

REPORT UPDATE

Application No: FG/198/16/PL

Reason for the Update / Changes

Reason for Update/Changes:

- 1) Highway comments from applicant
- 2) Arun District Council Solicitor Legal Update
- 3) Neighbour comment - 17th August.
- 4) ADC response to neighbour comment 17th August..
- 5) Parish Council comments dated 11th August 2017
- 6) ADC response to Ferring Parish Council comments.
- 7) WSCC highway comments

Officers comments;

- 1) Highway comments from applicant

Officers accept that there are no grounds for refusal on Highway grounds.

- 2) Arun District Council Solicitor Legal Update

Officers have been instructed only to address highway issues and the improved provision in car parking at today's Committee Meeting.

- 3) & 4) Neighbour comment relating to obscure glazed windows - 17th August 2017 and ADC response

The neighbour is advised as at 2) above. A response has been sent from ADC that the only issue to be discussed at DC Committee is the improved provision in car parking.

- 5) & 6) Parish Council comments dated 11th August 2017

The Parish Council are advised as at 2) above. A response has been sent from ADC.

- 7) WSCC Highways response in full;

The LHA response referred to the capacity of the car park being 10 spaces. The two surface level spaces are noted.

In respect of the Parking Demand Calculator there are two options. If none of the parking spaces are to be allocated (i.e. all spaces are available for residents/visitors to use without) then

the demand would be for seven spaces. If each flat was allocated a single space, with the remainder of the spaces remaining unallocated and available for unrestricted resident/visitor use, then a demand for 11 spaces would be generated. In either scenario, the proposed provision of 12 spaces would exceed the anticipated demand.

In accordance with the professional views of WSCC Highways, ADC Officers have no objections on highway grounds.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report/Recommendation.

FG/198/16/PL

Recommendation Report for Planning Permission

REF NO: FG/198/16/PL

LOCATION: 1 Sea Drive
Ferring

PROPOSAL: Demolition of existing house with erection of 2 storey building comprising of 8No. residential 2 bedroom flats & associated external works

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal involves the demolition of the existing two storey detached dwellinghouse and the erection of a 2 storey flat roofed block of 8 x 2 bedroom flats and includes 12 parking spaces, cycle parking and bin stores. 7 of the parking spaces and the cycle parking would be located in an underground car park. The building would be 6.7m high at its highest point and it would have a front elevation 19.4 metres in width along Sea Drive and 28.4 metres along Sea Lane overlooking the Goring Gap.

SITE AREA

1,279 sq.m.

RESIDENTIAL DEVELOPMENT DENSITY (NET) 63 dwellings per hectare

TOPOGRAPHY

Predominantly flat.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

A 1.3 metre low wall to the front to the front boundary on Sea Lane. Hedging and a 2 metre close boarded wooden fence to the side and rear boundaries.

SITE CHARACTERISTICS

A substantial 2 detached storey chalet

report

bungalow with a front elevation width of 19.5 metres on Sea Drive and a side elevation width facing onto Sea Drive of 12 metres. The property has a two storey gable end element adjacent to 3 Sea Drive, a first floor within the roof and ground floor extension to the front and sides set on a large plot with gardens to the side & rear, an in and out driveway provides 2 accesses onto Sea Drive which is a private road. The property occupies a corner plot on Sea Drive and Sea Lane, a local connecting route leading from Ferring to the beachfront.

CHARACTER OF LOCALITY

A residential area within 50 metres of the beachfront. The site is within the built up area boundary next to the strategic gap between Ferring and Goring. The character of the area is of a mix of dwelling types including 2 storey detached houses, apartment blocks and maisonette developments.

RELEVANT SITE HISTORY

FG/12/05/	New pitched roof dormer window to existing en-suite bathroom	ApproveConditionally 23-03-2005
FG/88/11/	Single storey extension	ApproveConditionally 07-09-2011
FG/59/55	Chalet bungalow and garage	ApproveConditionally 23-06-1955
FG/61/67	Sun room	Approve 09-06-1967

A number of extensions have been granted over the years to the applicant's dwellinghouse.

REPRESENTATIONS**Representations received:**

Ferring Parish Council

Ferring Parish Council objected to the development on the following grounds;

- Overdevelopment of the site.
- Out of character with the local area, huge impact on the street scene.
- Design, form height and scale would be domineering and overbearing on the neighbouring properties.
- Concern regarding the site lines and boundaries on Sea Drive and Sea Lane.
- Underground car park will inevitably raise the height of the proposed development.

1 letter of support

As a former resident of Bluewaters;

- Application will introduce a new and modern look bringing it into 21st century away from the stigma as an area for old people and bungalows it has already.

77 letters of objection were received.

- 1) Out of character with rural area and surrounding dwellings and village of Ferring.
- 2) Eye sore/ Flats inappropriate/ too large and high
- 3) Loss of sea and field views
- 4) Precedent
- 5) Loss of residential amenity to neighbouring properties
- 6) Loss of garden land/overdevelopment
- 7) Failure to maintain an open rear garden would be contrary to policy GEN 7 (vi) of the Arun District Council Local Plan as open space not retained.
- 8) Traffic Problems
 - Noise and pollution due to proximity to residential properties.
 - Lack of parking. Contrary to Policy GEN 12
 - Increase in traffic/congestion unacceptable.
 - Dangerous access onto Sea Lane from Sea Drive
 - Visibility on Sea Lane reduced by bulk of building
 - 2 accesses on Sea Drive and neighbouring properties access dangerous.
 - Access to front from path over ramp not feasible
- 9) Contrary to policy GEN 7 (vii) GEN 15 - Cycling and Walking.
- 10) Sustainability - No public transport - bus routes half a mile away
- 11) No Housing need - second home owners, no local need
- 12) Lack of infrastructure including doctors, dentists and school places.
- 13) Construction Disturbance
- 14) Light pollution - Contrary to policy GEN 33
- 15) Noise and Air pollution to rear gardens/ Additional Council waste vehicles
- 16) Drainage and Flooding - Contrary to Policy GEN 9
- 17) Road subsided the side of Bluewaters
- 18) Not in accordance with the neighbourhood (village) plan.
- 19) No biodiversity survey
- 20) GEN 4 not a saved policy in the Arun District Council Local Plan 2004
- 21) Views are not a material planning consideration.
- 22) West Sussex Structure Plan is no longer a part of the Local Development Plan and as such its policies are not taken into account in the assessment of this application.
- 23) Impact on right to light - Right to light is a private legal issue
- 24) Loss of financial value of property as a result of development.
- 25) Allegation that the Local Planning Authority forcing neighbouring residents to accept development.
- 26) Lack of consideration of developers
- 27) Greed of developers
- 28) Use of flats for holiday makers
- 29) Restrictive covenants are private legal issues
- 30) More affordable housing/infrastructure (i.e. doctors/schools) needed - Applications for under 10 dwellinghouses do not trigger a requirement to provide affordable houses or infrastructure contributions.
- 31) Plans submitted inaccurate
- 32) Request for committee to visit site.
- 33) Loss of neighbouring residential properties property value as a result of development.

Additional comments were received prior to the Development Control committee meeting of 21st June 2017 as follows (including officer comments following indented point);

- Loss of amenity to the rear elevation of 3 Sea Drive.

As stated in the Conclusions section of the main report, it is not considered that loss of residential amenity would be unacceptable because none of the primary habitable room windows would be within 20 metres of a habitable room window at 3 Sea Drive. The first floor windows on the west elevation that would result in unacceptable overlooking have been conditioned (Condition no. 14) to be obscure glazed and fixed shut.

- Access splay onto Sea Drive

The access splay onto Sea Drive was not raised as a cause for concern in the Local Highway Authorities comments.

The objection made here would only concern a shortfall of a matter of 10-20 centimetres and would be subject of a land ownership dispute which is a private legal issue. The applicants have signed certificate B to claim that they own all the land applicable to this application. Disputes about land ownership are non planning matters.

- Height of proposed block and Inaccuracy of plans

The height of the proposed block has raised 20 cm from the plans first submitted as shown on PL005 Rev J dated March 2017 due to the inclusion of the underground car park. The minor error (10cm) occurred in the response to Mr. Gann was due to line thickness on the plans.

- Level of windows

3 Sea Drive does have a variety of window heights which generally match the window heights of the new development. None would be overlooked due to the imposition of condition no. 14 and given that the nearest proposed clear glazed window is in excess of 20 metres from the primary habitable room windows.

- Deletion of window

Following an earlier written commitment from the applicants, the amended plans presented to committee remove the obscure glazed fixed window facing towards the front balcony of no.3 Sea Drive.

- Overlooking

There are no windows directly adjacent to 3 Sea Drive that overlook the property. The closest overlooking habitable room window is set at a distance in excess of 20 metres from the primary habitable room rear elevation windows of 3 Sea Drive.

The window and finished floor height of the proposed new development would not allow for the ground floor windows at the new development at 1 Sea Drive to overlook the garage wall along the boundary or 2.5 metre hedge and 1.8 metre fence between the two properties and therefore a condition requiring obscure glazing at ground floor level would be unnecessary and unreasonable. The applicant's have demonstrated in the amended plan PL005 Rev J dated March 2017 that the finished floor level of the proposed apartment block would be 10 centimetres higher than the existing dwelling.

Comments on Representations received:

Comments raised by objections which are material planning considerations will be addressed on the Conclusion section of the report below.

The following matters are not considered material planning considerations;

21), 28). 34) Right to a view, Financial considerations and personal comments regarding the developpers are not material considerations in deciding planning applications.

23) The procedure for speaking at Development Control Committee is set out on Arun District website under 'Decision Making Process & The Development Control Agenda' and the paragraph entitled 'Speaking at Development Control Committee Meetings'.

29) The Council cannot control whether or not residential properties are used as 2nd homes or not. This applies to existing as well as proposed dwellings.

30) Restrictive covenants are a private legal matter.

32) The balcony doors at 3 Sea Drive are secondary windows within the master bedroom. A supplementary plan is to be provided by the applicants to demonstrate the relationship of built form between the front elevation of 3 Sea Drive and the proposed new development.

CONSULTATIONS

Engineering Services Manager
Engineers (Drainage)
Arboriculturist
WSCC Strategic Planning
Southern Water Planning
Parks and Landscapes
Environment Agency
Env. Amenities & Comm. Safety
Environmental Health
WSCC Strategic Planning
Southern Water Planning
Archaeology Advisor
Ecology Advisor
Parks and Landscapes
Engineering Services Manager
Environmental Health
WSCC Strategic Planning

Consultations responses received:

ENGINEERING SERVICES MANAGER - No objection subject to a condition

As far as the proposals affect flood risk / coastal defence, the revisions related ostensibly to the majority of the parking provision being taken underground (into a basement) and the re-routing of the path serving the entrance in the north elevation. The previous proposal for a new access onto Sea Lane has been dropped in favour of retaining the two existing entrances (onto Sea Drive), one for vehicles and the other reduced in size for pedestrian usage.

The Flood Risk Assessment states that the site is within Flood Zones 1, 2 & 3; this is correct -

however, the site is outside of the area at risk of 'flooding from rivers and the sea'; a designation that is perhaps better suited to areas close to the sea, with less fluvial influence.

The area is in Shoreline Management Plan (SMP) policy unit 4d17 - the policy for which is to 'Hold the Line'. Below the SMP sits the Coastal Defence Strategy and the implementation plan for this area is to 'Hold the Line - Sustain' (sustain meaning to maintain the current standard of defence but allowing for the impacts of climate change. I note that the Environment Agency has requested a condition relating to the floor levels and I would agree with this. I would also suggest that the level of 5.8m is appropriate. In light of the above, I have no objection to the provision of a parking basement. However that basement could potentially flood in an extreme event. The boundary is to be provided with a rendered wall over the most part (this should be to the same level if not greater than the floor level) but the accesses will become the weak link.

I would suggest therefore that the pedestrian path and vehicular access are both provided with a 'cill' level equivalent to the (conditioned) floor levels - this could be by building up the access (providing a continuous seal is provided with the boundary walls) or, as the increase in height may make the ramp into the basement too steep, by the provision of a temporary barrier/gate on the boundary - again continuous with the boundary walls, that could be closed in time of need. There would be a need also to prevent water entering the site (basement) through the hedging between the site and the neighbouring property (No. 3 Sea Dr.).

I would suggest that an operational / maintenance flood plan is produced and all residents made aware of the risk and the need to close the barrier / gate (if that option is taken).

The following condition has been recommended;

The development is provided with a means of preventing flood water from entering the basement. This should be to a height not less than the minimum floor level (mentioned elsewhere) and be continuous around the building, either at the boundary or by some other means within the site. The means of preventing flood water entering may be either permanent, demountable or in the form of a readily closed, solid gate (with suitable seals. If the means of flood resistance is not permanent then there shall be an operational / maintenance flood plan produced to the satisfaction of the Local Planning Authority. All residents shall be made aware of the risk and the need to close the barrier / gate and to comply with the contents of the Plan.

Reason; "To reduce the risk of flooding to the basement parking area"

ENGINEERS (DRAINAGE) - No objection subject to conditions

ARBORICULTURALIST - No objection

There are no trees either on or off site within a distance where adverse impact could occur.

WSCC STRATEGIC PLANNING - HIGHWAYS - No objection

WSCC County Highways have no objection with respect to highway safety in the final amended plan submitted PL002 Rev. F but have offered the following advice;

- There is a shortfall of 2 spaces in parking provision in accordance with the WSCC Parking demand calculator (PDC) which would not cause a highway safety concern but may be an

amenity issue.

- WSCC accepts following submission of additional plans that cars can enter and leave the underground car park in a forward gear.
- WSCC notes there does not appear to be any provision for visitor parking or home delivery vehicles.
- The two parking spaces fronting onto the site on Sea Drive are still in close proximity to Sea Drive junction and there could be a safety concern of vehicles caused by reversing into and out of the spaces. No formal objection made by WSCC.

A number of concerns were raised regarding the width of the accessway, location of the parking bays fronting onto Sea Drive and demonstration by the applicants that cars could enter and leave the underground parking area in forward gear in particular in spaces 6 and 7. The applicant addressed these issues in the final scheme and provided a supplementary vehicle swept path analysis PL007 which demonstrated that this was possible.

- no concerns to the extra trips associated with the development using the Sea Lane junction.
- The junction is an existing junction and well established, with clear visibility in each direction.
- No further investigation required (i.e no transport assessment required.)
- No recorded incidents to indicate that the junction of Sea Drive and Sea Lane is operating unsafely.
- Forward visibility offered to vehicles leaving Sea Drive is adequate enough to allow them to see a vehicle entering the junction and allow manoeuvres to take place to pass clear of the highway
- The two parking bays fronting onto Sea Drive have been moved further away from the junction although they are still in close proximity and reversing into or out of these spaces whilst vehicles are entering or exiting the Sea Drive junction 'could cause a safety concern.'
- width of underground car park access - it is not considered that this would lead to any impact on the highway provided as demonstrated that vehicles enter and exit in a forward gear.

SOUTHERN WATER PLANNING - No objection

Southern Water have requested a condition requiring approval of foul and surface water drainage systems and informatives.

ADC PARKS AND LANDSCAPES - No objection

As this is a proposal for a smaller development of residential flats there would be no requirement for POS or play area contribution. However greening to soften the development would be required on a development of any kind.

Forming part of the application and at least conditioned would be the requirement of the submission of a full landscape scheme which should be submitted for approval

Further to submission of Dwg PL 002 Rev F we would request confirmation of proposals detailed as;

- Proposed vegetation/buffer zone
- Proposed hedging run from front
- Low level hedge

Detail to be provided in plan form showing quantities proposed, species choice, planting density and size at time of planting. This is to ensure that the proposals are fitting for location and should be submitted for approval or at least conditioned as part of any decision.

ENVIRONMENT AGENCY - No objection

Condition requiring finished floor levels above 5.9 m AOD (Above Ordinance Datum)

ENV. AMENITIES & COMMUNITY SAFETY - No comments received.

ENVIRONMENTAL HEALTH - No objection

Should the application be approved I would request that the following condition be applied:

No machinery, or plant shall be operated and no deliveries to/from the site shall take place, except between the hours of 8:00 and 18:00 on Mondays to Fridays inclusive; 7:00 and 13:00 on Saturdays and not at any time on Sundays, or any public or Bank holiday.

Reason: In order to safeguard the amenity.

The Construction Management Plan should take all relevant precautions to minimise the potential disturbance to neighbouring residents during the demolition/construction phase of the development. 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 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 the amenity.

External lighting in association with this development shall comply with the Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light, Obtrusive Light Limitations for Exterior Lighting Installations for Zone E2 and to avoid over lighting.

Reason: In order to safeguard the amenity.

Comments from Private Sector Housing

Ventilation

- Any bathrooms and kitchens without windows for natural ventilation should have adequate mechanical

ventilation.

Room Sizes

- Room sizes should meet the minimum standards for houses in multiple occupation if the flats are intended to be rented.

Fire Safety

- The property would need to meet all fire detection and safety requirements as per the Lacors: Housing - Fire

Safety: Guidance on fire safety provisions for certain types of existing housing, including adequate separation from any commercial units located below and external means of escape;

ARCHAEOLOGY ADVISOR - No comment

ECOLOGY ADVISOR

Bats

Due to the location of the site, the condition of the building and the records of bats within close proximity of the site there is a moderate likelihood of bats roosting within the building. Unfortunately no bat surveys have been undertaken on the site so we are unable to establish if bats are present. Prior to determination we require that a bat survey is undertaken on the building to determine if there is evidence of bats roosting within the building. If there is evidence of bats, further bat activity surveys would be required and mitigation strategies will need to be produced. These surveys plus mitigation strategies required will need to be submitted as part of the planning application prior to determination. Due to the level of protection bats hold within European legislation, if bats are found to be roosting onsite the application will also require a Natural England Protected Species Licence for the works.

The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

Nesting Birds

Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st October. If works are required within this time an ecologist will need to check the site before any works take place (with 24 hours of any work).

A bat survey has been submitted by the applicants. The Council's ecologist offered the following comments;

Bats

Following submission of the Ecological Appraisal (June 2017) we are satisfied that no bats are roosting within the buildings onsite.

The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

Nesting Birds

Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st October. If works are required within this time an ecologist will need to check the site before any works take place (with 24 hours of any work).

Comments on Consultation responses:

Consultations are noted and addressed in the conclusion below;

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOC PLN

CLASS C ROAD

NO PUBLIC SEWER

WITHIN BUILT UP AREA BOUNDARY

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

GEN2

GEN7

GEN9

GEN10

GEN12

GEN15

GEN29

GEN32

GEN33

GEN34

Built-up Area Boundary

The Form of New Development

Foul and Surface Water Drainage

Tidal Flooding and Coastal Defence

Parking in New Development

Cycling and Walking

Nature and Conservation Across the District

Noise Pollution

Light Pollution

Air Pollution

Publication Version of the Local Plan (October 2014):

SD SP2 Built-Up Area Boundary

ENV DM5 Development and Biodiversity

QE DM1 Noise Pollution

QE DM2 Light Pollution

QE DM3 Air Pollution

T SP1 Transport and Development

W DM2 Flood Risk

W DM3 Sustainable Urban Drainage Systems

D DM1 Aspects of Form and Design Quality

D DM3 External Space Standards

D SP1 Design

Ferring Neighbourhood Plan 2014 Policy 1A
Ferring Neighbourhood Plan 2014 Policy 10

A Spatial Plan for the Parish

Sustainable water management

PLANNING POLICY GUIDANCE

NPPF

NPPG

National Planning Policy Framework

National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE

SPD3

Parking Standards

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.

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; Yapton.

Policies 1A and 10 of the Ferring Neighbourhood Plan are considered relevant to this application

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

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 be within the built up area boundary, be of a high quality of design and layout responding to local distinctiveness and would have no materially adverse effect on the visual amenities of the locality or the established character of the area. Furthermore it would not have a significant adverse impact on the safety of the highway network, flooding and protected species in the local area nor the residential amenities of the adjoining properties.

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

INTRODUCTION

Following consideration at the Development Control Committee of 21st June 2017 the following, taken from the minutes of that committee meeting, was resolved;

'That the application be deferred on car parking grounds to enable officers to negotiate with the applicant an improved provision.'

The applicants have provided an additional 3 spaces from that presented to DC committee on 21st June 2017. A full re-consultation has taken place.

Under the West Sussex Parking Calculator, 11 spaces had been identified; the applicant is now proposing to provide 12 under amended plan Dwg.no. 16/046 PL004 Rev L.

PRINCIPLE

The site lies within the built up area boundary where the principle of residential redevelopment is acceptable in accordance with policy 1A of the Neighbourhood Plan and policy GEN 2 of the Arun District Local Plan. Policy 1A Ferring Neighbourhood Plan 'Spatial Plan for the Parish' states 'Proposals for development located inside the built up area boundary will be supported, provided they are suited to an urban setting and they accord with the provisions of the Neighbourhood Plan and with other relevant development plan policies.' The proposal is considered to be in keeping with its urban setting and to accord with this policy irrespective of the fact that the relevant Neighbourhood Plan is considered to be out of date.

The Council is unable to demonstrate an adequate 5 year supply of housing land as required by paragraph 49 of the National Planning Policy Framework (NPPF) and Policy GEN 5 of the Arun District Local Plan is outdated. Furthermore, the Examination into the emerging Local Plan was suspended by the Planning Inspector on the grounds that the Council's Objectively Assessed Housing Need (OAN) should be reviewed higher than that proposed in the Local Plan (580 units p.a). The Council therefore need to identify adequate land supply to meet the additional housing requirements. The OAN figure has now been increased to 919 units per annum as of October

2016 and the Council, based on this need, is only able to demonstrate approximately 2 years worth of supply.

The National Planning Practice Guidance (NPPG) provides clear guidance on the issue of the weight that can be given to both the adopted Local Plan and emerging or made Neighbourhood Plans where the District Council cannot demonstrate the 5 year supply of deliverable housing sites. Therefore the adopted development plan policies relating to housing supply are out of date and the emerging Local Plan policies carry limited weight at this time.

The weight afforded to Neighbourhood Plans has been clarified by a written Ministerial Statement (13/12/16) which 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; and
- The Council can demonstrate a three-year supply of deliverable housing sites.

The above circumstances arise as Arun District Council can only currently demonstrate approximately 2 years supply of deliverable housing sites, the ministerial statement is less than two years old and Ferring Neighbourhood Plan allocates sites for housing. Although only recently published, the relevant policies for the supply of housing in the NDP cannot be considered to be up-to-date.

Where the relevant policies of development are out of date, paragraph 14 of the NPPF states that the presumption in favour of sustainable development requires the granting of planning permission, 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'. In this case, the development plan is not silent and the principle of development is in accordance with the development plan. Furthermore, paragraph 49 states that: "Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites".

NPPF TEST ON SUSTAINABILITY:

Paragraph 7 of the NPPF sets out the three dimensions to sustainable development - the economic, social and environmental roles. In order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

Environmental Role-

The site is located on the seafront within the built up area boundary and is within 1 km walking distance of local shops & 1.8 kilometres to the nearest health facilities within the settlement of Ferring and 600 metres to the nearest bus stop. Although Ferring does not have dedicated footpaths (this applies to the entire village) and has interrupted levels of street lights, it is not considered to be an unsafe or unattractive walking or cycling environment. It is considered this is a reasonably sustainable location for new development.

Social Role-

It is considered the proposal will support the local community by providing eight new flats to help meet future needs and add to the variety of house types in the area. This factor weighs in the scheme's favour.

Economic Role-

It is considered the proposal will lead to a not insignificant increase in Council Tax receipts and create a number of jobs during construction. All of these would provide a benefit to the local economy. These economic factors weigh in the scheme's favour.

Assessment-

It is considered that the proposal is environmentally acceptable and offers economic & social benefits. As such, it is sustainable development and therefore benefits from the presumption in favour of sustainable development as set out within paragraphs 14 and 49 of the NPPF.

SUMMARY OF SUSTAINABILITY & PRINCIPLE:

This site lies within the defined built up area. Relevant local plan policies for the supply of housing should not be considered up-to-date as Arun District Council cannot demonstrate a 5 year supply of deliverable housing sites.

The above analysis shows that the proposal represents sustainable development and benefits from the presumption in favour of sustainable development set out in paras 14 and 49 of the NPPF.

The proposal is considered in principle to comply with the Local Development Plan.

DESIGN AND VISUAL AMENITY

The proposal needs to be assessed against policy 1A of the Ferring Neighbourhood Plan and policy GEN 7 of the Arun District Local Plan with respect to design and visual amenity. Policy GEN 7 (ii) states development would be permitted if it 'responds positively to the identified characteristics and resources of the site and area to create attractive places and spaces with the needs of people in mind and respects and enhances local distinctiveness;

The character of the area is mixed with a block of flats opposite the proposed development on Sea Drive further east on the cul de sac a mixture of large detached houses and maisonettes. While there are a significant number of large detached 2 story properties in the area the variety of house types means no one housetype is predominant and the proposed development of apartments is considered to be in keeping with the character and appearance of the local area as a result. The plans submitted show the Finished Floor Level of existing and proposed developments Above Ordnance Datum (A.O.D.) and outline of existing property as compared to proposed which verify the heights shown and demonstrate the height of the proposed building relates to that of the existing and neighbouring dwellinghouse and apartment blocks.

The proposed block of flats in close proximity to the seafront enhances local distinctiveness in that its modern architecture reflects Bluewaters and a number of other modern residential properties currently being constructed on the coastal strip from East Preston to Ferring and beyond to Goring and Worthing. Its broken elevations reduce the visual impact of its wider front facing elevations and the design contains attractive design features such as balconies, Juliet balconies, large windows, white rendered facades, underground parking as well as generous communal amenity space.

The dominant visual feature in this area of Sea Lane and Sea Drive is the white modern block of flats known as Bluewaters. When viewed from a distance along Sea Lane or from Marine Drive the proposed development would fit into the built form of the area in terms of its size and bulk. It is of a similar height to the 2 storey properties on either side at 3 Sea Drive and 108 Sea Lane and of Bluewaters as demonstrated by the street elevations provided by the applicant.

The area of landscaping to the front on Sea Lane would assist in assimilating the building into its setting adjacent to the Goring Gap. A final landscaping scheme would be submitted in accordance with a condition set by the ADC Parks and Landscapes Department who had no objection to the proposal in landscape terms.

The density of the development at 63 dwellings per hectare(dph) is slightly lower than the density of the neighbouring block of apartments Bluewaters (69 dph) and is similar to other apartments in the vicinity including St Malo Court, Sea Lane (59 dph) St Helier Court , Sea Lane (53 dph) and a block of 8 apartments recently granted permission at Beehive Lane - FG/33/17/PL (44 dph) and is of comparable height to neighbouring properties. The development would have a 6.4 metres maximum height on the front elevation on Sea Drive compared to a 7 metre ridge height at 3 Sea Drive. The existing house to be replaced has an 8 metre ridge height. A maximum 7 metre ridge height at the centre of the elevation facing onto Sea Lane compares with a maximum ridge height of Bluewaters at 8 metres facing onto Sea Lane. The area is considered to be mixed in character and the density and height is therefore in keeping with the character of the area.

The building line at the side of the proposed development matches the building line of Bluewaters on Sea Lane but is set forward 6 metres of the building line of properties to the north from 108 Sea Lane onward. There is a 17 metre gap between the proposed development and 108 Sea Lane creating a visual distinction between the neighbouring properties. The building line is not therefore considered to be out of character with surrounding developments and responds to the identified characteristics of the site.

The development would provide increased choice and variety of housing types for single people and couples, the young and elderly 'downsizers'. The proposal would, in this sense, create an attractive place with the needs of people in mind. The site clearly has the capacity to accommodate additional residential units and given the attractive modern design commensurate with other buildings in the area, it is not considered to be out of character nor to cause harm to the visual amenity of the area.

In addition the provision of underground car parking means that the development retains the rear garden for leisure space and would integrate the proposed apartments with the character of the surrounding residential rear gardens as Bluewaters has.

Given the relationship of the proposal to Bluewaters, its similar design and the character of the wider area, the development is considered appropriate in its urban setting and therefore it complies with policy 1A of the Ferring Neighbourhood Plan with respect to design and visual amenity.

The development is considered to be of an attractive design which has taken the lead from surrounding contemporary development and is considered to accord with GEN 7 (ii) which states development should be permitted if it 'responds positively to the identified characteristics and resources of the site and area to create attractive places and spaces with the needs of people in

mind and respects and enhances local distinctiveness.

EXTERNAL AMENITY SPACE

Adequate amenity/landscaped space is provided to the rear of the units and most units would have their own area of outside space in the form of a balcony or terrace in general compliance with policy DDM3 of the Emerging Local Plan. Due to the communal gardens and the proximity of the beachfront and Goring Gap to the development the shortfall in external open space, namely the first floor apartment on the western boundary of the site has no external space and the central apartment on the western elevation has a 3 sq.m. balcony rather than a 5 sq.m. balcony, is acceptable.

INTERNAL SPACE STANDARDS

Each flat has an internal space standard in excess of 70 sq. m. and therefore complies with national policy guidelines for internal space standards contained within the Technical housing standards - nationally described space standard contained within Planning Policy Guidance

RESIDENTIAL AMENITY

The flats would be located a reasonable distance from site boundaries and would not cause a significant and unacceptable overbearing impact, loss of light or loss of privacy to the neighbouring properties.

The key properties that would be affected would be 3 Sea Drive the neighbour to the west, 108 Sea Lane to the north and Bluewaters to the south and to a lesser extent properties further away on Elverlands Close and St Malo Close & the north side of Sea Drive beyond no. 3.

3 Sea Drive

At 3 Sea Drive, the relationship of the new property and the existing dwelling house would be side elevation to side elevation at the front and rear elevations of 3 Sea Drive with a further oblique outlook toward the L shaped element of the block of flats facing onto Sea Lane. The level of the windows shown on street elevations matches that of 3 Sea Drive and would provide an acceptable relationship between the windows and floor levels of the development and the windows and floor levels of the neighbouring property.

The Council uses the 45 degree rule to assess overbearing impacts of development on primary habitable room windows. If built development encroaches within a 45 degree site line drawn from the closest habitable room window then it is considered unacceptable in terms of causing an overbearing impact on the neighbour's window and a loss of light to them.

On the front elevation of 3 Sea Drive adjacent to the shared boundary with the new development, at first floor level there is an external balcony in front of the bedroom windows with clear glazed sides which is not considered a primary habitable room. The neighbour's balcony would not affect the privacy of the new build development as there are no facing windows nor aspect into habitable rooms from the development.

The new development would not encroach upon a 45 degree line drawn from the centre of master bedroom at the front of 3 Sea Drive. It is acknowledged that a small part of the view will be lost to however view is not a material planning consideration and providing no harm is caused to the residential amenity in terms of significant overlooking, overbearing impact or loss of light in breach of the 45 degree line then the Council has no valid reason to reject the proposal on amenity

grounds.

The proposed new building is L shaped. The northern part of the L shape would face toward the rear garden of 3 Sea Drive but would not intersect the 45 degree when measured from the ground floor 'family room' at 3 Sea Drive adjacent to the shared boundary. This section of the dwelling would be a minimum of 10 metres from the boundary receding to 13 metres set back at the northernmost part of the building. All windows in the northern section on this west facing elevation would be obscure glazed with the exception of 2 bedroom windows at ground and first floor level at the northern most end of the building which would be in excess of 20 metres away from the closest rear window at 3 Sea Drive and at a 90 degree angle. This impact on residential amenity of relationship of the built form and windows of the new development to the rear windows and rear amenity areas of 3 Sea Drive is considered acceptable.

108 Sea Lane

The primary objection in relation to residential amenity by 108 Sea Lane is that they have a sole bedroom window at first floor level in their side elevation facing south toward the development at a separation distance of 16 metres.

The window currently faces into the rear garden of 1 Sea Drive and its rear elevation. The new rear elevation of the proposed building would be a blank elevation incorporating only obscure glazed windows at a distance of 16 metres. The minimum separation distance usually sought by the Council between similar sized residential properties to provide an acceptable relationship between facing windows to a blank elevation is 10 metres to prevent an adverse impact on residential amenity in terms of a loss of light or overbearing impact on that window. In this case the minimum standard of 10 metres is significantly exceeded. The nearest facing window to the bedroom window at 108 Sea Lane would be 22 metres away which again is considered by the Council to be a sufficient distance away to prevent an unacceptable loss of privacy.

The complaint is that the bedroom is regularly used by the occupant and valued for its view of the sea to the east side of the current dwelling. Loss of view is not a material planning consideration. The eastward outlook from the windows front elevation of 108 Sea Lane toward the Goring Gap and beach front would not be affected by the proposed development with regard to residential amenity.

Bluewaters

The Bluewaters apartment development opposite on Sea Drive would be separated from the front elevation of the proposed development by 30 metres and no unacceptable residential amenity issues would arise.

Elverlands Close, St Malo Close & the north side of Sea Drive beyond no. 3 .

These properties would be located a minimum of 30 metres from the development and no significant loss of residential amenity in terms of a loss of light, an overbearing impact on windows or a loss of privacy would occur. Objections have been received complaining of a loss of view toward the Goring Gap however as stated above loss of view is not a material planning consideration.

In summary the proposed development due to the location of built form and habitable room windows would not cause a significant loss of light, overbearing impact or loss of privacy to any neighbouring properties and the proposal accords with GEN 7 (iv) and (v) and para 17 of the

National Planning Policy Framework.

POLLUTION

Objections have been received that the noise, air and light pollution levels generated by the development would have an unacceptable impact on amenity and protected species.

Noise and Air

Residential development is not considered to be a significant source of noise or air pollution and therefore in policy terms under policy GEN 32 and GEN 34 of the Arun District Local Plan 2003 no objection could be made to the proposed development.

The use of the rear garden for a communal garden and access to the rear 4 flats including use of a pathway to the side of the proposed new building would be more intensive than at present given the occupation of a large detached house by a single couple however the use of the amenity space could increase depending on the occupants of the existing household and/or additional housing units on the plot which given its size and location is likely to occur in future.

No complaint has been received by the Council's Environmental Health Officers regarding noise nuisance or air pollution regarding the apartment development at Bluewaters opposite and no reasonable prospect of this relationship causing harm to residential amenity in terms of a noise nuisance or air pollution exists.

Light

No proposals currently exist for external lighting for the proposed development. A condition to restrict any possible adverse impacts from potential glare and light spillage of external lighting to protect wildlife, namely bats, would be applied to the final permission on the advice of the Council's ecology advisor which would control lighting levels at the property.

It must also be stated that the Council does not have control over the level of external lighting of neighbouring properties or the use of motion sensor lighting.

The proposal for the above reasons is considered to accord with policy GEN 33 of the Arun District Local Plan. No other local policy relating to lighting forms part of the Neighbourhood Plan.

DRAINAGE AND FLOODING

Subject to conditions no objections have been received to the proposed development from the Arun District Council drainage engineers, Southern Water or the Environment Agency in relation to foul and surface water drainage and flooding including consideration of the underground parking. The scheme proposes to incorporate SUDS (Sustainable Urban Drainage Systems) subject to approval by the Local Planning Authority and the Council's Drainage Engineer. The proposal is therefore considered to accord with policy GEN 9 of the Arun District Council Local Plan 2003.

ECOLOGY

The Council's Ecologist identified that there was a record of bats within close proximity of the site and a moderate likelihood that bats roosted within the existing building. A bat and wider ecology survey has been received indicating that there are no bats roosting on the site and no other significant adverse impacts. The Council ecologists has no objection to the proposed development subject to conditions. Subject to mitigation measures advised, the proposal is

considered to be acceptable under policy GEN 29 - Nature Conservation of the Arun District Local Plan 2003.

HIGHWAYS

Parking provision

The parking proposed is 1 spaces higher than that prescribed by the WSCC Parking Demand calculator at 12 spaces rather than 11 spaces.

No objection has been raised to the level on highway safety or operational grounds by WSCC and given the unrestricted availability of on street car parking at the beach car park on Marine Drive, on Marine Drive and Amberly Drive for in excess of 600 metres to the east of the development.

It is considered that adequate and satisfactory provision of parking has been made at this site in accordance with policies GEN7 and GEN12 of the Arun District Local Plan.

Access

West Sussex County Highways have no formal objection to the proposal in terms of highway safety with respect to vehicular, cycle and pedestrian traffic subject to conditions to be applied. They do not object to the number of trips associated with development using the Sea Lane junction, the safety of that access and have not requested any further information.

They have some reservations about the two parking spaces which directly access onto Sea Drive but have not made a formal objection to the proposal in this respect. The proposal would result in an existing access from the property being removed which is 6 metres from Sea Lane in the current property at 1 Sea Drive. The closest car parking space to the junction with Sea Drive would be 12 metres away.

The applicant has demonstrated that the 7 underground parking spaces could enter and leave the car park in a forward gear. This leaves the impact of 2 cars reversing on or off Sea Drive. Other properties on Sea Drive do not have turning heads within their driveways and presumably they enter and exit their properties in reverse gear on occasion.

West Sussex County Highways comments demonstrate that, subject to conditions, as a result of this development there would not be a significant adverse impact with respect to highway safety in line with local policy and guidance within the NPPF para.35.

SUMMARY

The proposal is recommended for approval subject to the following conditions.

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;

Site Location Plan - PL001

Proposed Site Plan - Dwg.no. 046/PL002 REV G Dated Aug 16

Proposed Block Plan Dwg.no. 046/PL003 REV F Dated Apr 17

Proposed Floor plans - Dwg. No. 16/046 - PL004 Rev L dated Aug 2016

Proposed Elevations and Street Scenes - Dwg.no. 16/046 - PL005 Rev J dated Aug 2017 (street scenes are for illustrative purposes only)

Topographical Survey - LD1606042 dated July 2017

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN 7 of the Arun District Local Plan.

- 3 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 scheme must include all boundary treatments. 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.

- 4 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, windows, doors and rainwater goods 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.

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

- 5 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 and the details so agreed shall be maintained in good working order in perpetuity.

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.

- 6 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use in accordance with policy GEN12 of Arun District Local Plan.

- 7 Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

Reason: To provide adequate foul and surface water disposal in accordance with policy GEN 9 of the Arun District Local.

- 8 The development must be provided with a means of preventing flood water from entering the basement. This should be to a height not less than the minimum floor level , 5.8 M AOD and be continuous around the building, either at the boundary (i.e. low wall) or by some other means within the site. The means of preventing flood water entering may be either permanent, demountable or in the form of a readily closed, solid gate (with suitable seals). The details of the flood defence shall be submitted to and approved in writing prior to the occupation of the development and shall be retained in perpetuity as approved.

If the means of flood resistance is not permanent then there shall be an operational / maintenance flood plan produced to the satisfaction of the Local Planning Authority. All residents shall be made aware of the risk and the need to close the barrier / gate and to comply with the contents of the Plan.

Reason: To reduce the risk of flooding to the basement parking area in accordance with policy GEN 10 of the Arun District Local Plan and the NPPF.

- 9 No part of the development shall be first occupied until the vehicle parking and turning spaces including the footpath access to the ramped garage access and the covered and secure cycle parking spaces have been constructed in accordance with plans drawing numbers Proposed Site Plan, PL02 revG, Basement Parking Vehicle Swept Path Details PL007 revA and PL004 rev L Proposed Plans and details submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development in accordance with policy GEN 12 of the Arun District Local Plan and the NPPF.

- 10 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (07/11/2016) and the following mitigation measure detailed within the FRA:
- Finished floor levels are set no lower than 5.8m above Ordnance Datum (AOD).

The mitigation measure shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants. This condition is in line with Section 9 of the Planning Practice Guidance to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change.

- 11 The Construction Management Plan should take all relevant precautions to minimise the potential disturbance to neighbouring residents during the demolition/construction phase of the development. 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 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

j. No demolition or construction work shall take place except during the hours of 8:00 to 18:00 Monday-Friday, 8:00 to -13:00 Saturdays and not at all on Sundays or Bank Holidays.

Reason: To ensure safe and neighbourly construction in the interests of amenity and road safety in accordance with policy GEN7 of the Arun District Local Plan.

- 12 External lighting in association with this development shall comply with the Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light, Obtrusive Light Limitations for Exterior Lighting Installations for Zone E2 and to avoid over lighting. Further to the above in consideration the presence of bats in the local area the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

Reason: In the interests of the conservation of protected species and residential amenity in accordance with policies GEN 30 and GEN 33 of the Arun District Local Plan.

- 13 Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st October. If works are required within this time an ecologist will need to check the site before any works take place (with 24 hours of any work).

Reason: In the interests of the conservation of protected species in accordance with policies GEN 30 and GEN 33 of the Arun District Local Plan.

- 14 The windows at first floor level in the north elevation closest to 108 Sea Lane and in the west elevations with the exception of the northernmost window in the west elevation, of the new dwellings shall at all times be glazed with obscured glass and fixed shut.

Reason: To protect the amenities and privacy of the adjoining properties in accordance with policies GEN7 of the Arun District Local Plan.

- 15 INFORMATIVE: Detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding.

- 16 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 identifying matters of concern within the application (as originally submitted) and negotiating, with

the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 17 INFORMATIVE; A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.

- 18 INFORMATIVE: 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.

The applicant is advised to discuss the matter further with Southern Water Services, Southern House, Otterbourne, SO21 2SW 9EH (Tel 03303030119)

- 19 INFORMATIVE: ADC Environmental Health - Private Sector Housing

Ventilation - Any bathrooms and kitchens without windows for natural ventilation should have adequate mechanical ventilation.

Room Sizes - Room sizes should meet the minimum standards for houses in multiple occupation if the flats are intended to be rented.

Fire Safety - The property would need to meet all fire detection and safety requirements as per the Lacors: Housing - Fire Safety: Guidance on fire safety provisions for certain types of existing housing, including adequate separation from any commercial units located below and external means of escape