ARUN DISTRICT COUNCIL
22 SEP 2015
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15 Den Avenue

Bognor Regis

West Sussex

PO21 1HE

Ref; Planning Application BE/60/15/PL

To be discussed at the Development Control Committee **Meeting 23rd September** 2015

Dear Councillor

Further to my previous letter to you of 30th July 2015 the applicants have failed to address any of the issues contained within that correspondence. The application continues to falsely claim to be for 21 only when it is for 19, 21 and land belonging to ADC.

On paper they have removed themselves from part of the ADC land, but not all of it, and in actual fact they continue to keep the boundary 'Heras' fence, placing **all** of the affected ADC land within it. Indeed, as of 17th September they have placed a construction site warning sign (not complying with any of the requirements of the H&SAWA Construction(Health, Safety and Welfare) Regulations 1996) plainly stating that **all** the land encompassed by the fencing is **private property** (please see attached photograph).

I have enclosed a copy of the land registry plan for 21 and the latest revised block plan. Plainly the application is intentionally **mis-leading** and the proposers continue to attempt to use ADC land for their own purposes – land which is flood zone 3b and previously refused for development by ADC under BE/157/11 as a water course.

They have failed to address the rest of the contents of my letter of the 30th July regarding multiple flood risks, policy GEN 7, and NPPF guidance for "visual splay" for safe vehicular movement.

The proposals remain highly unsatisfactory for **Fire Service access**. Whilst a further consultation with WSCC has been undertaken it is unfortunate that the responsible person for that authority is not a serving fire officer (only a civilian "technician" who is not fully conversant with the interpretation of the national guidance). My husband served 31 years with WSF&RS, 15 in fire safety and was the Arun District Fire Safety Commander and WSCC specialist fire safety officer. He is far more qualified, experienced and knowledgeable than either the agent, planning officer or "technician" in this field. National guidance Approved Document B, Section B5 paragraph11.4 and Table 8 clearly show that the access into the proposed site is a physical impossibility for a fire appliance to enter. A fire appliance (pump), according to table 8, requires a minimum turning circle **diameter** of **16.8 metres**. Therefore any turning **radius** must be a minimum of **8.4 metres**. The 90 degree turn into the site outside number 17 forms a **radius which is less than 4 metres**. Paragraph 11.4 clearly states *"a vehicle access route may be a road or other route which, including any inspection covers and the like, meets the standards in table 8 .*

Where, as in this case, this is unachievable the proposals must conform to paragraph 11.2 where vehicle access must be within 45 metres of all points of a dwelling house. In this case this in the first floor south west corner of plot 3. In actual fact this is in excess of 50 metres direct travel distance from outside the existing 17 and more than 55 metres in actual travel distance. Therefore the access is wholly inadequate.

With the significantly revised block plan the proposals contain a number of further inadequacies with regard to **policy GEN 7;-**

- There is inadequate visitor parking, the previous 3 spaces have been reduced to 1 for 8 houses. (This contradicts the minimum parking requirement at the original pre-planning consultations and meetings of 2014/15).
- There continues to be no pedestrian path into the site which, with plots 7 & 8 now discharging cars directly onto the access road significantly increases the danger to both pedestrians and vehicles. This has previously been objected to by Bersted Parish Council in the original layout. (This contradicts the safety considerations given to this access road at the original pre-planning consultations/meetings of 2014/15).
- There is unacceptable noise and disturbance to 15 & 17 by the changed vehicle parking and manoeuvering to plots 7& 8.
- The first floor windows comprising bedroom 3, landing and bathroom of plot 8 over look existing numbers 15 and 17. These properties are occupied by the vulnerable elderly and young families. The windows are unneighbourly, directly compromise the privacy of these residents and would form an unsatisfactory backland development which would harm the privacy and quiet enjoyment of these neighbouring properties.
- Unless the applicants can use the part of the ADC drainage ditch adjacent to plots 7 & 8 then the garden for those plots provides insufficient garden space and private amenity for any occupants of those plots. Additionally the ditch forms part of flood zone 3b which, according to NPPF guidance, prohibits any form of domestic dwelling on that land.

Section 106 – I would suggest that, in the current circumstances, any formal agreement between ADC and the applicants to be finalised by 25th November 2015 could be unlawful and compromise the Council:-

- By continuing to attempt to use the drainage ditch which was formally part of **site 6** and ceded to ADC this is a direct legal conflict with the undertaking that ADC entered into, approved by the then Secretary of State under Section 4 of BE/131/07 " … **no –one** other than those mentioned in section 4 **including the charge (ADC)** has any interest in any part of the site for the purposes of section 106 of the Act…"
- The application continues to mis-represent the facts in that the land concerned is 19,21 and part of the drainage ditch. It cannot be a lawful agreement under section 106 if it mis-represents the land and proposed dwellings.
- In the correspondence of 3rdAugust the agent seeks to achieve preferential financial treatment by the council as he feels that the ADC Policy "*…might cause problems…*". The agent continues

*"on the implications (of the policy) **as it might be unviable** based on the site having been procured on the basis of **no contributions** therefore the scheme might be undeliverable with additional contributions..."*

- The Planning Officer in correspondence dated 28th August has conceded to this demand and allowed contributions for 7 not 8 new properties taking into account the existing bungalow (which is to be demolished). Surely the contribution required is for newly constructed housing and whether the existing bungalow is there or not there will still be eight new properties.

I would respectfully as Councillors to give deliberation to the points above, which are significant **material considerations** to support rejection of this application.

Yours sincerely

[redacted]

Susan M. Halson-Brown

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CAUSED WHILE TRESPASSING
PARENTS ARE ADVISED TO
WARN THEIR CHILDREN

H.M. LAND REGISTRY

TITLE NUMBER	
WSX101976	

ORDNANCE SURVEY PLAN REFERENCE	SU 9101	SECTION A	Scale 1/1250
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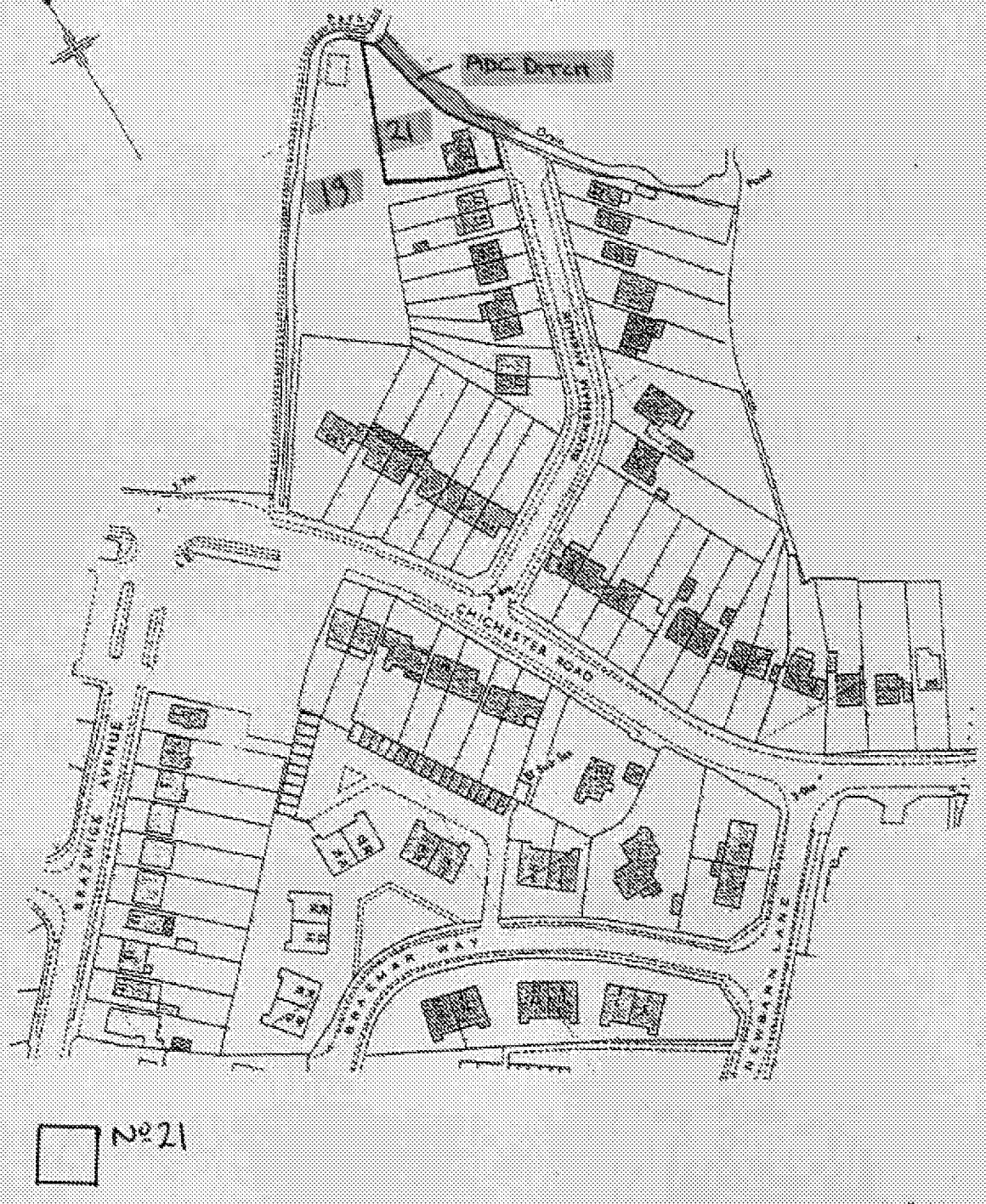
BERSTED PARISH



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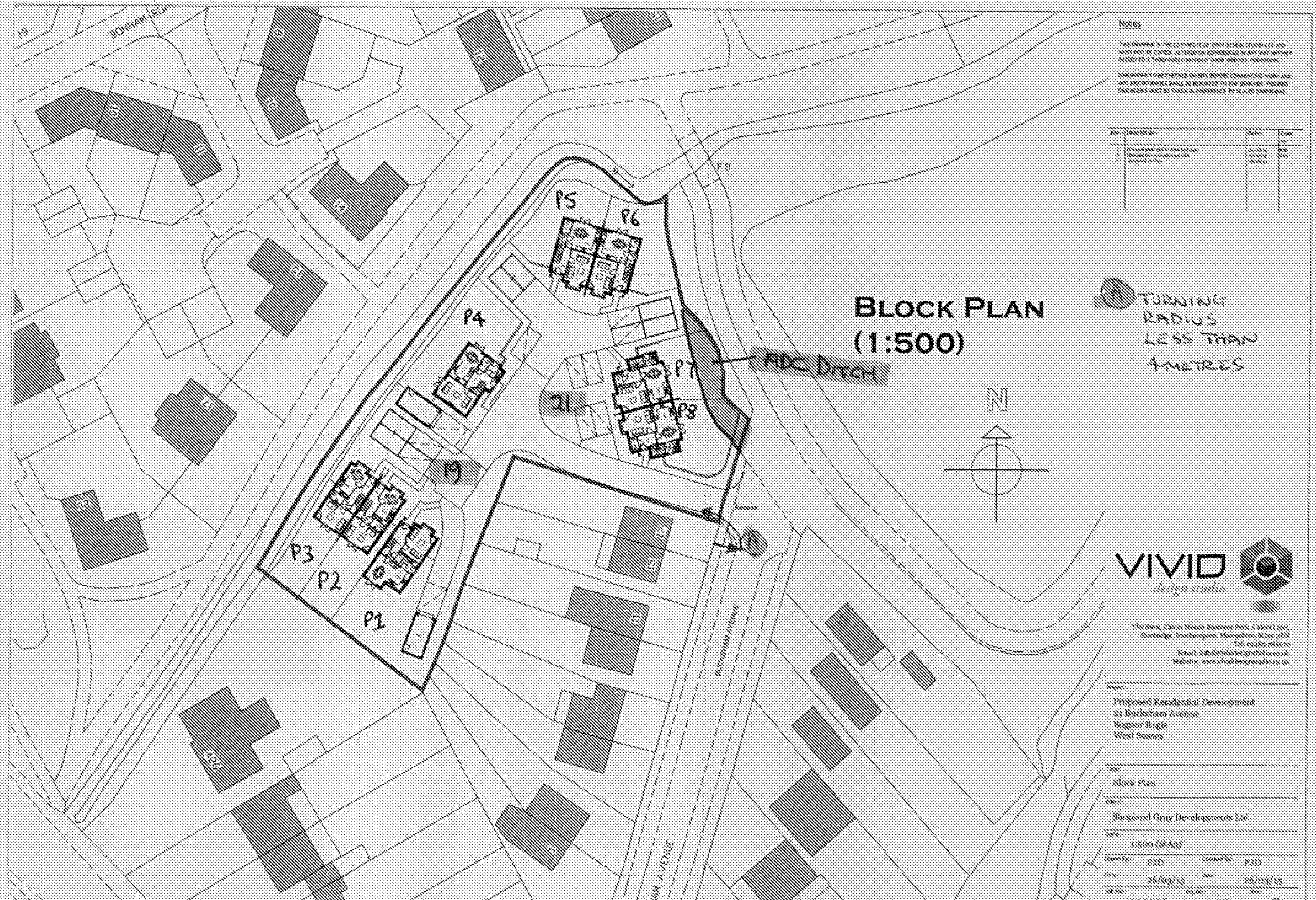
BLOCK PLAN
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TURNING RADIUS LESS THAN 4METRES
ADC DITCH
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P2
P3
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design studio
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Block Plan
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