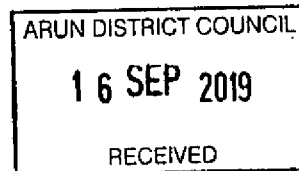


**R.A.BROOKS
Moonrakers
29 Central Drive
Middleton-on-Sea
West Sussex
PO22 7TT**



**ATTN: KARL ROBERTS
Director of Planning
Arun District Council
1 Maltravers Road
Littlehampton
BN17 5LF**

13th September 2019 – by post and email

Dear Mr Roberts,

Your refs: M / 25 / 19 / PL & M / 67 / 16 / PL

I refer to the above planning applications and in particular (but not exclusively) to the conditionality as detailed in the respective decisions.

For ease of reference I enclose a copy of the clause 10 in respect of M / 67 / 16 / PL the content of which is self-explanatory. Having reviewed the conditionality of the latter application (M / 25 / 19 / PL) I note that it refers quite explicitly to a number of representations (copy enclosed for ease of reference) which quite clearly were of the same nature as those attempting to be dealt with in paragraph 10 of the earlier conditional approval in respect of M / 67 / 16 / PL.

I would be grateful if, as a matter of urgency, you would be kind enough to supply a written explanation as to why there at present appears to have been no provision within application M / 25 / 19 / PL to deal with the measures that the conditionality clause 10 of M / 67 / 16 / PL sought to address explaining what specific issues formed the essence of your officer's decision not to refer to such representations in one decision when clearly it was acknowledged and considered the essence of an earlier decision to refer to the same in detail, given the fundamentals of each application are identical.

At best this can be described as unacceptably inconsistent and as I am sure you agree, somewhat embarrassing for your department. It is quite clear that the Council owe a duty of care to parties falling within its jurisdiction and that on this occasion at the present time it has not discharged that duty of care in dealing diligently with the issues raised predominantly by myself and the residents in very close proximity to the proposed development. At present there seems little defence to your officer's negligence and apparent attempt to dismiss the concern's he acknowledges were raised and received by the council and which were undeniably considered the essence to the earlier application.

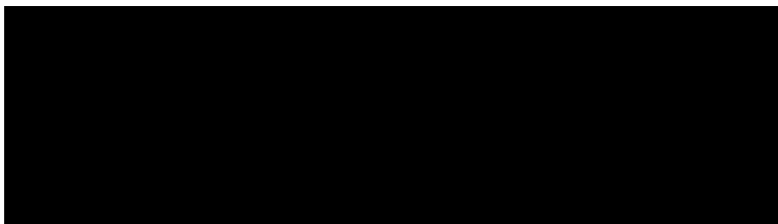
I will be sharing my correspondence with both my immediate neighbours and Elmer Beach Residents Association Limited who may well choose to make further representations.

As always it remains my serious intention to explore every avenue to resolve this matter with the council without recourse to the courts; as such I would request that you provide the earlier explanations in writing to me without delay whereupon it remains open to me to request that the conditionally of application M / 25 / 19 / PL be revised to incorporate the issues paragraph 10 of application M / 67 / 16 / PL sought to deal with.

I do trust that myself, my immediate neighbours and Elmer Beach Residents Association Limited can rely on your cooperation in this respect without recourse to litigation. However, please be on notice that this issue requires immediate rectification to avoid further action and I reserve the right to produce a copy of this letter to the court should an application for costs by either party ultimately prove necessary.

Please ensure that a copy of this correspondence is placed on the planning portal website without delay.

I look forward to receiving your reply as a matter of urgency,



*c.c. Cllr J. Pendleton
Cllr S. Haywood
Mr G. Raven*

accordance with policy GEN7 of the Arun District Local Plan.

- 9 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 including details of hard and 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.

- 10 ~~No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,~~
- the anticipated number, frequency and types of vehicles used during construction,
 - the method of access and routing of vehicles during construction,
 - the parking of vehicles by site operatives and visitors,
 - the loading and unloading of plant, materials and waste,
 - the storage of plant and materials used in construction of the development,
 - the erection and maintenance of security hoarding,
 - the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
 - details of public engagement both prior to and during construction works.
 - the hours of operation for construction works which shall not exceed 8am to 6pm Monday - Friday, 9am to 1pm Saturdays and none on Sundays and Bank Holidays

Reason: In the interests of highway safety and the amenities of the area.

- 11 Upon the first occupation/completion of the building hereby permitted the existing dwelling shown dotted on the application block plan shall cease to be used for any purpose and within a period of 3 months thereafter the existing dwelling shall be demolished, all materials arising from such demolition removed from the site and the site cleared and the land shall become part of the garden area.

Reason: To avoid an over-intensive use of the site in accordance with policy GEN7 of Arun District Local Plan.

- 12 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

report

Middleton Parish Council

No objection.

2 letters of objection was received from a single neighbouring property on the following grounds;

- 1) Working hours restrictions too long.
- 2) Measures to deal with dust, odours and vapours should be agreed with neighbour and residents association
- 3) Design inappropriate and overbearing.
- 4) Risk of increased flooding to neighbouring properties.
- 5) For construction access via existing tarmac not suitable. Access via beach should be utilised.

No objection was made by 2 further neighbours and the Elmer Beach Residents Association however the following issues were raised;

- 1) For construction access via existing tarmac not suitable. Access via beach should be utilised and access way re-instated on completion.
- 2) Parking issues relating to estate. All contractors parking should be on site.
- 3) Drainage, sewerage issues should not impact upon neighbouring properties.

COMMENTS ON REPRESENTATIONS RECEIVED:

A condition restricting working hours for one dwelling is not necessary and any possible nuisance can be controlled by the Council's Environmental Health department.

Issues relating to parking and access of construction vehicles are private legal issues between the residents association, neighbouring properties and the property owners.

There are a variety of different beachfront dwelling styles including contemporary designed flat roof houses both on Central Drive and in Middleton/Elmer such that there is not one central type or style of dwelling.

The Council's drainage engineers have made no objection to the scheme. (see below).

All other issues are addressed in the Conclusions section of the report below.

CONSULTATIONS

Southern Water Planning
Engineering Services Manager
Engineers (Drainage)
WSCC Strategic Planning
Environmental Health
Environment Agency
Ecology Advisor
Natural England
Arboriculturist
Parks and Landscapes
West Sussex - Waste Disposal
Engineers (Coastal Protection)