

Recommendation Report for Planning Permission

REF NO: FG/37/17/PL

LOCATION: Onslow Caravan Park
Onslow Drive
Ferring

PROPOSAL: Demolition of 3 No. buildings & erection of replacement workshop & machinery store (resubmission following FG/161/14/PL).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposed storage building would be 13m wide and 24.1m long and would have an eaves height of 3.5m and a ridge height of 4.9m. A workshop building measuring 6m by 9m with an eaves height of 2.7m and a ridge height of 3.8m would be attached to the eastern elevation. It would be used for vehicle and machinery storage and as a workshop and would be constructed of profiled sheeting. The building would replace 3 smaller buildings at the entrance to the site.

SITE AREA

5 hectares

RESIDENTIAL DEVELOPMENT DENSITY (NET) N/A

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

2m high hedging to rear to footpath with some evergreen trees.

SITE CHARACTERISTICS

Area of proposed building is grassed with some fencing and storage of gas bottles, materials and a verandah.

CHARACTER OF LOCALITY

Established caravan site with homes arranged along internal access roads. Homes would be located to the west of the building. The building would be close to a car parking area and the internal access road which will be realigned.

RELEVANT SITE HISTORY

FG/161/14/PL

Demolition of three buildings & erection of replacement workshop & machinery store

ApproveConditionally

		22-01-2015
FG/49/15/PL	Demolition of three buildings & erection of replacement workshop & machinery store. (resubmission following FG/161/14/PL).	Refused 06-05-2015
FG/85/15/PL	Demolition of three buildings & erection of replacement workshop & machinery store (amendment to FG/161/14/PL).	Refused 29-07-2015

REPRESENTATIONS

Representations received:

3 Objections - Will be noisy and close to rear boundaries of adjoining residential properties. Notice has only been posted in the last few days. Will cause noise and disturbance. Gas bottles already cause a nuisance.

Comments on Representations received:

2 site notices were posted on the 22nd March in line with Council procedures. Environmental Health have no objection in principle to the position of the proposed workshop subject to the imposition of appropriate conditions.

CONSULTATIONS

Network Rail
Engineering Services Manager
Engineers (Drainage)
Southern Electric
Sewerage Consultee for BC
Environmental Health
Southern Water Planning

Consultations responses received:

Environmental Health - No Objection

A Construction Management Plan should take all relevant precautions to minimise the potential disturbance to neighbouring residents during the demolition/construction phase of the development, particularly in respect to noise, vibration and dust.

No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved by, The Local Planning Authority. The Approved Plan shall be adhered to throughout the construction period. The Plan shall provide for :

- An indicative programme for carrying out the works
- The arrangements for public consultation and liaison during the construction works.
- Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method should foundation piling occur, the careful selection of plant and machinery and use of noise mitigation barriers.
- Detail of any flood lighting, including location, height, type and direction.
- The parking of site operatives and visitors
- Loading and unloading of plant and materials
- Storage of plant and materials used in construction and development
- Wheel washing facilities
- Measures to control the emission of dust and dirt during construction

Reason: In order to safeguard the amenity

No machinery or plant to be operated on the site except between the hours of 07:00 and 18:00 hours on Monday to Friday inclusive; 07:00 and 13:00hours on Saturdays and no operation on Sundays or Bank Holidays.

Workshop and Storage Units Once Constructed. No plant or machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site outside the following times: 07:00hours to 18:00 hours Monday to Friday inclusive; 07:00 to 13:00hours on any Saturday and no operation on Sundays or Bank Holidays.

Informative: It is likely that the existing buildings will have a capacity of greater than 49 cubic metres. In this case the applicant is advised to provide Arun District Council Building Control Department with a notice of intended demolition in accordance with section 80 of the Building Act 1984. Our officer has already determined that asbestos cement is likely to be present in this case. The Notice should detail all precautions to be provided both in order to protect the health and safety of any operative or persons having access to the site and any nearby dwelling; and construction site itself.

Southern Water - No Objection in principle an informative is suggested.

Engineers - No Objection. Standard conditions requested

Network Rail -We note that on the plan the new building appears to be in very close proximity to the Network Rail boundary. We request that any building should be situated at least 2 metres from Network Rail's boundary. More detail is given below together with other criteria the developer should take into account in both the design and construction and future maintenance such as scaffolding, piling, plant and materials, drainage, and fencing.

The developer must ensure that their proposal, both during construction and after completion of works on site, does not:

- encroach onto Network Rail land
- affect the safety, operation or integrity of the company's railway and its infrastructure
- undermine its support zone
- damage the company's infrastructure
- place additional load on cuttings
- adversely affect any railway land or structure
- over-sail or encroach upon the air-space of any Network Rail land
- cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future

The developer should comply with the following comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land.

Future maintenance

The development must ensure any future maintenance can be conducted solely on the applicant's land.

The applicant must ensure that any construction and any subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land and air-space, and therefore all/any building should be situated at least 2 metres (3m for overhead lines and third rail) from Network Rail's boundary. The reason for the 2m (3m for overhead lines and third rail) stand off requirement is to allow for construction and future maintenance of a building and without requirement for access to the operational railway environment which may not necessarily be granted or if granted subject to railway site safety requirements and special provisions with all associated railway costs charged to the applicant. Any less than 2m (3m for overhead lines and third rail)

and there is a strong possibility that the applicant (and any future resident) will need to utilise Network Rail land and air-space to facilitate works. The applicant / resident would need to receive approval for such works from the Network Rail Asset Protection Engineer, the applicant / resident would need to submit the request at least 20 weeks before any works were due to commence on site and they would be liable for all costs (e.g. all possession costs, all site safety costs, all asset protection presence costs). However, Network Rail is not required to grant permission for any third party access to its land. No structure/building should be built hard-against Network Rail's boundary as in this case there is an even higher probability of access to Network Rail land being required to undertake any construction / maintenance works. Equally any structure/building erected hard against the boundary with Network Rail will impact adversely upon our maintenance teams' ability to maintain our boundary fencing and boundary treatments.

Drainage

Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property; full details to be submitted for approval to the Network Rail Asset Protection Engineer. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Soakaways, as a means of storm/surface water disposal must not be constructed near/within 10 - 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. After the completion and occupation of the development, any new or exacerbated problems attributable to the new development shall be investigated and remedied at the applicants' expense.

Plant & Materials

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of

mishandling, collapse or failure, no plant or materials are capable of falling within 3.0m of the boundary with Network Rail.

Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The applicant/applicant's contractor must consider if they can undertake the works and associated scaffold/access for working at height within the footprint of their property boundary.

Piling

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Network Rail's

Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

Fencing

In view of the nature of the development, it is essential that the developer provide (at their own expense) and thereafter maintain a substantial, trespass proof fence along the development side of the existing boundary fence, to a minimum height of 1.8 metres. The 1.8m fencing should be adjacent to the railway boundary and the developer/applicant should make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein, be damaged, undermined or compromised in any way. Any

vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed. Any fencing installed by the applicant must not prevent Network Rail from maintaining its own fencing/boundary treatment.

We also note that the new building is over the culvert that runs under the railway. We would recommend the developer ensures that there are no covenants or restrictions as to building over the culvert in that area.

We request the developer contacts, Network Rail Asset Protection at AssetProtectionSussex@networkrail.co.uk to agree an Asset Protection Agreement with us to enable approval of detailed works and method statements prior to any works commencing on site.

Comments on Consultation responses:

- comments noted

POLICY CONTEXT

Designation applicable to site:
Abuts railway
Right of Way
Overhead Power line
Public sewer on site
East Preston and Ferring Strategic Gap
Outside Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN7	The Form of New Development
	GEN2	Built-up Area Boundary
	GEN3	Protection of the Countryside
	GEN32	Noise Pollution
	DEV35	Tourism Development Requiring a Coastal Location
	DEV37	Existing Caravan Sites
	AREA10	Strategic Gaps
		D DM1 Aspects of Form and Design Quality
		D SP1 Design
		SD SP3 Gaps Between Settlements
Publication Version of the Local Plan (October 2014):		C SP1 Countryside
		TOU SP1 Sustainable tourism and the visitor economy

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation may be a material consideration when determining Planning

Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

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. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old

- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

Made Plans in Arun District Council's Local Planning Authority Area are: Arundel; Barnham & Eastergate; Bersted; Felpham; Ferring; Littlehampton; Yapton.

There are no policies specifically relating to this site or type of development in the Ferring Neighbourhood Plan.

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

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

The site lies outside the built up area boundary within a strategic gap where development is strictly controlled. It comprises an established caravan park. Any development must be compliant with the relevant national and Local Plan policies.

The structure will replace 3 dilapidated buildings at the entrance to the site which will be removed. They have a floor area of 93 sq m. These buildings do not currently meet the storage needs of the caravan site. Much of the machinery that is used on a regular basis for maintenance and upgrading purposes has to be kept off-site or left in the open. Previous applications have included a layout plan detailing the position of equipment within the building to demonstrate why a building of the size proposed is required. The equipment was also itemised and photographed. The agent has confirmed that this application seeks consent to store the same items. The proposed replacement building has a gross floor area of 366 sq m (20 sq m less than the previous application FG/85/15/PL and approx. 60 sqm less than that which was the subject of application FG/161/14/PL. The height of the building has been reduced over part of the structure to reduce its visual prominence. The building cannot be located in the same position as the building it replaces due to the proximity to the overhead powerline. The building would be discretely located within the park with bungalows to the east and south and static caravans to 2 sides and would not appear as an isolated feature in the landscape. It is considered that the building size has been appropriately minimised to limit its visual impact and the floor area proposed has been satisfactorily justified.

The building is necessary to store and maintain equipment required to meet the day to day needs

of the business. The proposed structure would not be located in open countryside. On this basis it would not contribute to the coalescence of settlements and would not individually or cumulatively compromise the integrity of the strategic gap. It would not be readily visible from the public footpath to the south or the site entrance. Planning permission was granted for a larger 4 bay building on the northern boundary with the railway line. In order to accord with the requirements of drainage engineers too many caravan plot pitches would have been lost a revised siting of the building is therefore required.

The visual impact of the building is acceptable. The building would benefit from screening from the railway embankment to the rear which would obscure the lower 1.5m of the building when viewed from the north. The size of the building would be relatively modest and the use of materials would be in-keeping with a rural setting. The materials used for the finish of the building will be subject to a condition requiring samples to be submitted prior to the construction of the building.

The style of building proposed is similar to many agricultural buildings and would be appropriate to its rural location. It is located within the established caravan park with caravans on 3 sides. Its size and position would not compromise the fundamental objectives of the strategic gap.

The building would be located 2m from the southern site boundary with the public footpath and 7m from the rear boundaries with properties which front Meadow Way. It is considered that this distance combined with the 3.6m eaves height is sufficient to ensure that there would be no materially adverse overbearing or noise or disturbance to adjoining residential properties provided the conditions requested by environmental health officers are imposed.

The building would be used to store machinery and carry out works which assist in the servicing of this static caravan holiday park which currently has 90 caravans. The position of the store opposite the site manager's dwelling would also allow surveillance and improve security of the contents of the building. Policy DEV37 seeks to ensure the retention of caravan sites in order to meet a highly popular demand in the area. The proposal would assist in the day to day operation of the site and would accord with this policy.

In the absence of any undue harm to the countryside or the integrity of the strategic gap, or residential amenity it is recommended that the application be approved subject to the conditions set out below.

HUMAN RIGHTS ACT

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 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans Sheet 1 Location Plan, Sheet 2 Proposed Block Plan, Sheet 3 Proposed Site Plan, Floor Plan and Elevations Sheet 4.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building/extension.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

- 4 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 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 shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details.

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 is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 5 The building hereby approved shall be used as a workshop and machinery store associated with Onslow Caravan Park use and for no other purpose and shall be removed from the site within 3 months of the uses ceasing.

Reason: In the interests of the visual amenities and character of the area in accordance with policies GEN3, GEN7 and AREA10 of Arun District Local Plan

- 6 Construction Management Plan
A Construction Management Plan should take all relevant precautions to minimise the potential disturbance to neighbouring residents during the demolition/construction phase of the development, particularly in respect to noise, vibration and dust.
No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved by, The Local Planning Authority. The Approved Plan shall be adhered to throughout the construction period. The Plan shall provide for :
- a. An indicative programme for carrying out the works
 - b. The arrangements for public consultation and liaison during the construction works.
 - c. Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method should foundation piling occur, the careful selection of plant and machinery and use of noise mitigation barriers.
 - d. Detail of any flood lighting, including location, height, type and direction.
 - e. The parking of site operatives and visitors
 - f. Loading and unloading of plant and materials
 - g. Storage of plant and materials used in construction and development
 - h. Wheel washing facilities
 - i. Measures to control the emission of dust and dirt during construction
- Reason: In order to safeguard amenity in accordance with policy GEN7 of Arun District Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the approved details prior to works commencing.

- 7 No plant or machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times 0700 hours to 1800 hours Monday to Friday inclusive, 0700 hours to 1300 hours on Saturdays nor at any time on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenities of neighbouring properties in accordance with Arun District Local Plan policies GEN7 and GEN32.

- 8 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme for the southern boundary which shall include soft landscaping and details of existing

trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

9 INFORMATIVE: The applicant is advised to take account of the consultation response received by the Local Planning Authority and set out below:

We note that on the plan the new building appears to be in very close proximity to the Network Rail boundary. We request that any building should be situated at least 2 metres from Network Rail's boundary. More detail is given below together with other criteria the developer should take into account in both the design and construction and future maintenance such as scaffolding, piling, plant and materials, drainage, and fencing.

The developer must ensure that their proposal, both during construction and after completion of works on site, does not:

- encroach onto Network Rail land
- affect the safety, operation or integrity of the company's railway and its infrastructure
- undermine its support zone
- damage the company's infrastructure
- place additional load on cuttings
- adversely affect any railway land or structure
- over-sail or encroach upon the air-space of any Network Rail land
- cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future.

The developer should comply with the following comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land.

Future maintenance

The development must ensure any future maintenance can be conducted solely on the applicant's land. The applicant must ensure that any construction and any subsequent maintenance can be carried

out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land and air-space, and therefore all/any building should be situated at least 2 metres (3m for overhead lines and third rail) from Network Rail's boundary. The reason for the 2m (3m for overhead lines and third rail) stand off requirement is to allow for construction and future maintenance of a building and without requirement for access to the operational railway environment which may not necessarily be granted or if granted subject to railway site safety requirements and special provisions with all associated railway costs charged to the applicant. Any less than 2m (3m for overhead lines and third rail) and there is a strong possibility that the applicant (and any future resident) will need to utilise Network Rail land and air-space to facilitate works. The applicant / resident would need to receive approval for such works from the Network Rail Asset Protection Engineer, the applicant / resident would need to submit the request at least 20 weeks before any works were due to commence on site and they would be liable for all costs (e.g. all possession costs, all site safety costs, all

asset protection presence costs). However, Network Rail is not required to grant permission for any third party access to its land. No structure/building should be built hard-against Network Rail's boundary as in this case there is an even higher probability of access to Network Rail land being required to undertake any construction / maintenance works. Equally any structure/building erected hard against the boundary with Network Rail will impact adversely upon our maintenance teams' ability to maintain our boundary fencing and boundary treatments.

Drainage

Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property; full details to be submitted for approval to the Network Rail Asset Protection Engineer. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Soakaways, as a means of storm/surface water disposal must not be constructed near/within 10 - 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. After the completion and occupation of the development, any new or exacerbated problems attributable to the new development shall be investigated and remedied at the applicants' expense.

Plant & Materials

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no plant or materials are capable of falling within 3.0m of the boundary with Network Rail.

Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The applicant/applicant's contractor must consider if they can undertake the works and associated scaffold/access for working at height within the footprint of their property boundary.

Piling

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

Fencing

In view of the nature of the development, it is essential that the developer provide (at their own expense) and thereafter maintain a substantial, trespass proof fence along the development side of the existing boundary fence, to a minimum height of 1.8 metres. The 1.8m fencing should be adjacent to the railway boundary and the developer/applicant should make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein, be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed. Any fencing installed by the applicant must not prevent Network Rail from maintaining its own fencing/boundary treatment.

We also note that the new building is over the culvert that runs under the railway. We

would recommend the developer ensures that there are no covenants or restrictions as to building over the culvert in that area.

It is requested that the developer contacts, Network Rail Asset Protection at AssetProtectionSussex@networkrail.co.uk to agree an Asset Protection Agreement with us to enable

approval of detailed works and method statements prior to any works commencing on site.

More information can also be obtained from our website at www.networkrail.co.uk/asp/1538.aspx.

As regards the demolition we have no comment nor require to see any further information.

- 10 **INFORMATIVE:** . The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised.

Please note:

No excavation, mounding or tree planting should be carried out within 5 metres of the public water trunk main without consent from Southern Water.

No development or new tree planting should be located within 3 metres either side of the centreline of the public foul rising main and sewers

All existing infrastructure should be protected during the course of construction works.

No new soakaways should be located within 5 metres of a public foul rising mains, sewers and water mains.

The applicant has indicated surface water disposal will be achieved via soakaway. Where soakaways are proposed, the means of disposal may not be appropriate for a number of reasons

- Contamination of the existing site; where migration of contaminants to groundwater could be exacerbated
- Potential contamination of the proposed discharge, eg oil/petrol from garage forecourts
- Ground conditions which preclude soakage
- High seasonal water table, where soakaways may cease to operate or even work in reverse
- Insufficient space to ensure that the soakaway is located more than 5 metres from the nearest building or utility plant (including sewers and water mains).
- Insufficient depth to the water table to prevent contamination

It is important therefore that soakage tests are carried out at an early stage to confirm that adequate soakage is available to serve the proposed development and that the proposed soakaways are designed to appropriate standards, such as CIRIA Report 156 - Infiltration Drainage, Manual of Good Practice and BRE Digest 365 Soakaway Design.

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development. Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

- 11 **INFORMATIVE:** Informative: It is likely that the existing buildings will have a capacity of greater than 49 cubic metres. In this case the applicant is advised to provide Arun District Council Building Control Department with a notice of intended demolition in accordance

with section 80 of the Building Act 1984. Our officer has already determined that asbestos cement is likely to be present in this case. The Notice should detail all precautions to be provided both in order to protect the health and safety of any operative or persons having access to the site and any nearby dwelling; and construction site itself. You are referred to section 80 itself for a list of required information and Health & Safety Executive guidance 'a14 Asbestos Essentials Removing Asbestos Cement sheets, gutters etc.'

- 12 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.