

Recommendation Report for Planning Permission**REF NO:** FP/21/17/PL**LOCATION:** 31 Rife Way
Felpham**PROPOSAL:** 1 No. dwelling.**SITE AND SURROUNDINGS****DESCRIPTION OF APPLICATION**

4 bedroom chalet bungalow with hipped roof and dormers to front and rear. Parking and turning space to front with garden and garden to rear. Space for three cars. This would be two parked in tandem and one on the on site turning space. Materials have not been specified.

SITE AREA

0.06 hectares.

RESIDENTIAL DEVELOPMENT DENSITY (NET) Approximately 14 dwellings per hectare.

TOPOGRAPHY

Predominantly flat then slopes down to the Aldingbourne Rife the west of the site.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

Low level wire fence, some hedging and no boundary treatment to rear.

SITE CHARACTERISTICS

Vacant residential site, formally occupied by a bungalow which burnt down. Currently grassed.

CHARACTER OF LOCALITY

Residential, formed of detached bungalows and houses with varying ridge heights, set back from the road with off street parking. The properties are predominantly single storey but with accommodation in the roof.

RELEVANT SITE HISTORY

FP/141/04/	Single residential house. (Demolition of existing dwelling)	Refused 23-07-2004
FP/250/04/	New detached 3/4 bed bungalow to replace existing (Re-submission following FP/141/04/)	Refused 12-11-2004
FP/276/04/	New detached 3/4 bed bungalow to replace	

existing.

ApproveConditionally

18-01-2005

Application for a detached dwelling granted permission in 2004 but never constructed.

REPRESENTATIONS

Representations received:

Felpham Parish Council

Felpham Parish Council

The Parish Council originally objected on grounds of no Flood Risk Assessment but following the submission of this and the second comments of the Environment Agency (see below), they wrote to withdraw their objection.

No public representations received.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Engineers (Drainage)

Engineering Services Manager

WSCC Strategic Planning

Environment Agency

Environment Agency

Consultations responses received:

ENVIRONMENT AGENCY

Environment Agency Position

In the absence of an acceptable Flood Risk Assessment (FRA) we object to the grant of planning permission and recommend refusal on this basis for the following reasons:

Reason

According to the Environment Agency maps and records the site is shown to be within a Flood Zone 3 (high risk) tidal flood risk area.

The FRA submitted with this application does not comply with the requirements set out in paragraph Section 9 & 10 of the Planning Practice Guidance to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change.

The submitted FRA does not therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In particular, the submitted FRA fails to:

1. Provide very little detail in terms of flood mitigation and resilience measures. To overcome our objection the applicant/agent needs to provide details of existing ground levels so as comparisons can be made with the 1 in 200 tidal flood risk level of 5.0metres AOD so as potential flood depths and appropriate mitigation can be assessed.

It is acknowledged that historically a dwelling occupied the plot, and whilst it is unlikely that floor

levels could match 5.0mAOD we would be looking for a finished floor levels to be set 300-600mm above existing land levels, so as the property and occupants are afforded suitable protection from flooding throughout its lifetime.

The FRA should also consider incorporating flood resilience measures e.g. raised electrics, concrete floors etc. and registering with the Environment Agency's flood warning service, which gives advance warning of flooding.

SECOND RESPONSE (following submission of additional FRA)

The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure(s) as detailed in the Robert Clark Associates Flood Risk Assessment submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Condition

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 no lower than 2.3m above Ordnance Datum (AOD).
2. 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.

We would recommend that the flood resilience measures suggested in the FRA (7.5) are implemented along with registering with the Environment Agency's Flood Warning Service. This enables the occupants to take appropriate advance action either by evacuating the site or taking safe refuge on the upper floors.

Informative

Any works in under or over the Aldingbourne Rife a classified main river or within 8metres from the watercourse bank edges, an Environment Permit (EPR) [formerly Flood Defence Consent] will need to be applied for. Further information on this can be obtained by contacting psowestsussex@environment-agency.gov.uk Should you have any further queries please do not hesitate to contact me on the number below.

DRAINAGE ENGINEERS

The proposal is for fewer than two properties outside of the Lidsey WwTW catchment area, apply ENGD2A if deemed necessary.

WSCC STRATEGIC PLANNING (HIGHWAYS)

The proposal is for detached 4-bedroom dwelling on land adjacent no. 31 Rife Way. The plot benefits from an existing dropped kerb which provides vehicular access to the site. A single detached garage is proposed, the internal measurements of which do not quite meet 3m by 6m. In order to be counted towards secure and covered bicycle provision and car parking provision

the Local Highway Authority would advise that this be enlarged. Nevertheless there is additional off street car parking available. This area should be constructed of a hardbound material to prevent gravel overspill on to the public footway/ highway.

Whilst a turn on site would be preferred this does not appear achievable with more than one car parked off street. However, Rife Way is unclassified highway anticipated to be lightly trafficked with low vehicular speeds. We would not object to the application on the basis of no turn on site.

The LHA does not consider that the proposal for one dwelling would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 32), and that there are no transport grounds to resist the proposal.

If the LPA are minded to approve the application the following conditions would be advised:

Cycle parking

No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

Comments on Consultation responses:

Comments noted,

Environment Agency condition and informative to be included. Drainage condition not considered necessary as the dwelling would be located outside of the Lidsey WwTW catchment area.

POLICY CONTEXT

Designation applicable to site:

Within the built up area boundary
Flood Zone 3

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) [GEN10](#)
[GEN11](#)
[GEN12](#)
[GEN2](#)
[GEN7](#)
[GEN9](#)

[Publication Version of the Local Plan \(October 2014\):](#)

Tidal Flooding and Coastal Defence
Inland Flooding
Parking in New Development
Built-up Area Boundary
The Form of New Development
Foul and Surface Water Drainage
D DM1 Aspects of Form and Design Quality
D DM2 Internal Space Standards
D DM3 External Space Standards
D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)
D SP1 Design
ENV DM5 Development and Biodiversity

	QE SP1 Quality of the Environment
	SD SP1 Sustainable Development
	SD SP2 Built-Up Area Boundary
	T SP1 Transport and Development
	W DM2 Flood Risk
Felpham Neighbourhood Plan 2014 POLICY ESD1	Design of new development
Felpham Neighbourhood Plan 2014 POLICY ESD10	Design details
Felpham Neighbourhood Plan 2014 POLICY ESD2	Development in flood sensitive areas
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.

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; 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 NDP has policies relevant to the application.

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 on an established residential estate. The development site formally contained a residential bungalow. The principle of development is considered acceptable.

DESIGN AND VISUAL AMENITY

The dwelling would be of a similar height and scale to other dwellings in the area. Whilst containing habitable accommodation at first floor it would have the appearance of a bungalow and be located in line with the prevailing pattern of development on the west side of Rife Way. Given, its similar scale to existing dwellings in the area it is not considered to be an over development of the site and would blend with the character of the area and street scene.

Materials are to be agreed by condition.

No landscaping details have been provided but gardens are shown to the front and rear. Details of final landscaping will be required via condition, also to establish boundary treatment to front and sides.

INTERNAL AND EXTERNAL AMENITY SPACES

The development would meet, and in the case of private external amenity space, exceed requirements of central Government guidance internal and emerging Arun District Policy DDM3 amenity space standards.

IMPACT ON RESIDENTIAL AMENITY

The dwelling would be single storey and set in 1m from each side boundary. Number 29 Rife Way has no side facing ground floor windows and its main side elevation is separated from the boundary by a garage. It is not considered number 29 would receive an overbearing or visually intrusive impact from the development which would also pass the 45 degree light test to 29's rear windows.

The property immediately to the north (number 33) would have three ground floor windows facing the proposal. However, none of these are the sole source of light to a habitable room, thus it is not considered there would be significant loss of light to these windows. The proposal also passes the 45 degree light test to the rear windows of this neighbouring dwelling. The side elevation of 29 is set more than 2m away from the common boundary and with the 1m set of the proposal. It is not considered that the residential amenities of this dwelling would be detrimentally effected in terms of overbearing impact or visual intrusion. This is owing to the separation distance and single storey height of the proposal.

In terms of overlooking and potential loss of privacy two first floor north (side) elevation windows are proposed, facing number 33. These will serve a bathroom and an en suite so will be conditioned to be obscure glazed. No first floor south facing windows are proposed. The front and rear dormer windows are not considered to increase communal overlooking to a harmful level.

It is not considered reasonable or necessary to remove any permitted development rights from the

dwelling. Extensions and alterations that could be carried out under permitted development are unlikely to lead to significant overdevelopment of the site or harmful impact on neighbouring residential amenity.

BIODIVERSITY

There is no evidence of protected species occupying the site.

FLOODING

The site is located within Flood Zone 3 and is on the banks of Aldingbourne Rife, it is at high risk of flooding.

Following an additional FRA being submitted, the EA have not objected to the proposal subject to the imposition of a condition and informative. Therefore, should the condition and FRA be complied with, it is not considered that the proposal would be at severe risk of flooding or significantly increase the risk of flooding off site.

SURFACE WATER DRAINAGE

The site is not located within the Lidsey WwTW catchment area. Therefore, it is not considered it would increase the risk of surface water flooding.

PARKING AND HIGHWAYS ISSUES

Three off street parking spaces are proposed which is above the two spaces required for a four bedroom dwelling. A cycle parking/storage facility will be required via condition and WSCC have no objection to the proposal on highways safety grounds.

The development is not considered to lead to a significant increase in on street parking or creation of a highways danger.

The application is recommended for conditional approval.

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 amended).

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

01/16
02/16
03/16

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 there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping, boundary treatment, 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.

- 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 & roofs of the proposed dwelling and hard standing have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the dwelling.

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 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA)- "March 2017 1724-R2" and the following mitigation measures detailed within the FRA:

1. Finished floor levels are set no lower than 2.3m above Ordnance Datum (AOD),
2. The mitigation measures and resilience measure contained within FRA-"March 2017 1724-R2" 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 in accordance with policy GEN10 of the Arun District Local Plan.

- 6 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with policy GEN7 and GEN12 of the Arun District Local Plan.

- 7 The two first floor bathroom windows on the north side elevation of the building shall at all times be glazed with obscured glass.

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

- 8 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.

- 9 INFORMATIVE: Any works in under or over the Aldingbourne Rife a classified main river or within 8 metres from the watercourse bank edges, an Environment Permit (EPR) [formerly Flood Defence Consent] will need to be applied for. Further information on this can be obtained by contacting psowestsussex@environment-agency.gov.uk