Recommendation Report for Planning Permission

REF NO: **FP/234/11/**

LOCATION: Ivy Cottage
42 Flansham Lane
Felpham

PROPOSAL: Re-submission following approval FP/115/11/ to add 1 no. additional dwelling

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application is for one additional dwelling.
SITE AREA	0.79 hectares approximately
RESIDENTIAL DEVELOPMENT DENSITY (NET)	48 dwellings per hectare
TOPOGRAPHY	Undulating land levels dropping down to Flansham Lane.
TREES	There are several trees covered by a Tree Preservation Order on the site. TPO 4/62.
BOUNDARY TREATMENT	Fencing and mature hedging to the sides and front. Chain link fencing between the site and the school at the rear of the site. Flint wall adjacent to 38-40 Flansham Lane.
SITE CHARACTERISTICS	The site is currently implementing the previous approval FP/115/11.
CHARACTER OF LOCALITY	Predominantly residential. To the front of the site area to the west are houses from 1950s with chalets opposite. To the rear is a primary school.

RELEVANT SITE HISTORY

FP/108/08/	Outline application for residential development of 29 dwellings comprising 21 no. 3 bed and 8 no. 2 bed houses, new access road & landscaping including open space provision	Withdrawn 31-07-2008
FP/191/08/	Outline application for residential development of 29 dwellings comprising 19 no.3 bed & 10 no.2 bed houses. New access road & landscaping including open space provision	App Cond with S106 23-12-2008

FP/115/11/	Approval of reserved matters following outline approval FP/191/08/ for 29 dwellings comprising 19 no. 3 bed & 10 no. 2 bed houses, new access road & landscaping including open space provision	ApproveConditionally 26-10-2011
FP/230/11/	Erection of a 1 No 2 bedroom house	App Cond with S106 08-03-2012

REPRESENTATIONS

Representations received:

Felpham Parish Council

No objection

Comments on Representations received:

Parish Council
Noted

CONSULTATIONS

WSCC Local Development Divis.
Parks and Landscapes
Council's Arboriculturalist
Engineers (Fluvial Flooding)

Consultations responses received:

COUNTY ARCHAEOLOGY:

No objections. On the basis of the recent archaeological findings on the larger site (FP/191/08) no new archaeological investigation is considered necessary,

The previous investigation found several archaeological features but with the exception of a probable Roman field boundary ditch, these were poorly dated.

DISTRICT ENGINEERS:

No objections - previous comments regarding FP/191/06 remain.

COUNTY HIGHWAYS:

Previously consulted under FP/191/08 to which no overriding objections were raised to 29 dwellings. This additional dwelling is not considered to be a material increase. The proposed car parking does meet the current parking standards and the site is in a sustainable location. Therefore no objections raised.

Comments on Consultation responses:

Comments noted. The applicant was asked to provide this information, which they did by amending the information to include the mitigation of issues raised by the Arboriculturalist.

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary

Class A Road
TPO 4/62

DEVELOPMENT PLAN POLICIES

South East Plan:	SEPH5	Housing Design and Density
Arun District Local Plan 2003:	GEN7	The Form of New Development
	GEN12	Parking in New Development

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

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

The site is within the built up area boundary on a site which is currently implementing approval FP/115/11. The application is to add one additional dwelling between plots 14 and 15 on a terrace of 4.

VISUAL AMENITY:

The additional dwelling is proposed within the existing terrace in Ivy Mews adjacent to the Public Open Space. The additional dwelling is designed to match the existing terrace. It is therefore considered that the proposal would not result in any significant loss of visual amenity.

NEIGHBOUR AMENITY:

The proposed new dwelling fronts onto the public open space. The terrace does not move any

closer to the neighbouring property at 4 Flansham Mews. It is therefore considered that the proposed additional dwelling will not result in any significant loss of residential amenity to neighbouring properties. The terrace addition moves closer to the hammer head and parking area and there are no side windows on the opposite terrace 6 - 12.

HIGHWAY ISSUES:

County Highways have commented that the additional dwelling is not a material increase on that previously approved, sufficient car parking has been provided, therefore they have raised no objections as an additional two car parking spaces are being provided.

DRAINAGE ISSUES:

Drainage issues have been previously considered under the previous application FP/19/08 and no objections have been raised on this application.

AFFORDABLE HOUSING:

This site already has affordable housing provision provided on site. Therefore the Affordable Housing Officer has confirmed that he requires no further contribution.

INFRASTRUCTURE PROVISION:

Infrastructure requirements were secured by a S106 Agreement on application FP/191/08 and the Planning Solicitor has confirmed that this agreement applies also to this application as it is a variation of the previous approval. Therefore no further agreement is required.

SUMMARY:

The proposal for one additional dwelling is not considered to cause any significant harm to either visual or residential amenity. The site is in a sustainable location and one addition dwelling is in accordance with the objectives of the National Planning Policy Framework, therefore it is recommended that the application is approved subject to the following conditions.

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) 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 resident's 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 none of the following impacts (negative, Neutral or positive) 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).

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 drawing number 11.040.10 rev A, 11.040.14

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 of the Arun District Local Plan.

3 The materials and finishes of the external walls and roof of the dwelling hereby permitted shall match in colour and texture those of the dwellings previously approved under FP/115/11.

Reason: In the interests of amenity in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

4 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the dwellings shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To protect the English Oak tree T12 in the interests of the environment of the locality in accordance with policy GEN7 of the Arun District Local Plan.

5 No trenches cable or pipe runs for services and drains shall be cut or laid within the Root Protection Area as calculated in accordance to Table 3 of BS5837 (2005) or, if this information is absent, within a distance of 15m from the bole of any existing tree to be retained on this or adjoining sites.

Reason: To protect tree roots from damage likely to lead to the loss of the tree in the interests of the visual amenities of the locality in accordance with policy GEN7 of the Arun District Local Plan.

6 No development, including site access, demolition or associated construction works of any description, shall take place on the site unless and until all the existing trees/bushes/hedges to be retained on the site have been protected by a fence in accordance with BS5837 (2005) and Section 9, to be approved by the Local Planning Authority erected around each tree or group of trees and vegetation to a distance of 15m or to the Root Protection Area (RPA) as calculated in accordance with Table 2 of BS5837 (2005) to be agreed in writing by the Local Planning Authority. Within the areas so fenced off the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant machinery or surplus soil shall be placed or stored thereon without the prior written approval of the Local Planning Authority. No trenching should occur within the protective fencing surrounding the Root Protection Area. If however there is no alternative but to locate the services then its encroachment into the Root Protection Area must be kept to a minimum and where the roots should be exposed using compressed air technology, such as the passage of services is necessary then an arboriculturist would be required to assess and determine whether the loss of the roots would be detrimental to the continued health and stablity of the affected tree.

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area in accordance with policy GEN7 of the Arun District Local Plan.

7 INFORMATIVE: Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY
This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

SOUTH EAST PLAN: H5

LOCAL PLAN: GEN7, GEN12, GEN28

NATIONAL POLICIES: NATIONAL PLANNING POLICY FRAMEWORK

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.

8 INFORMATIVE: The development is subject to a s106 Legal Agreement via FP/191/08 with regard to Affordable Housing, Public Open Space, Education, Library, Fire and Transport. There will also be a Deed of Variation which will change the social rent to affordable rent.