

Recommendation Report for Planning Permission

REF NO: LU/59/21/PL

LOCATION: Directors Cottage
Toddington Lane
Littlehampton
BN17 7PP

PROPOSAL: Variation of condition 14 imposed under LU/249/17/PL to change condition to read 'Upon completion of a minimum of 50% of the SuDS system but prior to occupation of plots 1 and 2, the owner shall either provide an updated copy of the management manual or confirmation in writing that no changes are required to the manual. Upon completion of the complete SuDS system but prior to occupation of plot 3, 4 and 5, the owner shall either provide an updated copy of the management manual or confirmation in writing that no changes are required to the manual.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Condition 14 of planning permission LU/249/17/PL stated '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. Reason: To ensure the efficient maintenance and on-going operation of the SuDS system and to ensure the best practice in line with guidance set out in 'The SuDS Manual' CIRIA publication ref: C753 Chapter 32. This proposal seeks to change the wording of the condition to allow for phased occupation to read 'Upon completion of a minimum of 50% of the SuDS system but prior to occupation of plots 1 and 2, the owner shall either provide an updated
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copy of the management manual or confirmation in writing that no changes are required to the manual. Upon completion of the complete SuDS system but prior to occupation of plot 3, 4 and 5, the owner shall either provide an updated copy of the management manual or confirmation in writing that no changes are required to the manual.

The amended condition would therefore read:

'Upon completion of a minimum of 50% of the SuDS system but prior to occupation of plots 1 and 2, the owner shall either provide an updated copy of the management manual or confirmation in writing that no changes are required to the manual. Upon completion of the complete SuDS system but prior to occupation of plot 3, 4 and 5, the owner shall either provide an updated copy of the management manual or confirmation 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.

Reason: To ensure the efficient maintenance and on-going operation of the SuDS system and to ensure the best practice in line with guidance set out in 'The SuDS Manual' CIRIA publication ref: C753 Chapter 32

SITE CHARACTERISTICS

The application site is located within the wider Toddington Lane area of residential development.

The site has now been developed for housing and the units are in the process of being completed and occupied.

CHARACTER OF LOCALITY

The wider residential area is characterised by a mixture of detached/ terraced and semi-detached properties of varying height ranging from bungalows to 3 storeys in some parts.

RELEVANT SITE HISTORY

LU/249/17/PL

Demolition of the existing bungalow & redevelopment of the site with 5 No. detached houses. This application is a Departure from the Development Plan

REPRESENTATIONS

None

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

Drainage Engineer - No Objection

COMMENTS ON CONSULTATION RESPONSES:

- comments noted

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary

Strategic Housing Site

Archaeological Special Notification Area

DEVELOPMENT PLAN POLICIES

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

WDM3	W DM3 Sustainable Urban Drainage Systems
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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 policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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 there would be no materially adverse impact on drainage from the site.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

BACKGROUND

Plots 1 & 2 of the development are now complete with only final certificates from building control required. The surface water drainage has been carried out as per the drainage plans and SA1 / SA2 and these have been inspected and passed by building control. Due to the Stamp duty relief at present offered by the Government, the developer has had 2 buyers come forward in January wishing to complete quickly and this proposal would allow that to take place.

DRAINAGE IMPLICATIONS

The proposal has not raised any objection from the council's Drainage Engineer and is not considered that the proposed phasing achieved by the amended wording of the condition would adversely impact on the sustainable urban drainage system for the site as a whole. The proposal would still effectively manage water and be maintained in perpetuity and would therefore remain compliant with policy W DM3 of Arun Local Plan.

NATIONAL PLANNING POLICY GUIDANCE TEST FOR CONDITIONS

To allow for the development to be occupied in sections would be reasonable and would not affect the reason for the condition as originally proposed.

SUMMARY

The proposed change to the condition is acceptable for the reasons given above and is recommended for approval.

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.

CIL DETAILS

This application is not CIL Liable.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 Condition 14 of LU/249/17/PL to now read:

Upon completion of a minimum of 50% of the SuDS system but prior to occupation of plots 1 and 2, the owner shall either provide an updated copy of the management manual or confirmation in writing that no changes are required to the manual. Upon completion of the complete SuDS system but prior to occupation of plot 3, 4 and 5, the owner shall either provide an updated copy of the management manual or confirmation 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.

Reason: To ensure the efficient maintenance and on-going operation of the SuDS system and to ensure the best practice in line with guidance set out in 'The SuDS Manual' CIRIA publication ref: C753 Chapter 32 and policy W DM3 of Arun Local Plan.

- 2 INFORMATIVE: This change only applies to condition 14 of approval LU/249/17. All other conditions pertaining to this approval remain in force.
- 3 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.