

Recommendation Report for Planning Permission

REF NO: **FP/12/17/PL**

LOCATION: Plot to the rear of Starry Nook
 Sea Road
 Felpham

PROPOSAL: 1 No. dwelling (resubmission following FP/113/16/PL).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Proposed flat roof three storey property with south facing roof terrace area with privacy screens, internal garage. Parking to front with garden to side and rear.
SITE AREA	0.02
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	1m ranch fence and trees to north.
SITE CHARACTERISTICS	The site comprises vacant grassed land being used as garden/storage area. There are some trees to the north affected the proposal. The site has grassland to the south, Butlins and Council owned park land to the north and west of the site and is near to Aldingbourne Rife to the west.
CHARACTER OF LOCALITY	The area is part of a rear access track to residential properties which back onto grassland and open space and Aldingbourne rife. The street comprises of a mixed character with semi-detached and detached properties of 1, 2 and 3 storeys, set in small to medium plots set back from the highway with gardens to front, some with small gardens to rear within a seaside and grassland environment on the edge of a residential area, with Butlins Holiday Complex to the north and west.

RELEVANT SITE HISTORY

FP/217/86	Outline application for the erection of one dwelling and garage	Refused 03-06-1987
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FP/34/15/PL	1 No. dwelling.	Withdrawn 16-06-2015
PAA/159/15/	One new residential dwelling	Approve Pre App 21-01-2016
FP/113/16/PL	1 No. dwelling (resubmission following FP/34/15/PL)	ApproveConditionally 26-07-2016

The previous application for a similar proposal was withdrawn. This was owing to the site being incorrectly zoned as Existing Open Space in the emerging Arun District Local Plan and a Local Green Space within the Felpham NDP. No other planning issues had been considered at this time.

REPRESENTATIONS

Representations received:

Felpham Parish Council

No objection.

No public representations received.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Environment Agency

Engineers (Drainage)

Engineers (Drainage)

WSCC Strategic Planning

Consultations responses received:

DRAINAGE ENGINEERS

Infiltration to be investigated and prioritised. See EA comments on flood risk. Please apply standard condition ENG2A.

ENVIRONMENT AGENCY

No response.

WSCC STRATEGIC

There would not be a significant increase in the number of movements relating to the access, there are no anticipated Highway safety concerns with this proposal.

Comments on Consultation responses:

- comments noted

POLICY CONTEXT

Designation applicable to site:

Designation applicable to site:

Built up area boundary
Flood Zone 3 (High risk)

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	<u>GEN10</u>	Tidal Flooding and Coastal Defence
	<u>GEN11</u>	Inland Flooding
	<u>GEN9</u>	Foul and Surface Water Drainage
	<u>GEN12</u>	Parking in New Development
	<u>GEN2</u>	Built-up Area Boundary
	<u>GEN28</u>	Trees and Woodlands
	<u>GEN7</u>	The Form of New Development
Publication Version of the Local Plan (October 2014):		D DM1 Aspects of Form and Design Quality
		D SP1 Design
		W DM2 Flood Risk
		D DM2 Internal Space Standards
		D DM3 External Space Standards
		H SP2 Affordable Housing
		SD SP2 Built-Up Area Boundary
		T SP1 Transport and Development
Felpham Neighbourhood Plan 2014 POLICY CLW6		Local Green Spaces
Felpham Neighbourhood Plan 2014 POLICY ESD1		Design of new development
Felpham Neighbourhood Plan 2014 POLICY ESD8		Building design
Felpham Neighbourhood Plan 2014 POLICY ESD9		Tree protection

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.

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; Walbarton; 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

Whilst an NDP is under preparation it will be afforded limited 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).

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 within the built up area boundary and forms garden storage land as such the principle of development is acceptable. The site is not within a local green space/open land allocation. Although it is, in error, zoned as being so in the Felpham Neighbourhood Development Plan.

DESIGN AND VISUAL AMENITY

The proposed development is considered acceptable by reason of compliance with policies and advice because the area is formed of a varying mix of property styles and heights. The design would look to mimic the flat roof design of Limpet and Starry Nook. White cladding and brick are considered to be acceptable in this seaside location. Details of means of enclosure and materials will be required via condition.

NEIGHBOUR AMENITY

The main properties to be effected by the proposal would be Limpet, Starry Nook and Adelaide. Whilst there would be two facing windows in the proposal, in the first and second floors, these would serve bedrooms and a hallway and will be conditioned to be obscured glazed and fixed shut to a level 1.7m above finished floor level. The balcony on the south elevation will also have a privacy screen to prevent sideways overlooking of the neighbouring dwellings. This will also be conditioned to be retained in perpetuity. Furthermore, any roof or other extensions and most alterations to the property are likely to have a detrimental impact on neighbouring properties given the limited size of the site. As such permitted development rights will be removed not including classes F (hard surfaces), G (Chimneys, flues etc) or H (microwave antenna) as these classes are not considered to pose significant harm to neighbour amenity. The property would be 10.5m, from Starry Nook and further from the other neighbouring dwellings, as such, and given the smaller second floor mass of the proposal the dwelling is not considered to be overbearing or visually intrusive or result in loss of light or overshadowing to the residential amenities of neighbouring dwellings.

INTERNAL AND EXTERNAL SPACE STANDARDS

The proposed dwelling is to be a three bedroom house and would meet the required internal amenity space standards in the National Technical Standards. Whilst the private rear garden would be small and not meet the requirements of emerging policy, the house is located in a sustainable area very close to the public amenity spaces of a park and the beach and an exception can be made in this instance.

FLOODING AND SURFACE WATER DRAINAGE

The EA have not responded to consultation on this application. However, on the last application they had no objection to the proposal as long as a condition is included to ensure the FRA submitted is followed, ground floor levels are set up by 500mm and no habitable accommodation

is situated on the ground floor. A pre-commencement drainage condition will also be included. As such it is not considered, should the conditions be followed and discharged that the proposal would result in an increase in risk from surface water flooding or fluvial flooding or be at significant risk from flooding.

HIGHWAYS AND PARKING

Two off street parking spaces will be provided for the proposed two storey dwelling and there has been no objection from WSCC with regards to highways safety and parking. WSCC advised cycle parking condition is not considered to be required as there is limited space on the forecourt and around the site and bicycles could be stored in the internal garage.

The application is recommended for conditional permission.

HUMAN RIGHTS ACT

Human Rights Act:

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

report

amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

Sheet 1

Sheet 2

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 The external walls of the proposed dwelling shall be clad in through coloured material, details and samples of which shall be submitted to and approved by the Local Planning Authority prior to development above damp proof course (DPC) level can taking place.

Reason: In the interests of amenity to achieve a reasonable visual quality in the buildings in accordance with policy GEN7 of the Arun District Local Plan.

- 4 PRE-COMMECEMENT CONDITION

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.

- 5 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:

1. Finished floor levels are set 500mm above existing grounds levels.
2. No habitable rooms on the ground floor

The mitigation measures 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

1.To reduce the risk of flooding to the proposed development and future occupants and to ensure safe access and egress from and to the site. in line with policies GEN10 and GEN11 of the Arun District Council Local Plan.

- 6 No development above damp proof course (DPC) level shall take place until details of fences have been submitted to and approved by the Local Planning Authority and the dwelling shall not be occupied until such fences associated with them have been erected.

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

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015,(as amended),(or any order revoking or re-enacting that Order)the building shall not be extended or altered in any way unless permission is granted by the Local Planning Authority on an application in that behalf. This does not include alterations allowed by Classes F, G or H of Schudlue 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015,(or any order revoking or re-enacting that Order).

Reason: To enable the Local Planning Authority to control the development in detail in the interests of the amenities of adjoining residential occupiers and the locality in general in accordance with policy GEN7 of the Arun District Local Plan.

- 8 The balcony guarding approved on drawing numbers 01 and 02 will be retained in its entirety in perpetuity. The balcony shall also not be used until the balcony guarding is completed.

Reason: In the interest of protection of neighbour amenity in in accordance with policies GEN7 of the Arun District Council Local Plan.

- 9 The proposed first and second floor windows on the east facing elevations of the building shall at all times be glazed with obscured glass and fixed to be permanently non-opening to a height 1.75m above finished floor level.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

- 10 INFORMATIVE:

Due to the fact that the site is in a flood risk area, additional flood resilience measures should be considered e.g raised electric sockets.

Future occupants should also consider registering with the Environment Agency's flood warning service, which gives warnings in advance of any flooding so appropriate actions can be taken.

- 11 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.