

Recommendation Report for Planning Permission

REF NO: A/154/19/PL

LOCATION: Land between New Place Bungalow & Arundel Road
Arundel Road
Angmering
BN16 4ET

PROPOSAL: Variation of pre-commencement condition 6 following the grant of planning permission A/131/16/OUT to make the condition into a 2 part condition: a) Pre-commencement obligating the developer to apply to Southern Water to undertake their design works; and b) Pre-occupation obligating the developer to provide evidence to the LPA that the implemented design is fit for purpose.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Condition 6 of planning permission A/131/16/OUT which granted planning permission for 9 dwellings states: Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan. This application seeks to alter an imposed pre-commencement drainage condition to be split into 2 parts: a) a Pre-commencement requirement obligating the developer to apply to Southern Water to undertake their design works and b) a Pre-occupation requirement obligating the developer to provide evidence to the LPA that the implemented design is fit for purpose. The determination of the application is limited to consideration of the wording of condition 6 only. The principle of the development and other conditions are not part of this proposal. Other surface water drainage conditions imposed on the original permission remain in place. Additional information has been submitted since validation of the original application which addresses the pre-commencement part of the condition within the description of the application.
TOPOGRAPHY	Predominantly flat.

BOUNDARY TREATMENT	The boundaries of the site consist of mature planting and trees of various heights and species
SITE CHARACTERISTICS	The site is currently vacant overgrown land with limited areas of hard-standing.
CHARACTER OF LOCALITY	The character of the locality is rural with the site being situated outside of the built area boundary

RELEVANT SITE HISTORY

A/131/16/OUT	Outline planning application with some matters reserved for 9 No. one & a half storey houses with garaging, including 3No. affordable housing units - This is a Departure from the Development Plan	App Cond with S106 21-12-16
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REPRESENTATIONS

REPRESENTATIONS RECEIVED:

None

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS

Engineering Services Manager
Engineers (Drainage)
Southern Water Planning

CONSULTATION RESPONSES RECEIVED:

Southern Water - No Objection
The details of the proposed surface water drainage should be submitted prior to implementation on site.

COMMENTS ON CONSULTATION RESPONSES:

- comments noted

POLICY CONTEXT

Designation applicable to site:

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1 D DM1 Aspects of form and design quality

DSP1	D SP1 Design
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems
QESP1	QE SP1 Quality of the Environment

[Angmering Neighbourhood Plan 2014 POLICY EH3](#) Flood Prevention

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, 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. Policy EH3 of Angmering Neighbourhood Plan has been considered.

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 not result in materially adverse impact on flooding or amenity.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

The principle of development was established with the granting of outline planning permission (A/131/16/OUT) for residential development.

CONDITION 6

Condition 6 was imposed on the original application at the request of Southern Water.

This application has been submitted to amend the wording of the condition to speed up the implementation of the development. Southern Water's timescales for the design connection are stated as

12 weeks. The potential condition discharge timescale is 8 weeks, therefore, the condition as currently worded may take 20 weeks to discharge. The other planning conditions are likely to be discharged some months prior to this. Variation of condition 6 has been requested to ensure the site protection and site set up works can proceed without awaiting compliance and discharge of condition 6.

The agent's wish the existing condition to be varied to be in 2 parts. Firstly, to allow construction of the development to commence once a Section 98 application has been submitted to Southern Water to design the connection of the site to the sewer network, and confirmation of such has been provided to the LPA. Secondly, prior to occupation of any part of the development, as-built drawings of the implemented foul and surface water sewerage disposal scheme together with a completion report, confirming that the scheme was built in accordance with the drawing/s and is fit for purpose has been submitted for approval to the LPA.

In terms of addressing sewerage disposal (condition 6) the sewer connection point is in the road to the south, and the best method for addressing a connection is for Southern Water to design the connection under their Section 98 application. The developer has to pay a fee to Southern Water for them to start their design works. This Southern Water application has a timescale of 12 weeks to obtain the response from Southern Water. It is anticipated that this would then be submitted to Arun to discharge the condition. Submission to Arun will be of a Southern Water designed scheme and so there is little risk of it not being approved.

Prior to submission of the application the agent provided Southern Water with the site location, copies of their sewer maps, and asked that they confirm whether the S98 (Southern Water designed sewer connection) was appropriate for this site. Southern Water confirmed this was correct and this email has been included with the application. Southern Water have agreed that a Southern Water design would be the method of approaching this sewerage disposal, the requirement is to appoint and pay Southern Water to commence this design. This has now been undertaken and the e-mail acknowledgment from Southern Water has been added to the application. Southern Water have been consulted on the application and raised no objection.

SUMMARY

The request that the pre-commencement condition 6 be varied into a 2-part condition.

Pre-commencement obligating the developer to apply to Southern Water to undertake their design works and

Pre-occupation obligating the developer to provide evidence to the LPA that the implemented design is fit for purpose.

This would be acceptable and would accord with the provisions of policies EH3 Flood Prevention of Angmering Neighbourhood Plan and WDM2 of Arun Local Plan and the National Planning Policy Framework.

However the first pre commencement part of the condition has now been met so the wording has been amended to relate to prior to occupation requirement only. This amendment has been agreed by the agent as an expedient way to now process the application. It is considered that Condition 6 should be varied.

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.

RECOMMENDATION**APPROVE CONDITIONALLY**

- 1 Condition A/131/16/OUT to be varied to read:

The development shall progress in accordance with the details agreed with Southern Water in the submitted Section 98 Requisition of Public Sewer. Prior to occupation of the dwellings as-built drawings of the implemented foul and surface water sewerage disposal scheme together with a completion report, confirming that the scheme was built in accordance with the drawings and is fit for purpose, shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies WDM2 and WDM3 of the Arun Local Plan.

- 2 **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.
- 3 **INFORMATIVE:** This permission relates to the variation of condition 6 of planning permission A/131/16/OUT only. The applicant is advised and reminded that the planning conditions attached to the original planning permission number A/131/16/OUT remain in force and must be complied with. This decision only relates to the variation of Condition 6 of that planning permission.