

Recommendation Report for Planning Permission

REF NO: FP/139/25/PL

LOCATION: Land east of 22 Davenport Road
Felpham
PO22 7JR

PROPOSAL: Demolition of outbuilding and erection of 1 No self-build detached dwelling (resubmission following FP/52/24/PL). This application is in CIL Zone 4 and is CIL Liable as a new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks to create 1 No. new two storey detached dwelling following the demolition of an existing outbuilding.
SITE AREA	515sqm.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	19 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
BOUNDARY TREATMENT	Low-level trellis fence to front, low-level decorative stone wall with brick piers to rear. Low-level wooden fencing to sides.
SITE CHARACTERISTICS	Open grassed area of land to east of 22 Davenport Road. This site appears as though it is a vacant plot between dwellings however, it currently serves as a side garden to No. 22 Davenport Road.
CHARACTER OF LOCALITY	The area is predominantly residential. Davenport Road runs along the shoreline with a footpath and sea wall to the south of the dwellings.

RELEVANT SITE HISTORY

FP/52/24/PL	Erection of a new 3 bedroom self-build dwelling with existing parking for 2 cars. This application is in CIL Zone 4 and is CIL Liable as a new dwelling.	Withdrawn 11-06-24
FP/151/23/PL	Erection of 1 No. 2 bedroom dwelling with existing parking for 2 cars (resubmission following FP/161/22/PL). This application is in CIL Zone 4 and is CIL Liable as a new dwelling.	Withdrawn 05-12-23
FP/161/22/PL	1 No. 3 bed dwelling. This application is in CIL Zone 4	Withdrawn

REPORT_1011(ODB)

FP/161/22/PL, FP/151/23/PL, and FP/52/24/PL - These applications all proposed a detached dwelling on this plot but were subsequently withdrawn.

REPRESENTATIONS

Felpham Parish Council - No objection.

No representations from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environment Agency - No objection:

- Condition requested to secure finished floor levels and sleeping accommodation at first floor.

Environmental Health - No objection:

- Construction hours and unexpected contamination conditions requested.

Southern Water:

- General advice in respect to soakaways, the requirement of applications for sewer connections, and development within flood zones.

WSCC Highways:

- Sufficient parking is proposed.
- Cycle parking should be secured by condition.
- Do not consider that there are no transport grounds to resist the proposal.
- The proposed parking should be secured by way of condition also.

Ecology - No objection:

- At least 1 integral swift brick should be provided. Further enhancement could be provided by installing 1 integral bat brick and the provision of native hedging and native and pollinator planting.

Drainage Engineers - Objection (25/11/25):

- Objection to National Standards for Sustainable Urban Drainage Systems (NSfS) Nos. 1 (runoff destination) and 3 (extreme rainfall and flooding).
- No evidence regarding high spring tide influence on peak groundwater levels provided.
- Infiltration testing is not BRE compliant nor at the correct depth.
- Noting flood risk at the site.
- Both the volume of storage of the soakaway and the area where infiltration would be applied have been overestimated.
- The applicant must demonstrate that a suitably sized infiltration features serving the full roof area can be accommodated on the site without increasing flood risk.

- No objection subject to conditions of NSfS standards 2, and 4-7.

Drainage Engineers - Objection (20/01/26):

- Objection to NSfS Standards 1 (runoff destination) and 3 (extreme rainfall and flooding).
- High spring tides have been accounted for.
- No further infiltration testing has been undertaken and this comment remains outstanding. As BRE365 requires three tests to occur in quick succession, and a third test was not undertaken, it cannot be guaranteed that the slowest infiltration rate has been achieved.
- Insufficient evidence has been provided to demonstrate that infiltration is a viable solution.
- No alternative means of drainage the site has been identified.
- The issue of infiltration to the sides and the base of the soakaway appears to have been resolved.
- The soakaway is required to provide storage for up to the 3.3%AEP plus CC event and is required to half empty its runoff volume within a maximum of 24 hours as per the NSfS. Not all structures are currently shown to half empty on this storm event. The 1%AEP plus CC event is also required to be stored on site without detriment to the property.
- Until such time that an accurate infiltration rate is applied to the system, and evidence that the 1%AEP event plus CC is retained on site, we still object to the proposal.
- No objection subject to conditions of NSfS standards 2, and 4-7.

Drainage Engineers (26/02/26):

- Even if it is accepted at face value, that infiltration is not feasible, the applicant has still not demonstrated that a viable and lawful discharge location exists.
- While discharge to a waterbody such as the sea may, in principle, be acceptable and is consistent with the drainage hierarchy, this theoretical acceptability is irrelevant without proof that the outfall can actually be delivered. Crucially, no evidence has been provided confirming the permissions required to form such a connection, particularly any approval needed from the Environment Agency to penetrate the sea wall. Noting there may also be a 'splash' wall to contend with in this location as well.
- In the absence of this, the objection is maintained.
- Evidence of an achievable discharge point, including all required permissions, must be secured upfront.

COMMENTS ON CONSULTATION RESPONSES:

Noted. It would not be possible to impose the finished floor levels condition suggested by the Environment Agency without resulting in a conflict between the suggested condition and the proposed plans. This is discussed in the conclusions of the Character & Design section and the Drainage & Flood Risk section of this report.

POLICY CONTEXT

Built-up Area Boundary.
 Entirely Flood Zone 2 and part Flood Zone 3a.
 Future Flood Zone 3a (by 2031).
 2km buffer for Site of Special Scientific Interest.
 Lidsey Local Flood Risk Zone.
 Coastal Erosion Risk Buffer (200m).

DEVELOPMENT PLAN POLICIES

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

SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
DSP1	D SP1 Design

QESP1	QE SP1 Quality of the Environment
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
ENVSP1	ENV SP1 Natural Environment
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVDM5	ENV DM5 Development and biodiversity
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WDM4	W DM4 Coastal Protection
WMDM1	WM DM1 Waste Management

[Felpham Neighbourhood Plan 2019-31 Policy ESD1](#)

Quality of Design

Felpham Neighbourhood Plan 2019-31 Policy ESD5

Surface Water Management

Felpham Neighbourhood Plan 2019-31 Policy ESD9

Protection and Enhancement of Wildlife or Ecological Networks.

Felpham Neighbourhood Plan 2019-31 Policy GA4

Parking in New Residential Development

Felpham Neighbourhood Plan 2019-31 Policy H2

Windfall Sites

OTHER STATUTORY PLANS:

[South Inshore and South Offshore Marine Plan 2018:](#)

South Marine Plan Policy S-ACC-1

South Marine Plan Policy S-CC-1

South Marine Plan Policy S-CC-2

South Marine Plan Policy S-CO-1

South Marine Plan Policy S-DIST-1

South Marine Plan Policy S-ML-2

South Marine Plan Policy S-MPA-1

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11 Arun Parking Standards 2020

SPD13 Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's

REPORT_1011(ODB)

Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. All relevant Felpham Neighbourhood Development Plan policies have been considered.

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 conflicts with relevant Development Plan policies in that it has not been demonstrated that the development could be viably and sustainably drained and not increase flood risk on site and/or elsewhere.

The proposal otherwise complies with relevant Development Plan policies in that it is located within the Built-up Area Boundary and involves the provision of an additional dwelling during a time of acute housing need that does not compromise the visual amenities/character of the area, neighbouring amenities, and is equipped with sufficient provisions and amenities.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

- (2) in dealing with an application for planning permission the authority shall have regard to -
- (a) the provisions of the development plan, so far as material to the application,
 - (aza) a post examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

The proposal would contribute, albeit to a limited extent, to the current lack of housing within the district. There are no other material considerations to be weighed in the balance with the Development Plan.

BIODIVERSITY NET GAIN

In the absence of a completed S.106 agreement as described above, the development would not comply with any exemption set out in paragraph 17 of Schedule 7A of the Town and Country Planning Act. Therefore, the statutory BNG requirements apply to the proposed development.

The proposal does not contain the minimum information required by Article 7 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 for the purposes of statutory BNG and a 10% increase in biodiversity relative to the pre-development onsite habitat has not been demonstrated.

Nonetheless, it is likely that the Statutory BNG condition could be discharged and had this application been recommended for approval, either more time would have been allowed for completion of the S.106 Agreement, or the Statutory BNG condition could have been applied and the matter resolved prior to commencement of the development.

CONCLUSIONS

PRINCIPLE

The site benefits from being within the Built-Up Area Boundary where the principle of residential redevelopment is acceptable in accordance with Arun Local Plan (ALP) policy SD SP2 albeit subject to consideration of other relevant policies.

MARINE PLAN POLICIES

Despite being in close proximity to the sea wall and shoreline, from review of the Marine Plans GIS map, there are no policies directly relevant to the site within the South Marine Plan. There are, however, policies which are indirectly relevant that are listed within the relevant policies section of this report.

The relevant policies of the Marine Plan generally require that impacts on the marine environment are (in order of preference) avoided, minimised, or mitigated. In particular, the relevant Marine Plan policies to this location seek to ensure public access, minimise greenhouse gas emissions, ensure that developments adapt to impacts arising from climate change, ensure uses coexist with each other, protect wildlife species, and reduce litter in the marine environment.

The proposal concerns the creation of a new dwelling within an existing residential plot, it would not prejudice public access to the marine environment, does not involve a use that would result in the excessive or uncharacteristic production of greenhouse gasses for the area, and is not anticipated to result a likelihood of litter reaching the marine environment. The proposal complies with the remainder of these policies for the reasons outlined in the analysis of the proposal below.

CHARACTER & DESIGN

The proposed dwelling is of two-stories with gable ended roof, side dormer, front porch, and is to feature pale grey cladding, slate grey tiles, oak windows and doors with pale blue trim, and a brick plinth. The dwelling is modest in scale, situated to the front of the site with parking to the side and a large rear garden.

The character of the area is dominated by residential uses, many of individual design and variety of materials. The scale of properties also varies significantly, and as such, the proposed dwelling would not be incongruous with the character of the area.

The plot is currently a large side garden and reads as a gap between an otherwise relatively continuous row of housing. The proposals would not disrupt the forward building line and would read as a natural continuation of the row of housing on the southern side of the road.

As shown on the proposed drawings, the proposal would accord with ALP policies D SP1 and D DM1, and Felpham Neighbourhood Development Plan (FNP) policies ESD1 and H2. However, there is a discrepancy between the drawings and the submitted Flood Risk Assessment (FRA).

As outlined in the Flood Risk section of this report, the FRA advises that finished floor levels should be set approximately 800mm above the surrounding ground level (6.4m AOD). This floor level has been confirmed to be necessary by the Environment Agency. The proposed drawings, however, show a finished floor level only around 100mm above existing ground level. To ensure the development is safe for its lifetime, the ground floor would need to be raised to approximately 800mm above the site, which would significantly alter the dwelling's height, scale, and appearance compared with what is currently shown.

The resultant effects on character and design cannot, therefore, be properly assessed without accurate

plans that reflect the FRA's requirements.

QUALITY OF ACCOMMODATION

The proposed dwelling has an internal floor area of 107sqm and is a two-bedroom dwelling across two floors. Each bedroom has sufficient width and area, and floor to ceiling heights are over 2.3m. The proposal is in accordance with the Nationally Described Space Standards, and as such, is compliant with ALP policy D DM2.

Section H.04 of the Arun Design Guide (ADG) requires new dwellings to have a minimum rear garden depth of 10.5m. The proposal has a sufficient rear amenity space.

The proposal is in accordance with ALP policies D DM2 and QE SP1.

NEIGHBOURING RESIDENTIAL AMENITY

The proposed dwelling demonstrates sufficient separation distances between its side elevations and those of its immediate neighbours to ensure there will be no significantly adverse impacts by way of overbearing or overshadowing on neighbouring dwellings.

New viewpoints from ground-floor would look out toward/over amenity space and either to the road, the shoreline, or to standard 6-foot side boundary fences.

First-floor side openings either serve non-habitable rooms (bathroom and en-suite) or are at high level above the landing/stairwell. Conditions would have been applied to ensure these are to remain obscure glazed and non-opening below 1.7m from the finished floor level of the rooms they serve. First-floor viewpoints to the front and rear elevations look out to the road or the shore and would have no unacceptable overlooking impacts on neighbouring properties.

Environmental Health have recommended that a construction hours limitation condition be applied to this proposal. This would have been applied to limit adverse impacts during the construction phase.

The proposal would not give rise to any significantly adverse impacts by way of nuisance, overbearing, overshadowing, or overlooking and as such, the proposal is in accordance with ALP policies D DM1 and QE SP1.

BIODIVERSITY AND QUALITY OF THE ENVIRONMENT

The proposal has claimed the self-build exemption for Statutory Biodiversity Net Gain (BNG) and as such, has not been required to submit relevant BNG assessments such as a metric or pre- and post-development biodiversity values. However, following a recent appeal decision in Aldingbourne (APP/C3810/W/25/3363266) as received on 12/09/25, it was made clear that a completed s106 agreement is required to secure self-build developments. A s106 agreement to this effect was submitted during the lifetime of the application but was not completed prior to this recommendation for refusal.

In the absence of such a completed agreement, the self-build exemption cannot be claimed. Therefore, the development would not comply with any exemption set out in paragraph 17 of Schedule 7A of the Town and Country Planning Act. Therefore, the statutory BNG requirements apply to the proposed development.

The proposal does not contain the minimum information required by Article 7 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 for the purposes of statutory BNG and a 10% increase in biodiversity relative to the pre-development onsite habitat has not been demonstrated.

The NPPG indicates that it would generally be inappropriate to refuse an application on the grounds that the biodiversity gain objective would not be met as the BNG condition is a pre-commencement matter to resolve. Decision makers, therefore, need to consider more broadly whether the condition is capable of being successfully discharged. In the context of the site, it is a residential dwelling with amenity space surrounded by similar urban development. The site is of low ecological value and there are no known constraints that would prevent the condition from being discharged. The only matter of note is that the site is, and would remain, a private residential garden. This means that the value of on-site biodiversity post-development would be capped to a set value, and any on-site proposals could not be secured and maintained long-term. As such, off-site credits may be the only option to achieve the 10% net gain, which would still be compliant with the requirements.

ALP policy ENV DM5 still requires development to achieve a Biodiversity Net Gain nonetheless, in addition to protecting existing habitats on site.

The proposal site is an existing residential plot of little ecological value and there is no evidence of protected species. The development would result in the loss of some existing lawn but has proposed additional planting and biodiversity enhancements. To ensure a net gain in biodiversity of some value on site is secured, a condition to secure these enhancements and planting would have been attached. The proposal is in accordance with ALP policy ENV DM5 and FNP policy ESD9.

The proposal is located within the 2km Buffer Zone for the Felpham Site of Special Scientific interest (SSSI). The proposals would not prejudice any ecologically significant habitats on site and would sit amongst existing residential development. The proposal would have no adverse impacts on the SSSI in accordance with ALP policies ENV SP1 and ENV DM1.

ENERGY EFFICIENCY & CLIMATE CHANGE

ALP policy ECC SP2 requires all new residential development to be energy efficient and to demonstrate how they will achieve energy efficiency measures that reflect the current standards, use design and layout to promote energy efficiency, and incorporate decentralised, renewable, and low carbon energy supply systems such as solar panels. The inclusion of energy efficient materials would be required at the Building Control stage. To ensure that adequate decentralised, renewable, and low carbon energy supply systems are provided, a condition would have been attached to this decision.

Subject to the relevant condition, the proposal would have been in accordance with ALP policy ECC SP2.

TRANSPORT & PARKING

The proposed parking is to be accommodated on an existing driveway to the west of the plot which currently serves No. 22 Davenport Road. No. 22 Davenport Road also benefits from another driveway and a garage. The parking retained by No. 22 Davenport Road would be sufficient and the driveway proposed to serve the new dwelling, would account for the 2 No. parking spaces which meet the requirements of the Arun Parking Standards for a two-bedroom unit in this area.

The proposed dwelling also requires 1 No. EV charging point and 1 No. cycle storage space in accordance with the Arun Parking Standards. Both of which would have been secured by way of condition.

No objections have been raised by WSCC Highways.

The proposal is compliant with ALP policy T SP1 and FNP policy GA4.

DRAINAGE & FLOOD RISK

The site lies within the Lidsey Local Flood Risk Zone (LFRZ) where pluvial and public sewer flood risk is high, fluvial flood risk is low, and groundwater flood risk is medium. From review of the LFRZ and surface water flood maps, it is clear the site, although within this broad LFRZ, is not at risk of pluvial (surface water) flooding. Based on peak groundwater levels and a lack of historic groundwater flood events, the site is also unlikely to experience groundwater emergence and be at risk of groundwater flooding. The Site-specific Flood Risk Assessment (FRA) also concludes the site is at low risk of Fluvial flooding.

Southern Water have been consulted on this application and have not raised any objection and have identified that a formal application to connect to the foul sewer network will be required. They have also requested a condition seeking to prevent any ingress of flood water into the sewer network. Subject to an appropriate surface water drainage strategy, no surface water would enter the sewer network. The foul sewer connection will be addressed through the application process with Southern Water, and it is not necessary to review foul sewer connections for this scale of development, nor to impose a condition that reviews the foul sewer proposals when it is covered by separate legislation.

The proposal is for a dwelling, a 'more vulnerable' use as identified by Annexe 3 of the NPPG. The site is partly within Flood Zone 2 and 3 and is fully within Flood Zone 3 within the lifetime of the development (100 years) when accounting for climate change. A site-Specific Flood Risk Assessment identifying that the proposal would be safe from flood risk now and in the future has been submitted. A Sequential Test has also been submitted as required by NPPF Paragraph 175.

The Environment Agency (EA) raises no objection subject to conditions, confirming that the development can be made sufficiently safe for its lifetime. However, this includes a requirement for the finished ground-floor level of the dwelling to be set approx. 800mm above existing ground level (6.4m AOD) as stipulated within the FRA. The proposed street scenes and elevations are therefore unlikely to be accurate, as they currently show the ground floor much closer to existing site levels. As a result, the plans in their present form could not be approved. Given the conflict between the required finished floor level and the proposed drawings, and the fact that the increased floor level is essential to ensure the development is safe, Officers consider that the required floor levels must take precedence. Consequently, it has not been possible to accurately assess the design, visual impact, or compliance with relevant design policies at this stage, as the submitted drawings are not accurate to the required design of the development.

NPPG Paragraph: 027 Reference ID: 7-027-20220825 states that 'in applying paragraph 175 of the NPPF a proportionate approach should be taken.'

NPPG Paragraph: 027a Reference ID: 7-027a-20220825 also states that 'for a non-major housing development, it would not usually be appropriate for the area of search to extend beyond the specific area of a town or city in which the proposal is located, or beyond an individual village and its immediate neighbouring settlements.' It also states that 'The sequential test should be applied proportionately, focusing on realistic alternatives in areas of lower flood risk that could meet the same development need.'

The applicant provided a Sequential Test identifying that there are no sequentially preferable, reasonably available alternative sites at lesser or no risk of flooding within Felpham at the time of submission. Felpham is not considered a town or city, and the Sequential Test does not cover the settlements that neighbour Felpham. That being said, Non-Major Housing developments can range from 1-10 dwellings, and the proposal is for a single dwelling house. Safe refuge is available on site, and within a short distance of the proposed dwelling even in the future. The proposals are also a self-build development whereby there are unlikely to be realistic alternative sites other than that proposed. On balance, Officers are satisfied that the Sequential Test is proportionate to the scale and nature of the development.

The proposal is required to demonstrate wider sustainability benefits to the community in order to outweigh the flood risk in line with the requirement of paragraph 178(a) of the NPPF (the Exception Test). In a recent appeal decision (APP/C3810/W/25/3358593), the Inspector confirmed that the contribution of housing during a shortfall in 5-year Housing Land Supply constitutes a wider sustainability benefit in the context of the Exception Test. The proposal includes the provision of 1 No. additional residential dwelling in a sustainable location during a time of acute housing need and on the basis that the proposals would be safe for their lifetime (subject to the 6.4mAOD floor levels being secured), there would be a minimal risk to individuals and property and it is concluded, on balance, that the proposals would satisfy the requirements of the Exception Test in this respect.

Subject to the 6.4mAOD floor levels being secured by way of condition and consistency with the relevant plans, with respect to the Sequential Test, and the Exception Test, the proposal would be in accordance with ALP policies ECC SP1 and W DM2 and the NPPF.

In terms of surface water drainage, notwithstanding rainwater re-use which is not itself sufficient to account for the volume of surface water needed to be discharged within the system, the application originally proposed to make use of infiltration as its main discharge method. The site demonstrated suitable groundwater levels to accommodate infiltration features and a 1m freeboard between the base of the features and peak groundwater levels, including accounting for high spring tides. Initially, however, the infiltration testing undertaken on-site to inform this proposed strategy, was insufficient as it had only undertaken two tests rather than the three in quick succession as stipulated by the relevant guidance. The applicant was asked to rectify this by providing compliant infiltration tests on two occasions, which both subsequently benefitted from re-consultations once submitted.

Eventually and ultimately, the results of these infiltration tests have suggested that infiltration is no longer a viable means of surface water discharge on site as the rate of infiltration is not favourable. This has caused the applicant to need to shift the prospective drainage strategy to make use of an alternative outfall location. When reviewing alternative disposal locations within the SUDS Hierarchy, there are no surface water sewers or watercourses in proximity to the site, and so the only alternative outfall location identified is the English Channel (tidal waterbody) to the south of the site. The applicant has submitted evidence of the infiltration tests and now proposes to outfall to the tidal waterbody, but has not evidenced that this would be viable, including any relevant consents required to achieve an outfall over/through the sea defences to allow a discharge to this waterbody.

The latest drainage documentation conveying the above has not been subject to a formal and full review by the Council's Drainage Engineers. The application has benefitted from two separate formal consultations from the Council's Engineers, but with the fundamental shift of the prospective drainage strategy, the LPA does not consider it reasonable for a further, full review under this application. The applicant identified that they consider the use of a suitably worded condition seeking full details of the surface water drainage scheme, would be sufficient to address this fundamental matter and avoid the need for a further full consultation. On this basis, Officers requested that the Council's engineers carry out a preliminary/high level review of the submitted information and the suggested condition to determine whether a formal review would be required and if the condition could resolve the concerns.

The preliminary review undertaken by the Council's Engineers did not thoroughly inspect the infiltration testing results but has confirmed that the Engineer's objection would likely be maintained. This is because even if the infiltration test results are taken on face value, and it is accepted that an alternative outfall location is required, the applicant has still not demonstrated that a viable and lawful discharge location exists. While discharging to the sea may be acceptable in principle under the drainage hierarchy, it is irrelevant without evidence that the outfall is actually deliverable. No confirmation has been provided that the necessary permissions, particularly any Environment Agency consent required to breach the sea wall (and potentially a splash wall), can be obtained.

As no viable and sustainable surface water drainage strategy in accordance with the NSfS and relevant policies has been demonstrated, it has not been confirmed or sufficiently evidenced that the proposal could be adequately drained and poses an unacceptable risk of increasing flood risk on site and/or elsewhere.

The proposal is in conflict with ALP Policies W DM2 and W DM3, FNP Policy ESD5(a) and NPPF paragraphs 181, 182, and 187(e).

WASTE MANAGEMENT

The proposal features a front driveway and sufficient space to accommodate a dedicated bin store to the front of the site. Details of which could have been secured by way of condition. It is clear that the proposal would be able to demonstrate the kerbside collection of waste in accordance with ALP policy WM DM1.

SUMMARY

The proposal is in conflict with relevant Development Plan policies and Paragraphs of the NPPF in that it has not been demonstrated that the site can be adequately drained and not increase flood risk on site and/or elsewhere. This constitutes a strong reason to refuse the development in accordance with Paragraph 11d(i) of the NPPF, and as such, the proposal is recommended for refusal.

The applicant is also advised that any future appeal/resubmission would need to provide amended drawings that reflect the required floor levels identified within the FRA. Ensuring the development could be confirmed to be sufficiently safe for its lifetime and that the visual implications of the development can also be accurately considered.

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.

SECTION 106 DETAILS

The self-build exemption set out in paragraph 17 of Schedule 7A of the Town and Country Planning Act has not been secured by way of S.106 legal agreement to ensure the development meets the requirements of the exemption. Therefore, the statutory BNG requirements apply to the proposed development.

CIL DETAILS

This application is CIL liable, therefore, developer contributions towards infrastructure will be required (dependent on any exemptions or relief that may apply).

RECOMMENDATION

REFUSE

- 1 Insufficient evidence and information has been submitted to confirm that the development could be sustainably and viably drained and not, therefore, increase flood risk on-site or elsewhere in conflict with Arun Local Plan policies W DM2 and W DM3, Felpham Neighbourhood Development Plan policy ESD5(a) and NPPF paragraphs 181, 182, and 187(e). This constitutes a strong reason for refusal in line with Paragraph 11d(i) of the NPPF.
- 2 INFORMATIVE: The proposed elevations, sections, and street scenes submitted in support of this application are not consistent with the requirements of the Flood Risk Assessment (FRA) or with the condition requested by the Environment Agency. The FRA requires finished floor levels to be set approximately 800mm above surrounding ground level (6.4m AOD) to ensure the development is safe for its lifetime. However, the submitted drawings show the ground-floor level only around 100mm above existing ground levels. As a result, it has not been possible to accurately assess the design, scale, or appearance of the proposed dwelling because the plans do not reflect the required finished floor level and are therefore not fully representative of the development as it would need to be constructed. This must be resolved prior to any resubmission.
- 3 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. It has not been possible to resolve those matters within the timescale allocated for the determination of this planning application, nor the reasonable extension of time agreed. The Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.