



Committee Manager : Carrie O'Connor (Ext 37614)

8 June 2017

DEVELOPMENT CONTROL COMMITTEE

A meeting of this Committee will be held in the **Council Chamber** at the Arun Civic Centre, Maltravers Road, Littlehampton on **Wednesday 21 June 2017 at 2.30 p.m.** and you are requested to attend.

Members : Councillors Bower (Chairman), Hitchins (Vice-Chairman), Mrs Bence, Mrs Bower, Brooks, Dillon, Gammon, Mrs Hall, Mrs Maconachie, Maconachie, Mrs Oakley, Oliver-Redgate, Miss Rhodes, Mrs Stainton and Wells

PLEASE NOTE THAT THE ORDER OF THE AGENDA MAY BE ALTERED AT THE DISCRETION OF THE CHAIRMAN AND SUBJECT TO THE AGREEMENT OF THE MEMBERS OF THE COMMITTEE

PLEASE ALSO NOTE THAT PLANS OF THE APPLICATIONS DETAILED IN THE AGENDA ARE AVAILABLE FOR INSPECTION AT THE COUNCIL'S PLANNING RECEPTION AT THE CIVIC CENTRE AND/OR ON LINE AT www.arun.gov.uk/planning

A G E N D A

1. APOLOGIES FOR ABSENCE
2. DECLARATIONS OF INTEREST

Members and Officers are reminded to make any declarations of personal and/or prejudicial/pecuniary interests that they may have in relation to items on this agenda.

You should declare your interest by stating :

- a) the application you have the interest in
- b) whether it is a personal interest and the nature of the interest
- c) whether it is also a prejudicial/pecuniary interest
- d) if it is a prejudicial/pecuniary interest, whether you will be exercising your right to speak at the application

You then need to re-declare your prejudicial/pecuniary interest and the nature of the interest at the commencement of the application or when the interest becomes apparent.

3. VOTING PROCEDURES

Members and Officers are reminded that voting at this Committee will operate in accordance with the Committee Process Procedure as laid down in the Council's adopted Local Code of Conduct for Members/Officers dealing with planning matters. A copy of the Local Code of Conduct can be obtained from Planning Services' Reception and is available for inspection in the Members' Room.

4. MINUTES

To approve as a correct record the Minutes of the meeting held on 26 April 2017 (attached).

5. START TIMES

To agree the start times of meetings for the remainder of 2017/18.

6. ITEMS NOT ON THE AGENDA WHICH THE CHAIRMAN OF THE MEETING IS OF THE OPINION SHOULD BE CONSIDERED AS A MATTER OF URGENCY BY REASON OF SPECIAL CIRCUMSTANCES

7. TREE APPLICATIONS

There are no applications to consider.

8. *PLANNING APPLICATIONS

To consider the attached reports.

NB : The applications will be heard in **REVERSE ALPHABETICAL** order.

9. *PLANNING APPEALS

To consider the attached report.

Background Papers

In the case of each report relating to a planning application, or related matter, the background papers are contained in the planning application file. Such files are available for inspection/discussion with officers by arrangement prior to the meeting.

Members and the public are reminded that the plans printed in the Agenda are purely for the purpose of locating the site and do not form part of the application submitted.

Contact Officers : Neil Crowther (Ext 37839)
Daniel Vick (Ext 37771)
Juan Baeza (Ext 37765)
Claire Potts (Ext 37698)

Note: *Indicates report is attached for Members of the Development Control Committee only and the press (excluding exempt items). Copies of reports can be obtained on request from the Committee Manager or accessed via the website at www.arun.gov.uk.

Note: Members are reminded that if they have any detailed questions would they please inform the Chairman and/or the Head of Development Control, in advance of the meeting. This is to ensure that officers can provide the best possible advice to Members during the meeting.

DEVELOPMENT CONTROL COMMITTEE

24 May 2017 2017 at 2.30 p.m.

Present: Councillors Bower (Chairman), Hitchins (Vice-Chairman), Mrs Bence, Brooks, Cates (substituting for Councillor Mrs Maconachie), Dillon, Gammon, Mrs Hall, Haymes (substituting for Councillor Mrs Bower), D. Maconachie, Mrs Oakley, Oliver-Redgate, Miss Rhodes and Mrs Stainton.

Councillors Buckland and Charles were also in attendance at the meeting.

14. APOLOGIES

Apologies for absence had been received from Councillors Mrs Bower, Mrs Maconachie and Wells.

15. DECLARATIONS OF INTEREST

The Monitoring Officer has advised Members of interim arrangements to follow when making declarations of interest. They have been advised that for the reasons explained below, they should make their declarations on the same basis as the former Code of Conduct using the descriptions of Personal and Prejudicial Interests.

Reasons

- The Council has adopted the government's example for a new local code of conduct, but new policies and procedures relating to the new local code are yet to be considered and adopted.
- Members have not yet been trained on the provisions of the new local code of conduct.
- The definition of Pecuniary Interests is narrower than the definition of Prejudicial Interests, so by declaring a matter as a Prejudicial Interest, that will cover the requirement to declare a Pecuniary Interest in the same matter.

Where a Member declares a "Prejudicial Interest" this will, in the interests of clarity for the public, be recorded in the Minutes as a Prejudicial and Pecuniary Interest.

Councillor Haymes declared a personal interest in Planning Application LU/258/16/PL as the owner of a mobile home park in Yapton. He stated that he did not know the applicant and that the proposal would not affect his business in any way.

Development Control
Committee – 24.05.17.

16. PLANNING APPLICATION R/45/17/PL – SANDON, THE COPPICE, RUSTINGTON

The Chairman advised that this application had been omitted from the agenda in error and would be considered as a matter of urgency under Agenda Item 8, Planning Applications, as it was required to be determined as soon as possible for performance reasons.

17. MINUTES

The Minutes of the meeting held on 26 April 2017 were approved by the Committee and signed by the Chairman as a correct record.

AL/107/16/RES – APPLICATION FOR RESERVED MATTERS APPLICATION FOLLOWING OUTLINE PLANNING PERMISSION AL/39/13 FOR THE DEMOLITION OF OAKDENE AND ALL OTHER STRUCTURES WITHIN THE SITE AND THE ERECTION OF 79 DWELLINGS, PUBLIC OPEN SPACE, CHILDREN'S PLAY AREAS, LANDSCAPING, DRAINAGE MEASURES, SUB-STATION, PUMPING STATION AND ALL OTHER ASSOCIATED WORKS. LAND WEST OF WESTERGATE STREET AND EAST OF HOOK LANE, WESTERGATE

This application had been deferred from the meeting held on 26 April 2017 to enable further information to be obtained by officers, particularly with regard to drainage issues and the Committee now considered an amended report to reflect the additional information received. A written report update was circulated at the meeting which provided further information regarding the drainage issues on the site and which concluded that Option 1 was unviable and Option 2 should be taken forward, the details of which together with full approval would be the subject of a separate discharge of conditions application.

Due to Member comment that was made at the previous meeting, the Principal Planning Officer was able to confirm that no S106 contribution towards education had been sought by West Sussex County Council when the outline application had been determined as, at that time, there was considered to be spare capacity in the Barnham area. As a consequence therefore, and as the principle of the development had already been established at the outline stage, including the impact of the proposals in relation to education provision, those principles could not be revisited as part of the reserved matters application. The Committee was advised that it was not possible in planning law to amend the S106 obligation to include the education contributions now being requested by the County Council.

The Council's Engineering Services Manager was in attendance at the meeting and was able to confirm that Option 2 was considered to be viable.

Following a brief discussion, the Committee

RESOLVED

That the application be approved as detailed in the report.

(Prior to consideration of the following application, Councillor Haymes had declared a personal interest and remained in the meeting and took part in the debate and vote.)

18. LU/258/16/PL – 7 NO. MOBILE HOMES FOR PERMANENT RESIDENCY & OFFICE BUILDING TO SERVICE MOBILE HOMES. THIS APPLICATION IS A DEPARTURE FROM THE DEVELOPMENT PLAN, OLD MEAD HOUSE, OLD MEAD ROAD, LITTLEHAMPTON

This application had been deferred from the meeting held on 4 January 2017 to enable more detailed plans to be presented and the report on the table now reflected the amendments made to the scheme. The number of mobile homes on the site had been reduced from 8 to 7 and the proposed access road for the site had been widened to allow two way vehicular movements, together with additional parking provision in relation to the proposed office building. In addition, the provision of a foul treatment plant had been included.

A written report update was provided which clarified the amended description and the material considerations in the determination of this proposal, together with amended conditions. The amended description to read as follows:-

LU/258/16/PL – Change of use of the land for the stationing of 7 no. mobile homes for permanent residential occupation and the erection of a B1(a) office building. This application is a Departure from the Development Plan, Old Mead House, Old Mead Road, Littlehampton

The Planning Team Leader emphasised that what Members were being asked to consider was the use of the land and not the suitability of the caravans themselves, which would come under Environmental Health Caravan Licensing legislation.

Following a brief debate, the Committee

RESOLVED

That the application be approved as detailed in the report and the officer report update.

Development Control
Committee – 24.05.17.

19. PLANNING APPLICATIONS

EP/41/17/PL – 1 No. dwelling & dormer to front elevation & velux roof windows to rear roof slope to 4 Beachlands Cottages, Land adjacent to 4 Beachlands Cottages, Beachlands Close, East Preston. Having received a report on the matter, together with the written officer report update detailing a representation from the agent regarding access to the side of the proposed dwelling, the Committee

RESOLVED

That the application be approved as detailed in the report.

EG/57/16/PL – Medical Centre with pharmacy retail unit & other ancillary uses together with access onto Barnham Road & associated car parking. This application is a Departure from the Development Plan, Land adjacent to the Croft Practice, Barnham Road, Eastergate Having received a report on the matter, together with the officer's written report update detailing the serving of a Tree Preservation Order on the Oak Tree on the other side of the eastern boundary and a request from the applicant that Condition 19 (hours of opening) be deleted or amended to say "The development hereby approved shall not normally be used for patients other than between the hours of 7 am and 11 pm", Members expressed concern with regard to the restriction on opening hours.

It was acknowledged that the Government was promoting an increased accessibility to medical services for the public and it was therefore felt that that the applicant's request was reasonable. The Planning Team Leader gave advice that an increase to the opening hours had not been advertised and that nearby residents might have made representation had they known; he suggested that a further public consultation be advertised and that, should any representations be received, the decision be delegated to the Director of Place in consultation with the Chairman. This amendment was duly proposed and seconded and the Committee

RESOLVED

That, following a further consultation with regard to opening hours, the determination of the application be delegated to the Director of Place in consultation with the Chairman.

FP/264/16/PL – Erection of 2 No. dwellings, 10 Kingsmead, Felpham Having received a report on the matter, some Members expressed views that 3 bed houses would be preferable to the 4 bed houses being proposed. Concern was also voiced in respect of the congestion already being experienced in the locality with regard to parking. However, the Committee

RESOLVED

That the application be approved as detailed in the report.

(Prior to consideration of the following application, Councillor Buckland spoke under the Public Speaking rules as Ward Member.)

LU/56/17/PL – Change of use of ground floor from retail shop (A1 Shops) to hot food takeaway (A5 Hot Food Takeaway) & associated works, 22 Beach Road and 3 Evans Gardens, Littlehampton Having received a report on the matter, together with the officer's written report update detailing receipt of a petition of 59 signatures in support of the proposal and an amendment to the wording of Condition 5 to include the restriction of the storage of the motor vehicles to the area specified on drawing no. PL01 Rev A to the rear of the site, the Committee considered the application.

In discussing the matter, it was suggested and agreed that an additional condition should be attached in respect of the recycling bins and the Committee then

RESOLVED

That the application be approved as detailed in the report and the officer report update, subject to the following additional condition:-

Details for the storage of waste on the premises shall be submitted to and approved in writing by the Local Planning Authority prior to the business use hereby approved being operated.

Reason: To protect the amenities of nearby residents in accordance with Arun District Local Plan policy GEN7.

R/45/17/PL – Change of use of garage into treatment room & waiting area, two storey rear extension, rear dormer, first floor front extension & internal alterations to ground & first floor to include integral garage, Sandon, The Coppice, Rustington Having received a report on the matter, together with the officer's written report update illustrating the location plan, the Committee

RESOLVED

That the application be approved as detailed in the report.

20. PLANNING APPEALS

The Committee received and noted the planning appeals that had been received.

(The meeting concluded at 4.25 p.m.)

AGENDA ITEM 8

DEVELOPMENT CONTROL COMMITTEE

21st June 2017

PLANNING APPLICATIONS

LIST OF TREE APPLICATIONS AND RECOMMENDATIONS FOR CONSIDERATION

AT THE DEVELOPMENT CONTROL COMMITTEE

NONE FOR THIS COMMITTEE

LIST OF APPLICATIONS AND RECOMMENDATIONS FOR CONSIDERATION AT THE

AT THE DEVELOPMENT CONTROL COMMITTEE

LITTLEHAMPTON

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
<u>LU/147/17/DOC</u>	Application for approval of matters reserved by condition imposed under LU/314/16/PL relating to condition 7-surface water drainage, 8-protection of public sewers & 20-level survey.	Littlehampton Swimming and Sports Centre Sea Road Littlehampton BN16 2NA
Case Officer:	Mrs A Gardner	
Recommendation:	DOC all approved	

FERRING

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
<u>FG/198/16/PL</u>	Demolition of existing house with erection of 2 storey building comprising of 8No. residential 2 bedroom flats & associated external works	1 Sea Drive Ferring BN12 5HD
Case Officer:	Mr A Wood	
Recommendation:	Approve Conditonally	

FELPHAM

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
<u>FP/80/17/PL</u>	Demolition of existing dwellings & replacement with 3No. dwellings with garages & ancillary parking. Resubmission of FP/207/16/PL	112 & 114 Felpham Way Felpham PO22 8QW
Case Officer:	Mr R Temple	
Recommendation:	Approve Conditonally	

Recommendation Report for Planning Permission

REF NO: LU/147/17/DOC

LOCATION: Littlehampton Swimming and Sports Centre, Sea Road, Littlehampton.

PROPOSAL: Application for approval of matters reserved by condition imposed under LU/314/16/PL relating to condition 7 – Surface water drainage, 8 – Protection of public sewers & 20 – level survey

DESCRIPTION OF APPLICATION

The application seeks to discharge three conditions which were imposed upon LU/314/16/PL which sought permission for the redevelopment of Littlehampton Swimming Centre. The conditions are as follows:

(7)
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.

(8)
The developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to protect the public sewers, prior to the commencement of the development. The development shall be carried out in accordance with the approved measures.

Reason: In order to protect drainage apparatus in accordance with policy GEN9 of Arun District Local Plan.

(20)
Prior to the commencement of the development hereby approved, a detailed level survey of the site including existing and resulting ground levels and the slab levels of the building the subject of this approval, shall be submitted to and approved by the Local Planning Authority. The development shall proceed only in accordance with the details thus approved and there shall be no subsequent raising of levels without prior written approval of the Local Planning Authority.

Reason: In order to safeguard the amenities of the area and neighbouring residents in accordance with policy GEN7 of the Arun District Local Plan.

SITE AREA

3.15 hectares

TOPOGRAPHY

Predominantly flat. The Swimming Centre itself is located at a lower level than Sea Road and the site of the existing sports dome is lower still.

TREES

Several mature trees within the northern part of the site are proposed to be felled.

BOUNDARY TREATMENT

Some boundaries are defined by post and rail fencing, others by hedging/trees of varying height.

SITE CHARACTERISTICS

The existing swimming centre currently occupies a prominent corner site, has a pitched roof and is single and 2 storey. Parking for cars and coaches is situated to the front of the Sports Dome and to the side of the existing Leisure Centre. The swimming centre is located at a higher land level than the Dome to the North. Ruby Gardens to the North comprises mature trees.

CHARACTER OF LOCALITY

The application site is used for leisure purposes and lies on the sea front on the edge of the built up area boundary. There are residential properties to the east, Mewsbrook Park to the North, leisure uses comprising a golf course and skatepark to the west.

RELEVANT SITE HISTORY

LU/314/16/ - Approved Conditionally – Proposed development of new Leisure Centre Facility (Use D2) and demolition of existing Leisure Centre Facility and Sports Dome, including modifications to the existing car parking arrangement, landscaping and associated works.

SUMMARY OF REPS RECEIVED

None.

OFFICERS COMMENTS ON REPS

N/A.

SUMMARY OF CONSULTATIONS RESPONSES

Southern Water –

“We regret Southern Water cannot recommend discharge of condition 8 until such time that the protection measures for the surface water outfall pipes crossing over the 300mm foul rising main have been agreed with Southern Water.

Please note: to locate the rising mains (pressurized raw sewage) on site, non-intrusive methods should be used. No-dig techniques should be employed in the vicinity of the rising mains, unless express permission has been authorised and the method statement, health and safety forms and risk assessment agreed with Southern Water's county engineer.

No new soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public gravity sewer, rising main or water main.”

ADC Engineers –

Comments in respect to Condition no.7;

1. Microdrainage hydraulic calculations required to support the design. The design should cater for a discharge against a surcharged outfall into the lake.
2. Confirmation is required that the 300mm foul rising main is at such a level as not to clash with the proposed surface water outfall pipes. (To be surveyed)
3. Specify vent pipe to attenuation tank (as per manufacturers recommendations). Provide detail and location.
4. Increase number of catchpits upstream of attenuation tank ie. manholes SO5 and S08.
5. Attenuation tank section detail - remove the word 'harcore' and keep DOT type 1, as the layer above the tank.
6. Provide a means of access in the SW corner of the attenuation tank and to incorporate the incoming and outgoing pipe. The main purpose of the access will be to enable future inspection of the tank; ie. water and silt levels.
7. Add note to layout drawing - length of existing pipe prior to discharge to lake to be CCTV surveyed to check condition and any remedial works identified to be carried out in consultation with ADC Engineers.
8. Provide 300mm diameter emergency overflow in hydrobrake chamber, including construction detail. This would need to operate should the hydrobrake malfunction due to blockage, etc.

Once this information is received, the proposal can be considered further.

OFFICERS COMMENTS ON CONSULTATIONS

Comments noted, additional information is being sought.

POLICY CONTEXT

Designations applicable to site:

Class B road
Asset of Community Value
Existing Open Space

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. 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;

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

GEN11	Inland Flooding
GEN12	Parking in New Development
GEN15	Cycling and Walking
GEN18	Crime Prevention
GEN2	Built-up Area Boundary
GEN25	Water Resources
GEN26	Water Quality
GEN28	Trees and Woodlands
GEN32	Noise Pollution
GEN33	Light Pollution
GEN7	The Form of New Development
GEN8	Development and the Provision of Infrastructure
GEN9	Foul and Surface Water Drainage
GEN10	Tidal Flooding and Coastal Defence
AREA5	Protection of Open Space

Publication Version of the
Local Plan (October 2014):

D DM1 Aspects of Form and Design Quality
 D SP1 Design
 OSR DM1 Open Space, Sport and Recreation
 QE DM1 Noise Pollution
 QE DM2 Light Pollution

QE DM4 Contaminated Land
 SD SP1 Sustainable Development
 ECC SP1 Adapting to Climate Change
 T SP1 Transport and Development
 W DM1 Water Supply and Quality
 W DM2 Flood Risk
 W DM3 Sustainable Urban Drainage Systems
 HWB SP1 Health & Wellbeing
 ENV DM4 Protection of Trees
 ENV DM5 Development and Biodiversity

Littlehampton Neighbourhood Plan
 2014 Policy 11

Littlehampton Leisure Centre

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Policy Guidance

DEVELOPMENT PLAN 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 details submitted in respect of the conditions are considered not to be dischargeable at this stage – further information has been sought prior to Committee.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

Further details are required in order to discharge the conditions. If this information has been provided in time for Committee (a report update will be provided) to such an extent that they can be discharged at that time it is recommended that they be approved. If this position has not been reached it is recommended that the decision be delegated to the Group Head of Planning in association with the Chair and Vice-Chair of Committee.

HUMAN RIGHTS

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.

EQUALITIES

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).

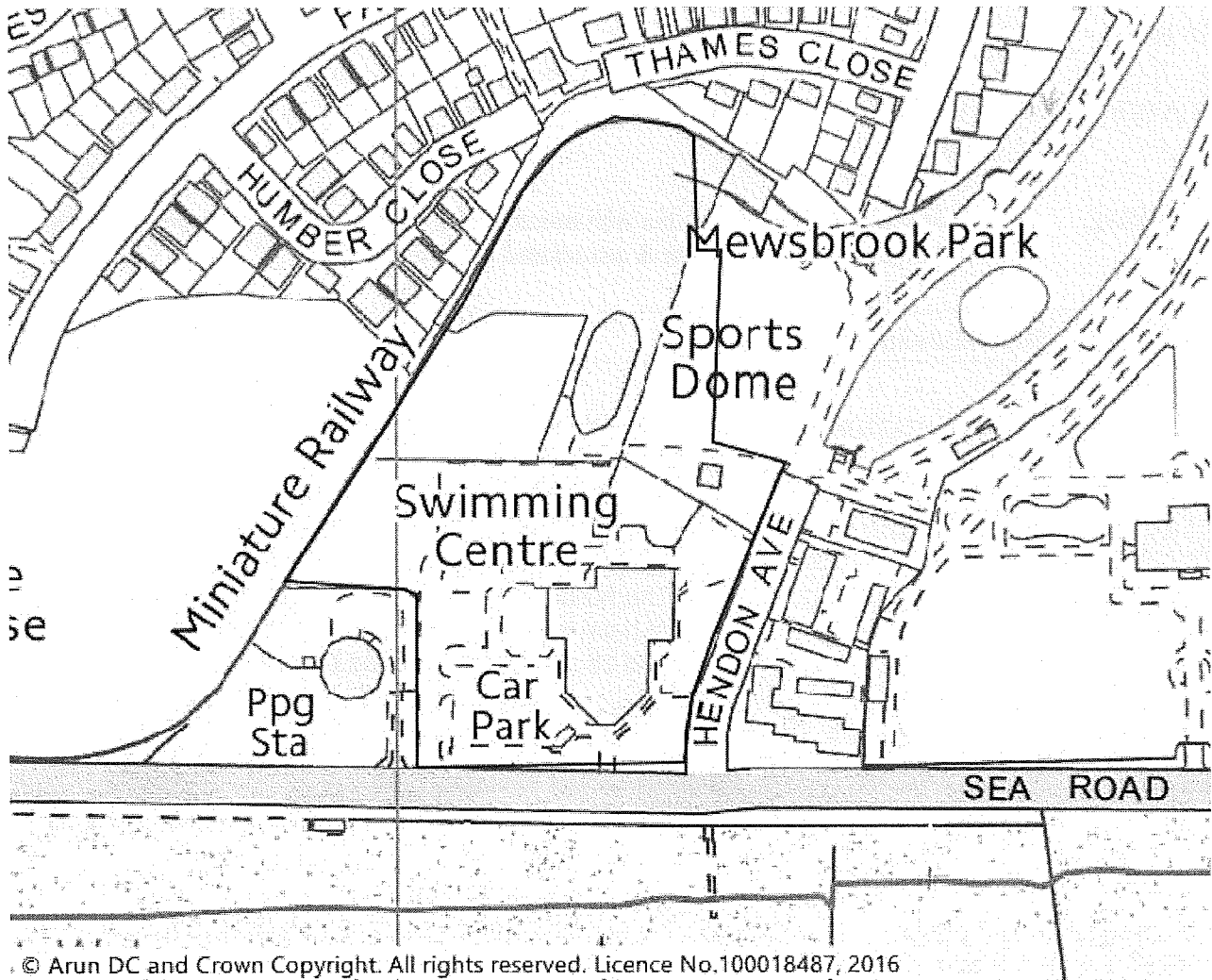
The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

Either

- i) the decision be made in accordance with the report update to be provided to Committee or**
- ii) In the absence of sufficient details being submitted in time for Committee that the decision on the discharge of the three conditions be delegated to the Group Head of Planning in association with the Chair and Vice-Chair of Committee.**

LU/147/17/DOC - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: FG/198/16/PL

LOCATION: 1 Sea Drive
Ferring
BN12 5HD

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 9 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 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/61/67	Sun Room	Approve 09-06-67
FG/59/55	Chalet Bungalow And Garage	ApproveConditionally 23-06-55
FG/88/11/	Single storey extension	ApproveConditionally 07-09-11
FG/12/05/	New pitched roof dormer window to existing en-suite bathroom	ApproveConditionally 23-03-05

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

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 developers 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
 Southern Water Planning
 Archaeology Advisor
 Ecology Advisor

CONSULTATION 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.

WSSC STRATEGIC PLANNING - HIGHWAYS - No objection

WSSC 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 WSSC Parking demand calculator (PDC) which would not cause a highway safety concern but may be an amenity issue.
- WSSC accepts following submission of additional plans that cars can enter and leave the underground car park in a forward gear.
- WSSC 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 WSSC.

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 is 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 POLICES

Arun District Local Plan (2003):

- GEN2 Built-up Area Boundary
- GEN7 The Form of New Development
- GEN9 Foul and Surface Water Drainage
- GEN10 Tidal Flooding and Coastal Defence
- GEN12 Parking in New Development
- GEN15 Cycling and Walking
- GEN29 Nature and Conservation Across the District
- GEN32 Noise Pollution
- GEN33 Light Pollution
- GEN34 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

A Spatial Plan for the Parish

Ferring Neighbourhood Plan 2014 Policy 10

Sustainable water management

PLANNING POLICY GUIDANCE:

- NPPF National Planning Policy Framework
- NPPG 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; 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

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 on 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 in keeping with the character and appearance of the local area as a result.

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 Councils 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 2 spaces lower than that prescribed by the WSCC Parking Demand calculator at 9 spaces rather than 11 spaces.

The level of parking proposed is 1 per flat and 1 additional visitor's space. The site is located within the built up area in a residential location and is considered sustainable in planning terms.

When assessing the level of parking Policy GEN 12 allows for a reduction in parking provision subject to potential highway safety problems, the extent and nature of parking restrictions in force on highways in the vicinity and the availability, type and proximity of public parking.

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 not considered that refusal of the development as a whole on parking provision is warranted.

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;

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

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

Proposed Plans - Dwg.no. 046/PL004 REV H Dated Aug 16

Proposed Elevations and Street Scenes - Dwg.no. 046/PL005 REV F Dated Mar 17 (street scenes are for illustrative purposes only)

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 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 All of the communal hallway, bathroom and en-suite windows at first floor level in the west and north elevations of the new dwellings shall at all times be glazed with obscured glass.

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

FG/198/16/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: FP/80/17/PL

LOCATION: 112 & 114 Felpham Way
Felpham
PO22 8QW

PROPOSAL: Demolition of existing dwellings & replacement with 3No. dwellings with garages & ancillary parking. Resubmission of FP/207/16/PL

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Three detached two storey houses located centrally with gardens and parking to front and gardens to rear. The houses will vary in style, one with a hipped roof, one with a half hip and one with a gable end roof. Each property will be three bedroom and have two off street parking spaces and single storey garage.
SITE AREA	0.11 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	Approximately 30 dwellings/hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	1m picket fence and hedge to front 1.8m fence to sides and rear.
SITE CHARACTERISTICS	Two detached bungalows located centrally, 112 with parking to the front. Both have gardens to front and rear, 114 occupies a corner plot on the junction of Felpham Way and Clovelly Avenue.
CHARACTER OF LOCALITY	The area is characterised by mixed single and two storey detached dwellings on a classified road. The wider area includes mixed uses such as a pub/restaurant, retail units and church.

RELEVANT SITE HISTORY

FP/207/16/PL	Demolition of 2 No.dwellings & erection of 5 No dwellings & ancillary parking.	Withdrawn 20-10-16
FP/32/16/PL	Temporary Container Storage Unit with external cladding & pitch roof. Re-Submission following FP/216/15/PL.	Refused 20-04-16

FP/216/15/PL	Temporary Container Storage Unit on site until 10th May 2018	Refused 04-01-16
FP/15/15/PL	Demolition of existing dwelling & replacement with 2 No. semi detached chalet bungalows & ancillary parking (resubmission following FP/152/14/PL).	ApproveConditionally 11-05-15
FP/96/87	1 no new cottage style chalet bungalow with single detached garage fronting Clovelly Avenue.	ApproveConditionally 15-06-87

Permission granted in 2015 for two no. semi detached residential units on the site of 114 only. Previous applications for 5 units on the site of 112 and 114 withdrawn in 2016.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Felpham Parish Council

Felpham Parish Council

Objection - Overdevelopment and Access & Egress concerns - FPC stand by previous comments on FP207/16/PL.

Previous comments for FP/207/16/PL:

"severe overdevelopment, drainage concerns, access & egress and not in keeping with the street scene."

Following WSCC comments regarding access and egress; the officer asked if the Parish Council would like to make further comments. The Parish wish to retain their objection on the above grounds.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

WSCC have not objected to the application on the grounds of highways safety or access issues.

The use of the site for three detached two storey houses as opposed to two large detached bungalows is not considered to be an overdevelopment. The development density would be similar to that of the surrounding area and the properties would have sufficient off street parking spaces and private, external amenity space. Thus this is not considered to be an overdevelopment.

The site is not within an area at high risk of surface water flooding or fluvial flooding. However, a pre-commencement surface water drainage condition is to be imposed to further limit the probability of flooding from an increase in surface water run-off.

CONSULTATIONS

WSCC Strategic Planning
 Engineering Services Manager
 Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

WSCC STRATEGIC PLANNING, HIGHWAYS
 Summary

The applicant is proposing to demolish the existing dwellings at 112 and 114 Felpham Way and erect 3 x 3 bed dwellings in place. These dwellings will be served via new proposed crossovers adjoining Felpham Way, a B class road which joins Felpham with South Bersted to the west. The most recent Sussex Police Collision Data reveals there have been no highways accidents or personal injury claims in the vicinity of the existing point of access, indicating no existing concerns with this location.

Previously the Local Highway Authority (LHA) has been consulted on matters at this address under application FP/207/16, this application sought for the demolition of 112 & 114 Felpham Way and the erection of 5 dwellings; the LHA raised no highways concerns to this proposal; however this application was withdrawn by the applicant. This most recent application therefore is a reduction in scale.

Access and visibility

Each access is served via Felpham Way (82259). The 82259 is subject to 30mph speed restrictions at this point, visibility for such speeds is required to meet 2.4m x 43m. From observation of WSCC mapping data, visibility from the accesses appears sufficient to serve the proposed dwellings. To ensure visibility is retained within this location, the LHA advises that the proposed fencing and frontage is maintained clear of vertical obstructions of over 0.6m, this is to ensure both vehicular and pedestrian visibility is maintained in this location. The applicant is advised to contact the Area Officer in order to ascertain whether a license would be obtained to carry out the works on the highway to create the accesses in this location.

Parking

The parking provision meets the requirement outlined by the Parking Demand Calculator (PDC.) Single garage spaces are required to measure a minimum internal width of 3m x 6m to adequately serve an average sized vehicle and to provide space for cycle storage.

Capacity

In addition there are no known capacity and congestion issues within the immediate vicinity of the site. From a capacity perspective we are satisfied the proposal will not have a severe residual impact and not be contrary to Paragraph 32 of the NPPF.

Sustainability

This site is situated in a location which is linked via lit pedestrian footways, within walking distance of the site area various shops, amenities and leisure attractions. Buses frequently run along this portion of Felpham Way with the nearest stop situated just 30m from the proposed. These busses link with Bognor

Regis where a regular train service runs and links to further areas, this allowing alternative transport for commuters and alleviating the reliance on the use of a car.

Conclusion

The LHA does not consider that the proposal would have a 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 32.) Should planning consent be obtained, the following conditions are advised to be sealed alongside it.

Conditions

Access (details approved, access provided prior to use of parking area)

The parking area and garage spaces shall not be used until such time as the vehicular access has been constructed in accordance with Site Plan Drawing 02, including the closure of the existing access.

Reason: In the interests of road safety

Visibility (details required)

No part of the development shall be first occupied until visibility splays of 2.4 metres by 43 metres have been provided at the proposed site vehicular access onto Felpham Way in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed. Reason: In the interests of road safety.

Car parking space (details approved)

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 measure a minimum of 2.4m x 4.8m or 3m x 6m for a single garage space and thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use

Construction plant and materials

No development shall be commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details for all temporary contractors buildings, plant and stacks of materials, provision for the temporary parking of contractors vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: To avoid undue congestion of the site and consequent obstruction to access.

Informative

Minor Highway Works

The applicant is advised to contact the Highway Licensing team (01243 642105) to obtain formal approval from the highway authority to carry out the site access works on the public highway.

DRAINAGE ENGINEERS

Infiltration must be investigated for surface water disposal. Please apply standard pre-commencement condition.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Conditions and informatives to be included.

POLICY CONTEXT

Designation applicable to site:
Within the built up area boundary

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

- GEN12 Parking in New Development
- GEN2 Built-up Area Boundary
- GEN7 The Form of New Development
- GEN9 Foul and Surface Water Drainage

Publication Version of the Local Plan (October 2014):

- D DM1 Aspects of Form and Design Quality
- D DM2 Internal Space Standards
- D DM3 External Space Standards
- D SP1 Design
- SD SP2 Built -Up Area Boundary

Felpham Neighbourhood Plan 2014 POLICY ESD1 Design of new development

Felpham Neighbourhood Plan 2014 POLICY ESD10 Design details

Felpham Neighbourhood Plan 2014 POLICY ESD4 New dwellings - code for sustainable homes

Felpham Neighbourhood Plan 2014 POLICY ESD5 Surface water management

Felpham Neighbourhood Plan 2014 POLICY ESD8 Building design

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.

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

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).

Felpham Parish has a made NDP with policies relevant to this application that will be considered in this report.

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

PRINCIPLE

The site is located within the built up area boundary in a location of medium residential density. The site is in a sustainable urban location with access to transport links and within walking distance to shops and other amenities. As such the principle of development is considered acceptable.

DESIGN AND VISUAL AMENITY

The size and design of the three dwellings is considered to be in character with the area. The dwellings, whilst having slight variances in roof design are relatively uniform in design and draw on the characteristics of other properties in the area, such as 110 Felpham Way, which is a detached two storey dwelling immediately adjacent to the site. The dwellings would be set back from the road as to not dominate the street scene and would have a similar height to surrounding properties. Materials will be required via condition as to respect the character of the area.

RESIDENTIAL AMENITY

Bluebell Cottage, to the rear of the site would be approximately 13m away from the rear elevation of the middle property, which is the closest unit. Given this distance and the height of the properties at eaves level of approx. 4.9m, it is not considered that Bluebell Cottage would be detrimentally affected by the proposal in terms of overshadowing, loss of light or visual intrusion or overbearing impact. The rear upstairs windows are also, not considered to increase communal overlooking of neighbouring gardens to a harmful level.

The main property to be affected by the proposal would be 110 Felpham Way which is set back from the new dwelling proposed on the west part of the site. To limit the impact on number 110, a single storey garage has been located on the westernmost part of the site and adjacent to 110s existing garage. The main bulk of the nearest new dwelling would be set 6m from the habitable side wall of number 110 and has no proposed first floor side facing windows. Furthermore, 110 has no windows serving habitable rooms at ground floor level further limiting any loss of light which could result from the proposed development. Overall, given the orientation and layout of the proposed development, in relation to 110, it is not considered that the proposal would be overbearing, visually intrusive to its residential amenity, or result in loss of privacy, significant overshadowing or loss of light to its garden or windows. Should first floor, side facing windows be proposed once the house is built, using permitted development rights, they would have to be obscure glazed to meet legislative requirements. As such, it is not considered necessary to impose a condition removing PD rights for windows at first floor level.

The development is considered to be acceptable in terms of impact on residential amenity.

INTERNAL AND EXTERNAL AMENITY STANDARDS

The development would meet central government and emerging policy requirements for internal and private external amenity space standards, other than the property to the west of the site which would only have a garden of 9.575m garden. However, this is not considered to be significantly less than the 10m depth required by policy DDM3 of the emerging plan.

To maintain the proposed amount of garden area, it is considered reasonable and necessary to remove extended permitted development rights (by condition) under Class A of the General Permitted Development Order. Should one of the properties extend at single storey, to the rear by 8m which is

allowed by the legislation, a very limited amount of rear garden private amenity space would remain. This would be to the detriment of future occupants and fail to meet policy requirements.

PARKING AND HIGHWAYS SAFETY

Two off-street parking spaces will be provided for each house and this is considered to be acceptable in meeting the WSCC parking requirements for each dwellings. WSCC (the highway authority) has not objected on safety grounds as long as conditions regarding visibility splays are met prior to occupation of the dwellings. A pre-commencement construction details condition is also required. This is considered to be necessary and reasonable in terms of highway safety and potential disruption to road access for Clovelly Avenue owing to the access of the dwellings from a busy road and junction with a residential cul-de-sac.

SURFACE WATER DRAINAGE

A pre-commencement condition will be imposed for surface water investigation and sustainable drainage in line with the Council's Drainage Engineer requirement.

Given the above assessment and the compliance with development policy the application is recommended for conditional permission.

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:

1630 P 01
1630 P 02
1630 P 06
1630 P 07
1630 P 08
1630 P 09
1630 P 10

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 until details of screen walls and/or fences have been submitted to and approved by the Local Planning Authority and no dwellings/buildings shall be occupied until such screen walls and/or fences associated with them have been erected.

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

- 4 Before the buildings hereby permitted are occupied dustbin enclosures shall be provided as part of the development in accordance with detailed drawings to be submitted to and approved in writing by the Local Planning Authority, such drawings to show the siting and design thereof.

Reason: To safeguard the appearance of the property and the amenities of the area in accordance with policies GEN7 of the Arun District Local Plan.

- 5 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 dwellings and garages have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the dwellings and garages.

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

- 6 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.

- 7 The parking area and garage spaces shall not be used until such time as the vehicular access has been constructed in accordance with 'Site Plan' Drawing 02, including the closure of the existing access.

Reason: In the interests of road safety in accordance with policy GEN7 of the Arun District Local Plan.

- 8 No part of the development shall first be occupied until visibility splays of 2.4 metres by 43 metres have been provided at the proposed site vehicular access onto Felpham Way in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6m above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety in accordance with policy GEN7 of the Arun District Local Plan.

- 9 No part of the development shall first be occupied until car parking has been constructed in accordance with the approved site plan-'Site Plan' Drawing 02. These spaces shall measure a minimum of 2.4m x 4.8m or 3m x 6m for a single garage space and thereafter be retained at all times for their designated purpose.

Reason: To provide off street parking for the dwellings in accordance with policy GEN7 of the Arun District Local Plan.

- 10 No development shall take place until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority, showing the site set up during construction. This shall include details for all temporary contractors buildings, plant and stacks of materials, provision for the temporary parking of contractors vehicles, working hours/days and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: To avoid undue congestion of the site and consequent obstruction to accesses in accordance with policy GEN7 of the Arun District Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the site set up prior to commencing any building works as to achieve the condition's aims.

- 11 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) under Class A, section G (extended permitted development rights) of the above act, no extensions to the dwelling houses shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 12 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.

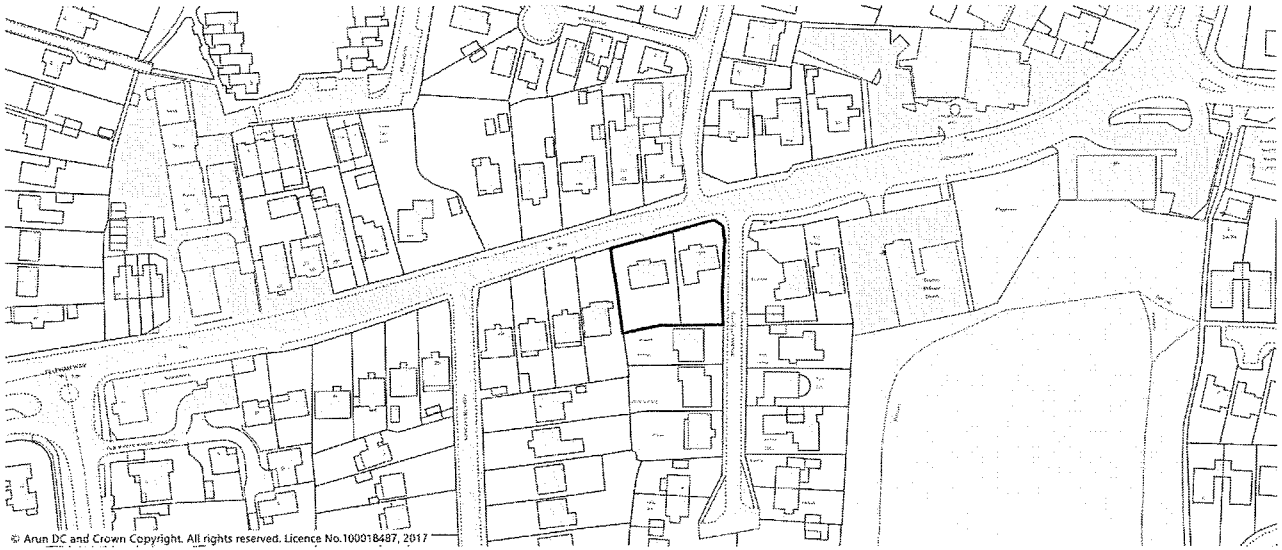
Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

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.

- 13 INFORMATIVE: Drainage Engineers advise that Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 30% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes are also available on request.
- 14 INFORMATIVE: Minor Highways Works
- The applicant is advised to contact the West Sussex County Council Highways Licensing Team 901243 642105) to obtain formal approval from the highway authority to carry out the site access works on the public highway.
- 15 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.

FP/80/17/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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AGENDA ITEM 9

DEVELOPMENT CONTROL COMMITTEE

PLANNING APPEALS

APPEALS RECEIVED AGAINST PLANNING DECISIONS & ENFORCEMENTS

Appeals Awaiting a Decision

AB/115/14/OUT

Received: 24-02-15

12 & 14 Canada Road Arundel

Outline application with some matters reserved for 2 No. 3 bed semi detached houses

Written Representations

PINS Ref: APP/C3810/W/15/3003824

BE/138/16/OUT

Received: 28-03-17

Land to the rear of 17, 19, 21 & 23 Greencourt Drive Bersted

Outline application with all matters reserved for 2 No. dwellings.

Written Representations

PINS Ref: APP/C3810/W/17/3171399

BE/77/16/OUT

Received: 09-01-17

Land West of New Barn Lane Bersted

Outline application with all matters reserved for up to 50 residential units, landscaping, amenity space, car & cycle parking, roads, service & drainage infrastructure & other associated works. Departure from the Development plan.

Public Inquiry **26-09-17**

PINS Ref: APP/C3810/V/17/3166900

WA/22/15/OUT

Received: 20-01-16

Land to the East of Fontwell Avenue Fontwell

Outline application with some matters reserved to provide up to 400 No. new dwellings, up to 500 sqm of non-residential floorspace (A1, A2, A3, D1 and/or D2), 5000 sqm of light industrial floorspace (B1 (b)/(c)) & associated works including access, internal road network, highway works, landscaping, selected tree removal, informal & formal open space & play areas, pedestrian & cyclist infrastructure utilities, drainage infrastructure, car & cycle parking & waste storage. This application is a departure from the Development Plan & also lies within the parish of Eastergate.

Public Inquiry **01-11-16**

PINS Ref: APP/C3810/V/16/3143095

Y/19/16/OUT

Received: 08-09-16

Land off Burndell Road Yapton

Outline application for the development of a maximum of 108 No. residential dwellings, vehicular access from Burndell Road, public open space, ancillary works & associated infrastructure. This application is a Departure from the Development plan

Public Inquiry **25-04-17**

PINS Ref: APP/C3810/V/16/3158261

