

Recommendation Report for Planning Permission

REF NO: FP/176/24/PL

LOCATION: 1 Burley Road
Felpham
PO22 7NF

PROPOSAL: Demolition of existing dwelling and garage and erection of 1 No. dwelling (self build). This application is in CIL Zone 4 and is CIL Liable as a new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to demolish the existing dwelling and detached garage on site and replace with a detached two storey dwelling (self build).
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The site has a brick/block wall with planting/hedging along the boundary to the east and south.
SITE CHARACTERISTICS	The site is occupied by a detached two storey dwelling with a detached garage.
CHARACTER OF LOCALITY	The area is predominantly residential.

REPRESENTATIONS

Felpham Parish Council has no objection subject to the block plan submitted on the 13.1.25 being the approved one.

1 letter of support and 1 letter of no objection received.

- Provided the works are in keeping with the estates requirements such as parking permits.
- The property will look better than the existing.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

ADC Ecology - No objection subject to conditions relating to ecological enhancements.

Portsmouth Water - No objection.

Environmental Health - No objection subject to conditions for working hours and air source heat pumps.

Southern water - They request an informative for a connection to the foul sewer network.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built up area boundary
 Erosion Risk Area (200m buffer)
 Flood Zone 1
 Low potential for groundwater flooding
 Within 2k of the Felpham SSSI
 Lidsey Local Flood Risk Zone

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
WDM1	W DM1 Water supply and quality
ENVDM5	ENV DM5 Development and biodiversity
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WDM4	W DM4 Coastal Protection
ENVDM4	ENV DM4 Protection of trees
QESP1	QE SP1 Quality of the Environment
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development

Felpham Neighbourhood Plan 2019-31 Policy

ESD1

Quality of Design

Felpham Neighbourhood Plan 2019-31 Policy GA4 Parking in New Residential Development

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 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.

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 the development would not result in harm upon the character and appearance of the area, nor upon residential amenity, parking or biodiversity.

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

There are no other material considerations to be weighed in the balance with the Development Plan.

BIODIVERSITY NET GAIN

This application is exempt from Biodiversity Net Gain (BNG) as the development is for a self build.

CONCLUSIONS

PRINCIPLE

The development is in the built-up area boundary in a sustainable location where the principle of development is acceptable subject to accordance with relevant development plan policies. Felpham has a made Neighbourhood Plan which is also of relevance.

The NPPF gives a presumption in favour of sustainable development (paragraph 11) and generally seeks to promote the effective use of all land (para 119). Paragraph 11(c) states that development proposals that accord with an up-to-date development plan should be approved without delay. 11(c) is relevant in this case as the proposal falls within the built-up area boundary and will be determined under an adopted local plan.

The proposal is stated to be for a self-build dwelling, and this is capable of being a material planning consideration. The Council's current Self Build Register contains 54 individuals and 1 association, and whilst this demand will be met by the strategic developments coming forward, sites that come forward in the Built-Up Area will assist the Council in meeting its obligations and so this is positive.

DESIGN AND VISUAL AMENITY

The proposal seeks to demolish and replace the existing dwelling that is on site. There is also a

detached garage which will be removed. The property is located to a corner and would be highly visible.

The proposed dwelling will be similar in scale to existing, being two storeys, however the proposed dwelling is larger with the footprint increasing 7.8m to the north and 3.5m to the south. To the north of the dwelling, there will be attached garage, and the roof will be stepped down in height by 1.6m from the main dwelling. To the south, the dwelling will have a balcony which wraps around the dwelling to the southeast corner. The position of the dwelling on site is largely similar to the existing and whilst the building is larger, it would not appear unduly dominant within the street scene.

The wider estate features properties that are varied in design and style and the proposal would not appear out of character with the wider area. Materials proposed will feature white render to the ground floor with cladding to the first floor and a concrete tiled roof. This differs from existing which is red brick however cladding is common within the area and the materials are acceptable. The colour of the cladding is not yet decided and is shown on the plans as either timber or grey/blue. A condition will be included for details of the final materials to be submitted to ensure that is acceptable in appearance with regards to the wider area.

There is an existing vehicular entrance, and this will be widened to the eastern boundary, along with an enlarged parking area. This is consistent with neighbouring dwellings, whereby all vehicular parking is off road.

The Arun Design Guide (ADG), Section J in particular, is of relevance. Development should provide visual interest through attractive detailing, high quality materials, depth and shadow lines and fenestration, and through variation in form, features and materials, respond to the existing landscape by considering orientation, key views, and natural features. The proposal is appropriate in its appearance and features variation in height and fenestration.

Policy ESD1 of the Felpham Neighbourhood Development Plan (FNDP) refers to quality of design and states design should be of high quality and sympathetic to the local design style. The dwelling is of a more contemporary in appearance although remains sympathetic to the surrounding area and complies with this policy.

The Felpham Design Guide recognises the immediate area predominately features two storey detached dwellings, vernacular in style with diversity in plot shapes. It states development should be appropriate to the size of the plot and should seek to retain their parking within the site boundary. The proposal complies with the Felpham Design Guide.

The proposal is acceptable in terms of its appearance and scale and would not result in harm upon the area in accordance with Arun Local Plan (ALP) policies D DM1 and D SP1 and FDNP policy ESD1.

RESIDENTIAL AMENITY

The property is positioned along the western boundary of the site. No. 7 Sea Drive to the west is located further south on the site and as a result of the additional bulk to the north of the dwelling, this would likely result in some overshadowing. However, this would likely only be in morning/afternoon and over the rear of the garden of No.7 and would not be significant in which a refusal is justified. The extension to the south would extend alongside No.7 and would not result in significant harm.

The dwelling proposes a number of new windows however the majority of these will overlook the street scene to the east and south. There is a balcony proposed to the southeast corner. This is enclosed to the western side and would not enable views at a 45-degree angle towards No.7. The balcony would not give rise to adverse overlooking upon neighbouring amenity and would provide views over rear garden and wider street scene. Rooflights are also proposed, however due to their height above the finished

floor level and they would not readily enable views out.

Three windows are proposed to the western elevation of the dwelling however these are all to be obscured, and this will be conditioned to ensure it does not give rise to overlooking upon the garden of No.7. There are two windows to the eastern elevation of the neighbouring dwelling which appear to serve a bathroom. The development to the south would likely extend in front of them however this would not result in significant overbearing or overshadowing. The neighbouring property to the north has two windows to its southern side elevation. The development will extend closer to the boundary however suitable separation is retained to ensure there is no adverse harm.

The proposal does add bulk to the site, however it would not result in significant harm upon neighbouring occupiers by way of overbearing, overshadowing, or overbearing in accordance with ALP policies D DM1 and D SP1.

SPACE STANDARDS

Policy D DM2 states the planning authority will require internal spaces to be an appropriate size and nationally described space standards will provide guidance.

Policy H.04 of the Arun Design Guide SPD advises that outdoor amenity spaces should be of an appropriate size and shape and be usable and enjoyable. It states that rear gardens should have a minimum depth of 10.5m and buildings should be set back by 2m from the plot boundary to mark defensible space.

The property exceeds the standards for a 4-bed house and complies with guidance. The proposal retains sufficient garden to serve the property.

The proposal would provide private external space and is acceptable in compliance with D DM2 of the Arun Local Plan and the Arun Design Guide.

PARKING

Policy T SP1 of the ALP supports development which incorporates appropriate levels of parking in line with the WSCC guidance on parking provision.

Policy GA4 of the FNDP relates to parking for residential development.

The ADC Parking Standards for a 4-bedroom property in this type of location (Parking Behaviour Zone 2) requires a minimum of 3 car parking spaces on site. The dwelling proposes a garage. If garages are provided, they must be at least 6m x 3m internally and would be regarded as 0.5 of a space. The garage on site would therefore count towards 0.5 of parking space. The site plan also shows an area to the front of the dwelling which is sufficient for the parking of 3 vehicles. The parking provision at the property would comply with ADC standards.

There is an existing access on the site, and this would continue to be utilised and would be widened to enable easier access/egress. The dwelling has the same number of bedrooms as the existing and the replacement dwelling would not result in harm upon the highway by reason of an increase in the comings and goings from the site. Electric vehicle charging points at a rate of 1 charging point per house with a garage or parking space should be provided, as per the ADC Parking SPD. This is shown on the plans and will be conditioned. Cycle storage should also be provided, this is demonstrated within the storage area to the rear of the garage and is acceptable, being secured and undercover.

The proposed replacement dwelling would not result in harm upon the highway and provides a sufficient amount of parking in accordance with ALP policy T SP1 and the ADC Parking Standards and GA4 of the

FNDP.

FLOOD RISK/DRAINAGE

The site is within Flood Zone 1 and is not at risk of future flood risk. The site lies in a Lidsey Local Flood Risk Zone (LFRZ23). This is referenced in the Lidsey Surface Water Management Plan by WSCC in partnership with Arun and others (October 2014). ALP Policy W DM2 states all development proposals must take account of the relevant Surface Water Management Plans. The area is noted high for pluvial and foul sewer flood risk, and it is understood that manhole covers have been known to lift in flood events. A condition will therefore be necessary to ensure a suitable drainage scheme is provided.

Subject to the condition, the proposal is in accordance with ALP policies W DM2 and WDM3.

COASTAL PROTECTION

The site falls within an Erosion Risk Area (200m buffer). ALP policy W DM4 states 'proposals for development in coastal locations, including for example, sea defence works, will be permitted providing they protect and enhance coastal habitats such as vegetated shingle. Where habitats are lost through the provision of sea defence works, replacement habitats must be provided in a suitable location'. The development will not result in the loss of coastal habitats and is a sufficient distance from the shoreline. The development complies with Arun Local Plan policy W DM4.

BIODIVERSITY & ECOLOGY

The proposal is exempt from achieving a Statutory Biodiversity Net Gain under the self-build exemption but is still required to achieve a biodiversity net gain in line with Policy ENV DM5 of the ALP.

The site has boundary planting and is largely grassed with a small area of gravel parking. The application states that the plants/shrubs to the boundaries will be retained. Ecological enhancements are proposed such as the addition of a bird box and hedgehog box. The ADC Ecologist has no objection and also requests a bat brick and log pile be installed. Exact details of their location are not specified, and a condition will be included for these details to be submitted.

A bat roost assessment was also submitted. This confirms the dwelling, and garage has a negligible to low suitability to support roosting bats with no evidence found on site.

Subject to a condition to demonstrate the location of enhancements, the proposal will achieve a biodiversity net gain in compliance with ALP policy ENV DM5.

ENERGY EFFICIENCY

Policy ECC SP2 requires all new residential and commercial 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.

Solar panels are shown on the plans which will contribute towards energy efficiency. An air source heat pump is also proposed to the western elevation. Environmental Health have requested a condition that no plant material be operated until it has been demonstrated that the noise level is 5db below the background noise. This will be included to ensure it does not result in noise impacts upon the occupier of No.7.

The addition of these features will enable the property to comply with ALP policy ECC SP2.

SUMMARY

The proposal accords with relevant development plan policies and is recommended for approval. It is

also in accordance with paragraph 11(c) of the NPPF.

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.

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

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:

- Location and Block Plan - E-001
- Proposed Site Plan - P-001
- Proposed Ground Floor Plan - P-002
- Proposed First Floor and Roof Plan - P-003
- Proposed North and South Elevations - P-005
- Proposed East and West Elevations - P-004

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policies D DM1 and D SP1.

3 No development apart from demolition of the existing buildings shall commence, until full details of the proposed surface water drainage scheme is submitted to, and approved in writing by the local planning authority. The full details submitted for approval shall include:

1. Winter groundwater monitoring,
2. Winter infiltration testing strictly in accordance with BRE DG 365 or similar approved,
3. Details of the proposed method and location of surface water disposal, in accordance with the SuDS hierarchy,
4. Impermeable area plan,
5. Calculations modelling the surface water drainage network for the following storm events:
 - a. 100% Annual Exceedance Probability
 - b. 10% AEP + climate change allowance
 - c. 3.3% AEP + climate change allowance
 - d. 1% AEP + climate change allowance
- All storm events must include an allowance for urban creep and surcharged outfalls where appropriate,
6. Detailed drainage plans conforming to Local Planning Authority guidance,
7. Specifications for all surface water drainage components and associated infrastructure or flow control mechanisms,
8. Any relevant permissions relating to the discharge location, works to watercourses or adoption of the SuDS scheme.

The scheme shall then be constructed as per the approved plans. The surface water drainage scheme shall remain for the lifetime of the development unless agreed in writing by the local planning authority.

Reason: In order to comply with Arun Local Plan policies W DM2 and W DM3 and the NPPF. It is considered necessary for this to be a pre-commencement condition as the site lies in a defined Lidsey Local Flood Risk Zone and it is important to ensure that the drainage scheme is agreed before construction commences.

4 No internally or externally located plant, machinery equipment or building services plant shall be operated on the site until an assessment of the acoustic impact arising from the operation of all such equipment has been submitted to and approved in writing by the Local Planning Authority. The assessment shall be undertaken in accordance with BS 4142:2014+A1:2019 and shall include a scheme of attenuation measures to mitigate the adverse impacts identified in the acoustic assessment. The scheme shall ensure that the rating level of noise emitted from the proposed building services plant is 5 dB less than the prevailing background sound level (LA90). The scheme as approved by the Local Planning Authority shall be fully installed prior to first operation of the plant and shall be retained as such thereafter. Any agreed attenuation measures shall be permanently maintained in good working condition.

The applicant should review the Planning Noise Advice Document - Sussex, November 2023: <https://www.arun.gov.uk/download.cfm?doc=docm93jijm4n19846.pdf&ver=24686>.

Reason: To protect the amenity of local residents in accordance with the Arun Local Plan policy QE DM1.

5 Prior to any development above damp-proof course (DPC) level, a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the 'Preliminary Bat Roost Assessment Feb 2025' shall be submitted to and approved in

writing by the Local Planning Authority.

The enhancement measures shall be implemented in accordance with the approved details prior to first occupation of any part of the development and all features shall be retained in that manner thereafter.

Reason: To enhance protected and priority species and habitats in accordance with Arun Local Plan policies ENV SP1 and ENV DM5 and allow the Local Planning Authority to discharge its duties under the NPPF and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

- 6 No development above damp-proof course (DPC) level shall take place unless and until a detailed colour schedule of materials and finishes to be used for external walls and roof of the proposed building have been submitted to and approved in writing by the Local Planning Authority and the materials so approved shall be used in the construction of the building/extension.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of character and appearance in accordance with Arun Local Plan policies D DM1 and D SP1.

- 7 The 3 first floor windows on the western elevation of the dwelling shall at all times be glazed with obscured glass to a level equivalent to Pilkington Level 3 or nearest equivalent standard and non-openable below 1.7m above finished floor level. This arrangement shall be permanently retained thereafter.

Reason: To protect the amenities and privacy of the adjoining property in accordance with Arun Local Plan policies D DM1 and QE SP1.

- 8 Prior to occupation of the approved dwelling, the applicant or developer shall provide the dwellings with electric vehicle charge points in accordance with the council's standards as set out in its Parking Standards SPD. This requires that where a dwelling has a driveway or garage then one of those parking spaces shall be provided with a charging point, with ducting then being provided to all other spaces, where appropriate, to provide passive provision for these spaces to be upgraded in future. The electric vehicle charge points shall thereafter be retained and maintained in good working condition.

Reason: To mitigate against adverse impacts on local air quality and to promote sustainable travel, in accordance with Arun Local Plan policy QE DM3(c), the Arun Parking Standards SPD and the NPPF.

- 9 Demolition/construction works shall only take place between 08:00 hours and 18:00 hours (Monday to Friday) and between 08:00 hours and 13:00 hours on Saturday with no activities taking place on Sundays or recognised public holidays. In addition to these hours of working, the Local Planning Authority may approve in writing a schedule of activities where it is necessary to conduct works outside the hours specified in this condition.

Reason: To protect the amenity of local residents in accordance with the Arun Local Plan policy QE SP1.

- 10 The approved development shall include energy efficiency measures that reflect the current standards applicable at the time of submission and decentralised, renewable or low carbon energy supply systems. Any physical features that are required as part of the works must be installed prior to the occupation of each dwelling and shall be thereafter permanently maintained in good working condition.

Reason: In order to secure a reduction in the use of energy at the site in accordance with national planning policy and Arun Local Plan policy ECC SP2.

11 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission relates to a development which consists of no more than 9 dwellings; is carried out on a site which has an area of no larger than 0.5 hectares; and consists exclusively of dwellings which are self build or custom housebuilding.

12 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 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.

13 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read the New Connections Services Charging Arrangements documents via <https://beta.southernwater.co.uk/infrastructurecharges>.