 bed chalets & 4 semi detached 3 bed chalets with new access between no's 34 & 36.	Refused 30-04-13 Appeal: Dismissed 20-03-14

Planning Application AW/53/13/OUT was refused under delegated powers and then subsequently dismissed on appeal solely on the grounds that there was no legal agreement in place to secure the open space/play and affordable housing contributions. The Inspector concluded that there was an absence of harm in relation to character & appearance, living conditions and highway safety. The Inspector also confirmed that the views of local residents and other interested parties had been taken into account.

The applicant then submitted application AW/135/14/OUT which was passed by the Development Control Committee on the 30th July 2014 but subsequently refused because the applicant was not able to enter into a Section 106 legal agreement concerning affordable housing and open space/children's play. This being as a result of land ownership issues. The applicants did submit an appeal against this decision but that appeal was withdrawn.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldwick Parish Council

"Members strongly opposed the application on the grounds that the proposed development would have an unacceptable adverse impact on adjoining occupiers, land uses or property and because it does not take account of unacceptable adverse impacts that may arise from adjoining land uses or property and because it does not retain significant open or wooded areas which, in their own right, make a material contribution to the local environment and because it does not allow for the safe movement of pedestrians and vehicles, giving priority to pedestrians. Therefore, Members considered that the application is in direct conflict with the Arun District Local Plan (2003) (iv);(v);(vi) and (vii)."

20 letters of objection raising the following concerns:

- (1) Carlton Avenue is unsafe and cannot cope with more traffic or more parked cars;
- (2) Frequent damage to cars parked on Carlton Avenue;
- (3) Insufficient parking proposed (1 space per dwelling);
- (4) Surface water flooding;
- (5) Loss of garden to nos. 34, 38;
- (6) Site Notice not posted before the Parish Council Meeting;
- (7) Builder does not own all the land;
- (8) Builder previously felled trees within Avisford Park;
- (9) Garden of 38 previously had a pond well known to be occupied by Great Crested Newts;
- (10) No benefit to the community;
- (11) Impacts of construction;
- (12) Traffic survey should be carried out;
- (13) Overdevelopment of the area;
- (14) Loss of privacy to surrounding properties; and
- (15) Impact of lighting and noise disturbance.

COMMENTS ON REPRESENTATIONS RECEIVED:

The Parish Council comments do not specifically refer to a planning policy but it is assumed that they meant to state GEN7. The numbered criteria mentioned relate to the following issues:

- (iv) impacts on adjoining land & occupiers;
- (v) impacts of adjoining land on the site;
- (vi) Need to retain open or wooded areas; and
- (viii) Need for vehicle parking and open space in accordance with current standards.

Policy GEN7 has now been replaced in part by policies D DM1 and T SP1 of the new Local Plan. The reports conclusions will analyse the issues raised.

The following comments are made in respect of the local resident objections:

- (1) & (2) Highway safety will be discussed in the report conclusions but it should be noted that WSCC Highways (the Councils advisers on highway related matters) do not object to the proposal and also that the Inspector in determining the appeal of AW/53/13/OUT also did not consider these issues to be such that a refusal was necessary;

- (3) The application is in outline with only the principle of development and access details to be determined at this time. Parking provision is related to the matter of layout and as such would be considered at the reserved matters stage.
- (4) Please refer to the comments of our Drainage Engineers as set out in the next section of this report;
- (5) This will be discussed in the report conclusions;
- (6) The Council is not required to ensure that a site notice has been posted before the date of a Parish Council meeting;
- (7) It is not necessary for an applicant to own land on which a planning permission is made. The applicant has served notice on the owners of the land including the owner/occupier of 34 Carlton Avenue;
- (8) It is not possible to consider any previous transgressions in this determination whether true or false;
- (9) The pond is no longer present and this was not deemed to be an issue on either of the two previous applications (or the appeal). It also noted that the Sussex Biodiversity Records Centre do not hold any records of Great Crested Newts on this site;
- (10) It is considered that the proposal could result in social benefits to the local community in respect of additional housing to meet local needs and the bringing of new people together. In addition, economic benefits are likely to arise in respect of increased council tax payments, construction jobs and increased spending on local goods & services.
- (11) Any impacts during construction will be temporary in nature. Furthermore, there is other legislation (such as Environmental Law) in place to protect residents from undue noise or dust. Both WSCC Highways and ADC Environmental Health Officers have requested that details of the construction site-set up be approved prior to work commencing. This will include a wheel washing facility;
- (12) WSCC Highways (the Councils advisers on highway related matters) have not requested a traffic survey and do not object to the proposal;
- (13) This will be considered in the report conclusions;
- (14) This will be considered in the report conclusions; and
- (15) This will be considered in the report conclusions in respect of residential amenity but it should be noted that there are currently no details as to lighting and that this will be a matter for the reserved matters application.

CONSULTATIONS

WSCC Strategic Planning
Engineering Services Manager
Engineers (Drainage)
Natural England
Environmental Health
Arboriculturist
Southern Water Planning
Parks and Landscapes

CONSULTATION RESPONSES RECEIVED:

NATURAL ENGLAND - State that subject to the appropriate financial contribution being secured, the proposal will mitigate against the potential recreational impacts of the development on the Pagham Harbour Special Protection Area (SPA) and Ramsar Site.

SOUTHERN WATER - Request an informative and a condition to protect any unrecorded sewers within the site.

WSCC HIGHWAYS - Raise no objection in respect of access, pedestrian/vehicle safety or parking. Request conditions in respect of wheel washing, construction management plan, cycle parking, retention of garages for parking, visibility splays and vehicle parking/turning. Do however request clarification as to whether large appliances will be required to access the site - and if so, then require swept path drawings to demonstrate that such movements can be undertaken safely.

ADC ENVIRONMENTAL HEALTH - Recommend a condition to require submission of a Construction Environmental Management Plan.

ADC TREE OFFICER - Initially raised objection on the grounds that the proposal could affect the trees to the eastern boundary and that there was no supporting arboricultural information. However, as this is an outline application with layout a reserved matter, it is acknowledged that tree protection issues do not require agreement at this time. Therefore have withdrawn the objection.

ADC LANDSCAPE OFFICER - Raise no objection subject to agreement of landscaping at a later date. Require an off-site contribution for play provision to be spent at Avisford Park Recreation Ground.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The applicant has been requested to demonstrate the movement of a large appliance in/out of the site and these additional plans long with the further response of WSCC Highways will be reported to the Committee by way of an update. It is noted that this was not raised by Highways in respect of the previous applications AW/135/14/OUT or AW/53/13/OUT.

POLICY CONTEXT

Designations applicable to site:

Within the Built up Area Boundary; and
Pagham Harbour Zone B.

DEVELOPMENT PLAN POLICES

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM2	ENV DM2 Pagham Harbour
HDM1	H DM1 Housing mix
SDSP2	SD SP2 Built-up Area Boundary
SDSP1	SD SP1 Sustainable Development
TSP1	T SP1 Transport and Development
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD1	Open Space & Recreation Standards
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POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2011-31, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

Aldwick have not developed a Neighbourhood Development Plan but has published a Design Guide.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

As reported above under the planning history section, an appeal of a previous delegated approval was dismissed solely on the grounds that the applicant was unwilling to provide financial contributions to affordable housing, open space and children's play. The inspector found no harm in regard to issues of character, overlooking/loss of light, surface water drainage, highways, parking, wildlife, lighting or the impact on schools, gas, water, electricity and sewage disposal. This is considered to be a significant material consideration in the determination of this application.

CONCLUSIONS

PRINCIPLE & PLANNING HISTORY

The site lies within the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan 2011-2031 provided it is in accordance with other policies of the Local Plan.

The appeal decision on AW/53/13/OUT was dismissed solely on the grounds that the applicant had not provided a legal agreement to cover the required financial contributions. The Inspector found no harm in

respect of character, overlooking/loss of light, surface water drainage, highways or parking. It is acknowledged that this appeal decision is now some 4 and a half years old. However, the National Planning Policy Framework was in place at that time and it is not considered that the policies of the new Local Plan are significantly different or more onerous in respect of character, residential amenity, highway safety, parking or drainage. It is therefore considered that this appeal decision is an important material planning consideration which has weight in this determination.

DENSITY:

Although the layout plan is not to be decided at this time, it does show a layout of 8 dwellings and this reflects the description of development. The applicant has not applied for up to 8 dwellings so therefore, approval of this scheme would be for 8 dwellings and it is necessary to consider whether this number is appropriate. It is noted that

Arun Local Plan 2011-2031 policy D DM1 requires that the Council have regard to certain aspects including:

(1) Character - "Make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features."; and

(13) Density - "The density of new housing will make efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. Proposals should take into account the density of the site and its surroundings. The density of large sites should be varied to guard against uniformity".

Furthermore, policy D SP1 "Design" states that:

"All development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details".

The indicative layout is considered to represent an acceptable density having regard to the mix & size of houses shown, the presence of garages, parking spaces & circulation areas and the large gardens (minimum of 160m²). Furthermore, the existing trees to the boundary of Avisford Park are well away from the position of the houses and therefore it should be possible to retain these. It is considered, that the density of the scheme is similar to that of other properties along Carlton Avenue.

It is therefore considered that the proposal complies with policies D DM1 and D SP1 of the Arun Local Plan 2011-2031.

ACCESS:

Access is a matter to be determined at this time. It is shown as being taken from Carlton Avenue in a position between nos. 34 and 36 Carlton Avenue. This is the same access as previously shown on application AW/53/13/OUT and AW/135/14/OUT. No objections were previously raised by County Highways or the Appeal Inspector to this access.

Local residents and the Parish Council raise objection on the grounds that Carlton Avenue is unsafe and cannot cope with more traffic or more parked cars, that cars are frequently damaged on Carlton Avenue and that there is insufficient parking shown in the layout. In respect of parking, it is considered that this relates to the matter of layout and as such would need to be considered at the reserved matters stage.

Policy T SP1 of the Arun Local Plan 2011-2031 seeks to ensure that development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. In respect of highway safety, it states that:

"The Council will support transport and development which: Explains how the development has been designed to: (i) accommodate the efficient delivery of goods and supplies; (ii) give priority to pedestrian and cycle movements and have access to high quality public transport facilities; (iii) create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter."

The application has been comprehensively assessed by West Sussex Highways who have raised no objections to the principle of the access and in respect of the safety of its use. This reflects their position in respect of the previous applications albeit that this time around they have requested clarification of whether the site can be accessed by a large vehicle such as refuse or fire engine. It is considered that the applicant can demonstrate that such vehicles can access the site and as such, it is considered that there are no highway safety issues to consider.

It is therefore considered that the proposal complies with policy T SP1 of the Arun Local Plan 2011-2031.

OTHER CONSIDERATIONS:

Concerns have been raised by the Parish Council and by local residents regarding amenity impacts from the proposed development. Policy D DM1 of the Arun Local Plan 2011-2031 states that new development should have a minimal impact to users and occupiers of nearby property and land for example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance.

It is not appropriate to fully consider these issues at the current time as the application is in outline with only access to be approved. As such, there are no details as to lighting, new windows, building designs & heights or landscaping. These matters would be considered on a reserved matters application. However, it is considered that the indicative layout demonstrates that there will be sufficient distances between existing & proposed dwellings to ensure a good standard of privacy and amenity. It is noted that the houses on the eastern side of Carlton Avenue which back onto the site are either traditional or chalet style bungalows and therefore have no traditional second floor. Furthermore, the scheme propose a mix of bungalows, chalet bungalows and 1.5-2 storey dwellings - therefore building heights should be low.

It is also noted that the previous Inspector found no harm in respect of residential amenity issues with a layout of 8 dwellings in similar positions to as now indicated.

The occupiers of nos. 34 and 38 have objected to the loss of part of their rear gardens. It is assumed that these are rented properties and that the landlords are in agreement with the application. There are no policies in the current development plan that specify the amount of private garden/amenity space required. However, the National Planning Policy Framework (NPPF) remains a material consideration and this requires that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17).

The proposal would develop a large area of existing garden belonging to nos. 34, 36, 38, 40 and 44 Carlton Avenue. However, it will still leave these properties with gardens ranging between 13.6 and 20m deep This is considered to be sufficient to ensure a good standard of amenity.

It is therefore considered that the proposal complies with policy D DM1 of the Arun Local Plan 2011-2031

and with the guidance on amenity within the NPPF.

PAGHAM HARBOUR SPECIAL PROTECTION AREA:

The application is accompanied by a signed legal agreement relating to a payment of £1,742 towards the mitigation of the impacts of the development on the Pagham Harbour Special Protection Area.

Arun Local Plan 2011-2031 policy ENV DM2 states that all new residential developments within a 400m to 5km distance ('Zone B') of Pagham Harbour make a financial contribution towards the provision of accessible natural open green spaces to serve the area. A contribution of £1,275 per new residential unit was agreed by the Councils Cabinet on 20 July 2015. The report to Cabinet stated that:

"The access management measures identified are referred to as Strategic Access Management and Monitoring (SAMMs). As these do not include the allocation of specific land, they are not classified as physical infrastructure, and are not included under the definition of infrastructure within Section 216 of the Planning Act 2008, meaning the pooling restrictions as set out under Regulation 123 of the CIL Regulations (2010) as amended, does not apply. It is common practice by many other authorities (for example Elmbridge) that contributions towards SAMMs are gathered through S106 planning obligations. This approach has also been confirmed within Counsel advice sought by the Council. As a contribution is required to make the development acceptable in planning terms, it is therefore in compliance with the tests under Regulation 122 of the CIL Regulations (2010) as amended"

The Councils Cabinet subsequently approved a reduction in the tariff from £1,275 to £871 as of the 10th April 2017.

The application site lies within the designated Zone B and accordingly it was necessary to apply this requirement. The net increase in 8 dwellings resulted in a contribution of £6,968 at the current rate and it is this that is secured by the signed legal agreement.

OTHER SUPPORTING INFRASTRUCTURE:

Arun Local Plan 2011-2031 policy INF SP1 states that:

"The Local Planning Authority will support development proposals which provide or contribute towards the infrastructure and services needed to support development to meet the needs of occupiers and users of the development and the existing community"

And

"Off-site measures will require planning obligations or financial contributions, to secure the necessary provision. Where a contribution towards other, district wide, infrastructure improvements or provision is needed and viable this will be achieved through planning obligations (where they meet the statutory test for planning obligations)"

Policy OSR DM1 requires that new development contribute to open space, sport and recreation. The Councils current policy on open space and children's play is set out in the support Supplementary Planning Guidance Document. In accordance with this, the Councils Greenspace officer has requested a contribution towards children's play facilities on the adjacent Avisford Park Recreation Ground. This is considered to meet the statutory tests in the Community Infrastructure Levy Regulations 2010 (also set out as policy tests in the NPPF) in that the contribution is necessary to make the development acceptable in terms of policy OSR DM1 and the associated SPG, is directly related to the needs of the development (with the contribution to be spent on an adjacent Park) and is fairly & reasonably related in

scale and kind (the contribution is a set amount per new dwelling). In addition, this is the first contribution to be allocated to this specific project and therefore the contribution is not subject to a pooling restriction.

It is therefore considered that the proposal complies with policies OSR DM1 and INF SP1 of the Arun Local Plan 2011-2031.

SUMMARY

This proposal was previously refused and dismissed on appeal and then again refused on a later application. However, in both cases, this was solely on the basis that no legal agreement had been agreed. This resubmission rectifies that issue and, despite the adoption of the new Local Plan, it is not considered that the current policies are significantly different so as to require a different approach to be taken.

It is therefore considered that this application should be approved subject to the conditions set out below and the signed S.106 legal agreement covering contributions in respect of children's play and Pagham Harbour.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

SECTION 106 DETAILS

This decision will be granted in conjunction with a Section 106 legal agreement relating to the following contributions:

- £6,968 towards Pagham Harbour Access Management Mitigation Measures; and
- £12,800 towards additional/replacement children's play equipment at Avisford Recreation Ground.

RECOMMENDATION

- 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:

"Site Location Plan" dwg. 1 Revision A;
 "Feasibility Site Plan" dwg. 2.01 Rev P4;
 "Swept path analysis refuse truck" dwg. 1645-001; and
 "Swept path analysis fire appliance dwg. 1645-002.

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

- 4 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 / No part of the extended 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 satisfactory drained in accordance with policies D DM1 and W DM3 of the Arun Local Plan 2011-2031. 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.

- 5 The development shall not proceed until formal consent has been approved in writing from the Lead Local Flood Authority (WSCC) 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 satisfactory drained in accordance with policies D DM1 and W DM3 of the Arun District Council Local Plan 2011-2031. 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.

- 6 Development shall not commence until full details of the maintenance and management of the surface water drainage 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 details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner of management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: To ensure that the proposed development is satisfactory drained in accordance with policies D DM1 and W DM3 of the Arun District Council Local Plan 2011-2031. It is considered necessary for this to be a pre-commencement condition to ensure that the future maintenance and funding arrangements for the surface water disposal scheme are agreed before construction commences.

- 7 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. 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, in accordance with policies D DM1 and W DM3 of the Arun District Council Local Plan 2011-2031.

- 8 No development shall take place, including any works of demolition, until a Construction Environmental 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:

- a. An indicative programme for carrying out of the works;
- b. Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s);
- c the anticipated number, frequency and types of vehicles used during construction;
- d. the parking of vehicles of site operatives and visitors;
- e. loading and unloading of plant, materials and waste;
- f. storage of plant and materials used in constructing the development;
- g. measures to control the emission of dust and dirt during construction; and
- h. a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In the interests of highway safety and the amenities of the area particularly nearby sensitive residential properties in accordance with policies D DM1, T SP1, QE DM1, QE DM2 and QE DM3 of the Arun Local Plan 2011-2031. It is considered necessary for this to be a pre-commencement condition as these details must be agreed before the impacts of

construction begin.

- 9 No development shall be commenced until such time as a Traffic Regulation Order, or revision to an existing order, securing the provision of no waiting at any time restrictions in accordance with details to be submitted has been approved by the Highway Authority and written confirmation of this approval has been made available to the Local Planning Authority.

Reason: In the interests of highway safety in accordance with policies D DM1 and T SP1 of the Arun Local Plan 2011-2031. It is considered necessary for this to be a pre-commencement condition as this goes to the heart of the planning permission.

- 10 No development shall be carried out on the site unless and until an effective vehicle wheel-cleaning facility has been installed in accordance with details provided by the Local Planning Authority and such facility shall be retained in working order and throughout the period of work on site to ensure the vehicles do not carry mud and earth on to the public highway, which may cause a hazard to other road users.

Reason: In the interests of road safety and the amenities of the area in accordance with policies T SP1, QE DM3 and D DM1 of the Arun Local Plan 2011-2031. It is considered necessary for this to be a pre-commencement condition as these details must be agreed before the impacts of construction begin.

- 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 policies T SP1 and T DM1 of the Arun Local Plan 2011-2031.

- 12 No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. 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 policy T SP1 of the Arun Local Plan 2011-2031.

- 13 No part of the development shall be first occupied until pedestrian visibility splays of 2 metres by 2 metres have been provided either side of the proposed site vehicular access onto Carlton Avenue in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. These visibility splays shall thereafter be kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

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

- 14 The garage buildings shall be used only as private domestic garages for the parking of vehicles incidental to the use of the properties as dwellings and for no other purposes.

Reason: To ensure adequate off-street provision of parking in the interests of amenity and highway safety in accordance with policy T SP1 of the Arun Local Plan 2011-2031.

- 15 Should any 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 the existing foul sewer in accordance with policy W SP1 and W DM1 of the Arun District Council Local Plan 2011-2031.

- 16 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.
- 17 INFORMATIVE: Drainage Engineers advise that Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 30% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes are also available on request.
- 18 INFORMATIVE: The applicant is advised to contact the Highway Licensing team (01243 642105) to obtain formal approval from the highway authority to carry out the site access works on the public highway.
- 19 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information please contact the Environmental Health Department on 01903 737500
- 20 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.
- 21 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to financial contributions covering children's play equipment at Avisford Recreation Ground (£12,800) and Pagham Harbour Access Management Mitigation Measures (£6,968)
- 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 has now been published and is available to read on our website via the following link:

<https://beta.southernwater.co.uk/infrastructurecharges>.