

Simon Davis
Planning Department
Arun District Council
Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex
BN17 5LF

27 November 2018
Ref: BD/Let/P1549

Dear Mr Davis,

RE: Section 73 Variation of Condition Application: Proposed variation of conditions 3, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17 and 18 pursuant to Outline Planning Application Reference BE/63/17/OUT (*Outline planning application with some matters reserved (Access only) for 20No. houses and flats, 1 No. replacement dwelling (21 No. units in total) with car parking, landscaping & associated infrastructure & access off Shripney Road (A29) and new footway both along the site frontage and across the A29 traffic island, all following the demolition of the existing dwelling & outbuildings*) at The Cottage, Shripney Road, Bognor.

This application has been submitted to Arun District Council and should be considered in full with regards to the following document/drawings submitted in support of this application:

- **Planning Application Forms**
- **Phasing Plan**
- **Location Plan**
- **Covering Letter**
- **S106 Draft Deed of Modification**

This Section 73 application relates to the variation of conditions 3, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17 and 18 attached to application reference BE/63/17/OUT granted permission on 18 January 2018 for:

“Outline planning application with some matters reserved (Access only) for 20No. houses and flats, 1 No. replacement dwelling (21 No. units in total) with car parking, landscaping & associated infrastructure & access off Shripney Road (A29) and new footway both along the site frontage and across the A29 traffic island, all following the demolition of the existing dwelling & outbuildings.”

Directors

Chris Barker MATP MRTPI Managing Director
Huw James MRTPI
Adam King MRTPI

The first purpose of this S73 application is to amend the originally approved planning consent (as detailed above) in order to allow development to be built out in two phases, with the construction of the house within the yellow shaded area being Phase 1, and the construction of the twenty houses within the peach shaded area being Phase 2 (see the Phasing Plan submitted with this application as well as an extract from this Plan at figure 1 below).

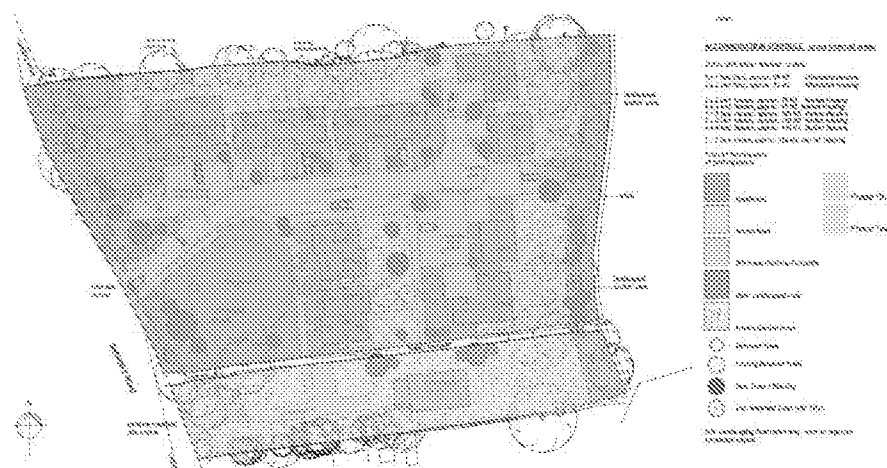


Figure 1: Extract from Phasing Plan

This will allow the occupier of the existing dwelling on the site to be rehoused in the new Phase 1 dwelling prior to the demolition of the existing dwelling and the construction of the twenty Phase 2 dwellings.

Proposed Variation of Conditions 3, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17 and 18 pursuant to BE/63/17/OUT

In order to allow the permission to be built out in two phases, conditions 3, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17 and 18 are proposed to be amended to ensure that they can be discharged in stages.

In reviewing the effect of the phased permission on each of the conditions, we have reviewed the conditions individually as set out below.

Condition 3

The development hereby approved shall be carried out in accordance with the following approved plans:

Dwg. 334/P/01 Rev A "Site Location Plan"

Dwg 334/F/03 Rev C "Proposed Site Plan"

Dwg. 160818-07 Rev A "Site Visibility"

Dwg. 160818-06 Rev A "Proposed Footway Arrangement"; and

Dwg. 160818-TK02 Rev A "Swept Path Analysis"

It is requested that this condition is amended so that the list of approved plans includes the Proposed Phasing Plan submitted with this S73 application. The proposed amended condition wording is detailed below:

The development hereby approved shall be carried out in accordance with the following approved plans:

Dwg. 334/P/01 Rev A "Site Location Plan"
Dwg 334/F/03 Rev C "Proposed Site Plan"
Dwg P1549/PP/01 Rev A "Proposed Phasing Plan"
Dwg. 160818-07 Rev A "Site Visibility"
Dwg. 160818-06 Rev A "Proposed Footway Arrangement"; and
Dwg. 160818-TK02 Rev A "Swept Path Analysis"

Condition 6

Prior to any demolition or construction works or changes in site levels taking place or the introduction of machinery and plant to the site the following issues must be resolved to the complete satisfaction of Arun District Council :-

A pre-commencement site meeting is to take place between the Arun DC Tree Officer and the Arboricultural Consultant representing the site owners – at this meeting all protective fencing will be inspected along with ground protection measures – they will be assessed to verify that they are 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown on the Tree Protection Plan – Arbortrack Systems Ltd. Appendix A – Rev D Sept 2017.

A schedule of Site Monitoring/Supervision visits and Reporting Procedures prepared by an Arboricultural Expert will be required and their extent will be agreed on at the site meeting to satisfaction of the Arun DC Tree Officer.

If there is deemed to be a need for any Utility Service Route connections to bisect retained tree Root Protection Areas/Zones then prior to their installation a Method Statement prepared by an Arboricultural Expert must be submitted that stipulates how this can be achieved without adverse impact on tree roots. Written approval and confirmation of acceptance of this Methodology must be issued before any works are commenced out on site.

It is requested that this condition is amended to distinguish between the two phases of development so that protective fencing for the whole site is not required just for Phase 1 of the development and any fencing is commensurate with the phase of development being commenced. The proposed amended condition wording is detailed below:

Prior to any demolition or construction works or changes in site levels taking place or the introduction of machinery and plant to the site the following issues must be resolved to the complete satisfaction of Arun District Council :-

A pre-commencement site meeting for each phase of development is to take place between the Arun DC Tree Officer and the Arboricultural Consultant representing the site owners – at this meeting all protective fencing required for that phase of development will be inspected along with ground protection measures – they will be assessed to verify that they are 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown on the Tree Protection Plan – Arbortrack Systems Ltd. Appendix A – Rev D Sept 2017.

A schedule of Site Monitoring/Supervision visits and Reporting Procedures prepared by an Arboricultural Expert will be required and their extent will be agreed on at the site meeting to satisfaction of the Arun DC Tree Officer.

If there is deemed to be a need for any Utility Service Route connections to bisect retained tree Root Protection Areas/Zones then prior to their installation a Method Statement prepared by an Arboricultural Expert must be submitted that stipulates how this can be achieved without adverse impact on tree roots. Written approval and confirmation of acceptance of this Methodology must be issued before any works are commenced out on site.

Condition 7

No development excluding the access shall commence until the vehicular access serving the proposed site has been constructed in accordance with the approved planning drawings 334/F/03 Rev C “Proposed Site Plan” 160818-07 Rev A “Site Visibility” & 160818-TK02 Rev A “Swept Path Analysis”.

It is requested that condition 7 is amended so that Phase 1 can commence prior to construction of the new vehicular access, given that the Phase 1 dwelling utilises an existing access and does not rely on the new vehicular access. The proposed amended condition wording is detailed below:

No development excluding the access shall commence on Phase 2 until the vehicular access serving the proposed site has been constructed in accordance with the approved planning drawings 334/F/03 Rev C “Proposed Site Plan” 160818-07 Rev A “Site Visibility” & 160818-TK02 Rev A “Swept Path Analysis”.

Condition 8

No development shall commence until such time as plans and details incorporating the recommendations given in the Stage 1 Road Safety Audit and accepted in the Designers Response have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

It is requested that condition 8 is amended so that Phase 1 can commence prior to submission of plans and details incorporating the recommendations of the Road Safety Audit. This is because the Phase 1 dwelling utilises an existing access and does not rely on the new vehicular access. The proposed amended condition wording is detailed below:

No development shall commence on Phase 2 until such time as plans and details incorporating the recommendations given in the Stage 1 Road Safety Audit and accepted in the Designers Response have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Condition 9

Development shall not commence 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, the recommendations of the SuDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual groundwater levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

It is requested that condition 9 is amended so that winter groundwater monitoring is only required for development on Phase 2 and not for the single replacement dwelling on Phase 1. The proposed amended condition wording is detailed below:

Development shall not commence 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, the recommendations of the SuDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual groundwater levels and Percolation testing to BRE 365, or similar approved, will be required for development on Phase 2 to support the design of any Infiltration drainage.

Condition 10

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.

It is requested that condition 10 is amended to refer to development on Phase 2 only as development on Phase 1 will not result in the discharge of any flows to watercourses or the culverting, diversion, infilling or obstruction of any watercourse on the site. The proposed amended condition wording is detailed below:

Development on Phase 2 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.

Condition 11

Development shall not commence until full details of the maintenance and management of the SuDS 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 (a) details of financial management of the site including arrangements made in the event that the management company (or any subsequent management company) is no longer able to fulfil its duties; and (b) arrangements for the replacement of major components at the end of the manufacturers recommended design life.

It is requested that condition 8 is amended so that the level of detail required regarding maintenance and management of the SuDS system is commensurate with the relevant phase of development. The proposed amended condition wording is detailed below:

Development shall not commence on Phase 1 until full details of the maintenance and management of the SuDS system required for Phase 1 is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority.

Development shall not commence on Phase 2 until full details of the maintenance and management of the SuDS system required for Phase 2 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 (a) details of financial management of the site including arrangements made in the event that the management company (or any subsequent management company) is no longer able to fulfil its duties; and (b) arrangements for the replacement of major components at the end of the manufacturers recommended design life.

Condition 12

The development layout shall not be agreed until such time that arrangements for the future access and maintenance 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.

It is requested that this condition is amended to only refer to development on Phase 2 as it is not necessary or relevant to the single replacement dwelling on Phase 1. The proposed amended condition wording is detailed below:

The development layout on Phase 2 shall not be agreed until such time that arrangements for the future access and maintenance 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.

Condition 14

Upon completed construction of the SuDS System but prior to occupation of any part of the scheme, the owner or management company shall either provide the local planning authority with an updated copy of the management manual incorporating any changes as a result of construction/implementation or confirm in writing that no changes are required to the manual.

No further changes shall be made to the approved SuDS Maintenance & Management Plan/Regime including the management company responsible or the financial arrangements between the owners of the dwellings & the management company other than with the written consent of the Local Planning Authority.

The owner or management company shall thereafter strictly adhere to and implement the recommendations contained within the manual to ensure that the system is maintained in perpetuity.

It is requested that Condition 14 is amended so that the SuDS management manual is submitted to the local planning authority prior to construction of Phase 2 as it is not considered necessary to provide such a manual for Phase 1 of the development. The proposed amended condition wording is detailed below:

Upon completed construction of the SuDS System but prior to occupation of any part of the development on Phase 2, the owner or management company shall either provide the local planning authority with an updated copy of the management manual incorporating any changes as a result of construction/implementation or confirm in writing that no changes are required to the manual.

No further changes shall be made to the approved SuDS Maintenance & Management Plan/Regime including the management company responsible or the financial arrangements between the owners of the dwellings & the management company other than with the written consent of the Local Planning Authority.

The owner or management company shall thereafter strictly adhere to and implement the recommendations contained within the manual to ensure that the system is maintained in perpetuity.

Condition 15

No part of the development shall be first occupied until such time as the pedestrian access footways/crossing points on Shripney Road serving the development have been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority.

It is requested that condition 15 is amended so that Phase 1 can be occupied prior to the construction of the pedestrian access footways/crossing points. This is because Phase 1 only comprises a single dwelling and pedestrian access footways/crossing points are not necessary for this single dwelling. The proposed amended condition wording is detailed below:

No part of the development on Phase 2 shall be first occupied until such time as the pedestrian access footways/crossing points on Shripney Road serving the development have been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority.

Condition 16

No part of the development shall first be occupied until visibility splays of 2.4 metres by 120 metres to the south and 2.4 metres by 71 metres to the north have been provided at the proposed site vehicular access onto Shripney Road, in accordance with the approved planning drawings. Once provided the splays shall therefore be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level.

It is requested that condition 16 is amended so that the Phase 1 development can be occupied prior to the provision of visibility splays at the proposed site vehicular access, given that the Phase 1 dwelling utilises an existing access and does not rely on the new vehicular access. The proposed amended condition wording is detailed below:

No part of the development on Phase 2 shall first be occupied until visibility splays of 2.4 metres by 120 metres to the south and 2.4 metres by 71 metres to the north have been provided at the proposed site vehicular access onto Shripney Road, in accordance with the approved planning drawings. Once provided the splays shall therefore be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level.

Condition 17

Prior to occupation of any of the dwellings, an electric vehicle charge point shall be installed to serve each dwelling and this shall then be permanently retained and maintained in working condition.

It is requested that Condition 17 is amended so that the dwelling on Phase 1 can be occupied prior to the required installation of electric vehicle charging points for the development on Phase 2. The proposed amended condition wording is detailed below:

Prior to occupation of the dwelling on Phase 1, an electric vehicle charge point shall be installed to serve this dwelling.

Prior to occupation of any of the dwellings on Phase 2, an electric vehicle charge point shall be installed to serve each dwelling.

The installed electric vehicle charging points shall then be permanently retained and maintained in working condition.

Condition 18

Immediately following implementation of the approved SuDS scheme and prior to occupation of any part of the development, the developer/applicant shall provide the local planning authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. There shall be no deviation to the approved scheme other than with the written consent of the Local Planning Authority. The scheme shall thereafter be maintained in perpetuity.

It is requested that condition 18 is amended to allow development on Phase 1 to be occupied prior to implementation of the SuDS scheme for the whole of the development (Phases 1 and 2) and prior to provision of as-built drawings and a completion report. The proposed amended condition wording is detailed below:

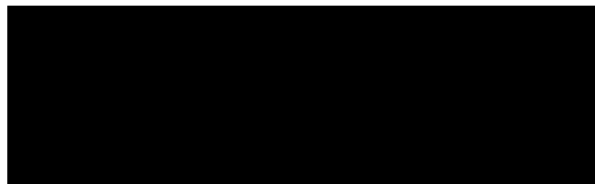
Immediately following implementation of the approved SuDS scheme and prior to occupation of any part of the development on Phase 2, the developer/applicant shall provide the local planning authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. There shall be no deviation to the approved scheme other than with the written consent of the Local Planning Authority. The scheme shall thereafter be maintained in perpetuity.

It is anticipated that following consideration of this letter and the supporting documents that accompany this application, Arun District Council can successfully determine this Section 73 application as soon as possible.

We are however fully aware that the previously completed Legal Obligation will need to be varied to allow for this amended consent. Therefore, a draft S106 Deed of Modification has been submitted with this application.

We trust that this clarifies the situation, yet if you have any further queries or require further information please contact me on 01903 248777.

Yours sincerely
ECE Planning



Chris Barker MATP MRTPI
Managing Director

