

Recommendation Report for Planning Permission

REF NO: FP/231/20/PL

LOCATION: Abergail
Clyde Road
Felpham
PO22 7AH

PROPOSAL: New building with first floor 1 No. 1- bed apartment above (3 x No.) garages & cycle store with parking. This site is in CIL Zone 4 (Zero Rated) as flat.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to construct a dwelling which will have residential accommodation at first floor and 3 car spaces and cycle parking below.
BOUNDARY TREATMENT	The site is open to the front, with a brick wall to the south and fencing to the north.
SITE CHARACTERISTICS	The site is occupied by dwelling which is accessed from Clyde Road to the south. There is vacant space to the rear of the site fronting Canning Road.
CHARACTER OF LOCALITY	The area is predominately residential however is in close walking distance Felpham High Street. To the east of the site sits Beachcroft Hotel.

RELEVANT SITE HISTORY

FP/218/19/PL	Detached block of 4 x garages.	ApproveConditionally 27-11-19
FP/172/18/PL	Change of use from single dwelling arranged as two units into two self-contained flats with parking.	ApproveConditionally 29-01-19

An application was approved for a block of garages.

An application was approved in 2018 for the regularisation of the existing dwelling on site to form 2 flats.

REPRESENTATIONS

Felpham Parish Council provided an objection however following the submission of an amended plan, this was removed and there is now no objection to the proposal.

4 letters of support and 1 no objection received from nearby occupiers

- Refreshing to see development with an abundance of parking.
- Support the design and addition of parking.
- It will improve the look of the road.
- Parking spaces can only be a positive.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Engineers (Drainage) - If infiltration is viable then lack of space should not be an adequate excuse for not providing soakaways/infiltration. Objection to the proposal.

The applicant owns the remaining plot and if the blue boundary is extended to include the front garden, then there will be sufficient space for drainage. In this instance, the objection can be removed and pre commencement conditions should be included.

Environmental Health - No objection subject to conditions relating to the submission of CMP, construction hours and noise.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

The condition requesting external noise be assessed, is not considered necessary. The site is surrounded by other dwellings and it is not deemed noise to this property would result in differences than that of others.

Pre commencement conditions have been agreed.

POLICY CONTEXT

Built up area boundary
Flood Zone 1 and 2

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
DDM2	D DM2 Internal space standards
QESP1	QE SP1 Quality of the Environment
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
ECCSP1	ECC SP1 Adapting to Climate Change
WMDM1	WM DM1 Waste Management

[Felpham Neighbourhood Plan 2014 POLICY ESD1](#) Design of new development

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans 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 it would not have a materially adverse impact on the residential amenities of nearby properties nor would it have a significant adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are/are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS**PRINCIPLE**

The application site is located within the built up area boundary, where the principle of development is acceptable subject to accordance with the relevant development plan policies, as stated in SD SP2 of the Arun Local Plan. In this case, the key policies considered are D SP1, D DM1, D DM2, T SP1, W DM1 of the Arun Local Plan.

Felpham has a saved and emerging neighbourhood plan which is of relevance to the application. Policy H1, ESD1 and GA4 are of relevance and the proposal complies with this.

Policy D SP1 of the Arun Local Plan requires development to make efficient use of land reflecting the characteristics of the site and local area.

Policy D DM1 states that a high standard of architectural principles should be demonstrate and new development should have a minimal impact to users and occupiers of nearby properties and land.

Policy D DM2 expects internal spaces to meet the requirements of Nationally Described Space Standard.

NPPF at paragraph 117 highlights that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

In paragraph 122 (d) NPPF states that planning policies and decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an area's prevailing character and setting (including residential gardens).

DESIGN AND VISUAL AMENITY

Arun Local Plan policy D DM1 lists a series of 15 factors that development must comply with - these include character, impact and public realm.

Arun District Council have an adopted design guide which is a supplementary planning guidance document and is of relevance.

The proposal will front Canning Road and sits to the rear of the existing property on site at 'Abergail'.

The building will feature parking to the ground floor with 4 garages doors and residential accommodation to the first floor.

The property features a gable end roof with two small dormer additions to the front. The roof will reduce to the rear to form a cat slide.

The plans have been amended to ensure that 1m is retained to both side boundaries. This helps to ensure the proposal does not appear as an overdevelopment of the site or result in a terracing effect at first floor level.

The property will be located round 5m back from the highway and as such is not considered to appear unduly dominant upon the street scene.

Materials will consist of brick to the ground floor with cladding to the first floor. Whilst this material is not common within the area, it is not considered to appear harmful to the wider street scene and as such is acceptable.

The surrounding properties are mixed in appearance however the property is considered well integrated and appears similar in design to the neighbouring property at 'White Horses Studio', being around the same size and height, allowing it to appear sympathetic within the street scene.

The proposal is considered to comply with ADC design guide in such that it emulates the existing established pattern of development, with design features that complement the surrounding area. It also increases the efficiency of the land which is currently vacant as it will provide housing and parking.

As a result of the siting and design, the proposal is deemed to accord with D DM1 of the Arun Local Plan.

RESIDENTIAL AMENITY

Arun Local Plan 2011-2031 policy D DM1 requires the Council have regard to certain aspects when considering new development including: (3) Impact - "Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance."

The proposal will have a height just under 6.2m and extend across the site, retaining a minimum of 1m to each the southern and northern boundary. The proposal will be located between the Beachcroft Hotel and White Horses Studio.

As a result of the design of the roof which features a cat slide, the height will be reduce with an eaves of between 2.4- 3.4m with an additional single storey element to the rear forming an access to the external private amenity space. Whilst a building will add bulk to the site, as a result of the design it is not considered to appear adversely overbearing or overshadowing in appearance upon the properties to the rear or front of the site.

There is some private amenity space forming a rear garden and with a fence along the boundary, this again is not considered to result in additional harm upon the occupiers to the rear of the site.

There will be 3 rear facing rooflights however these have been demonstrated on the plan as obscured glazed and fixed shut to ensure there is no overlooking upon the residents and their private amenity space at 'Abergail' to the rear of the site. There will be no windows to the side elevation and windows to the front will overlook the street scene and are acceptable.

The proposal is not deemed to give rise to adverse overlooking, overbearing or overshadowing and accord with D DM1.

AMENITY SPACE

Policy D DM2 of the ALP states: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance". It is therefore necessary to assess the proposal against the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) in order to determine whether the proposed dwelling is suitable for residential use.

A 1B2P 1 storey property should have a floor area of at least 50m².

The proposed measures around 66m² and therefore complies with the guidance.

Arun District Council in effect currently have no size standards in respect of private gardens but would instead take a view at the time of an application as to the quality & quantity of proposed private amenity space. The supporting text to ALP policy D DM2 refers to the emerging Arun Design Guide SPD (due to be adopted mid 2020) which will include guidance on external space standards, and the need for planning applications to have regard to include adequate provision of private external space.

To the rear there is an area of private amenity space which will have fencing and hedging to the boundaries. This has a depth of around 3.85m and a width of 6.9m and is deemed sufficient in size for a 1 bed flat.

FLOOD RISK

W DM2 of the Arun Local Plan states development in areas at risk from flooding (as identified by the EA) will only be permitted following compliance with listed criteria. One of these criterion is the submission of a sequential test in accordance with the NPPF.

The Environment Agency were consulted but have provided a response.

The site falls predominately within Flood Zone 1 and is at low risk of flooding, however a small element of

the front parking area falls within Flood Zone 2.

In accordance with Policy WDM2 a sequential test was requested. This test included 7 sites located within the area of Felpham and 2km west which encompasses part of Bognor Regis to consider whether these were more appropriate to locate the development.

The sites included were considered inappropriate due to the size and type of development proposed and some areas had a higher risk for flooding than that proposed and as such the development cannot be reasonably relocated.

Following submission of the sequential test, it is necessary to apply the exception test, as set out in paragraphs 159 of the NPPF.

If it is not possible for development to be located in zones with a lower risk of flooding, the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in national planning guidance.

The potential vulnerability of site falls within predominately Flood Zone 1 and some Flood Zone 2. The flood vulnerability classification falls within the 'more vulnerable' category which includes buildings used for dwelling houses. This complies with the test in which it shows development is acceptable in this location.

Following submission of the requested information and compliance with relevant flood risk tests, the proposal is considered to comply with WDM2 and will not result in an increase to Flood Risk elsewhere.

PARKING

T SP1 of the ALP supports development which incorporates appropriate levels of parking in line with the West Sussex County Council guidance on parking provision.

Arun District Council has recently adopted its own Parking Standards SPD (Jan 2020).

The ADC Parking Standards for a 1 bedroom property in this type of location (Parking Behaviour Zone 2) requires a minimum of 2 car parking spaces on site. It is noted that the site falls within a sustainable location.

There are 3 internal parking spaces provided. Arun parking standards specify, If garages are provided they must be at least 6m x 3m internally which the plans comply with. The proposal is considered to provide a sufficient amount of parking.

The plan also demonstrates the potential for 4 additional spaces which be located to the front of the garages. This could restrict access to and from the garages although should the spaces and usage be agreed with those that are using it, it may provide valuable off road parking.

There is also sufficient cycle storage provided to the ground floor.

SUMMARY

The proposed development is deemed to accord with relevant development plan policies and as such is recommended for approval subject to the following conditions and informatives.

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

The site falls within Zone 4 however the development of flats within the location is exempt from CIL.

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 - Rev B
 - Proposed Elevations - Rev C
 - Proposed Street Scene - Rev B
 - Proposed Ground Floor Plan - Rev A
 - Proposed First Floor Plan - Rev C
 - Proposed Plot Plan - Rev D
 - Design and Access Statement
Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DD M1 of the Arun Local Plan.
- 3 Development shall not commence, other than works of site survey and investigation, 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, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended 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 W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 4 No demolition/construction activities shall take place other than from 08:00 hours until 18:00 hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no noisy work on Sunday or Bank/Public Holidays.

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

- 5 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers.

Supplementary guidance notes regarding surface water drainage are located here <https://www.arun.gov.uk/surfacewater> on Arun District Councils website. A surface water drainage checklist is available here <https://www.arun.gov.uk/drainagechecklist> on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.

- 6 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.