

REPORT UPDATE

Application No: FP/249/18/PL

Reason for the Update / Changes

Reason for Update/Changes: Amended Plans received

Officers Comment:

Amended plans have been received which show changes including an additional parking space being provided to the front and the addition of steps to the rear.

Therefore the Parish Council has been notified as required by law for a further period of up to 21 days. The recommendation is amended to delegate the decision to the Head of Planning who will consider further representations made by the Parish Council. It should be noted that one of the concerns of the Parish was parking - two spaces are now clearly marked.

Should approval be granted condition 2 will need to be amended to reflect the new plans that have been submitted so it would now read:-

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

Location Plan - 236/01 (with the exception of parking details)

Proposed Plans - 236/04B

Proposed Elevations - 236/05A Rev B

Proposed external works - 236/07

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

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.

Recommendation Report for Planning Permission

REF NO: FP/249/18/PL

LOCATION: 22 North Way
Felpham
PO22 7BT

PROPOSAL: Replacement of existing bungalow with 1 No. chalet bungalow (to approved design FP/259/17/HH).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The dwelling reflects the permission granted under
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FP/259/17/HH. The original dwelling was demolished when the extension was being implemented and there is a requirement for an application for a replacement dwelling. The main aspect of this application is to consider the impact in the locality of the appearance and design for a replacement dwelling, and its impact upon the amenity of neighbouring occupiers.

SITE AREA	0.0855 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	11.7 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Low brick wall approximately 0.5m high to front with hedge behind to approximately 1.3m.
SITE CHARACTERISTICS	Rendered detached single storey property with a steep pitch hipped tile roof set on a modest plot.
CHARACTER OF LOCALITY	Residential, mainly two storey houses to either side of the dwelling.

RELEVANT SITE HISTORY

FP/259/17/HH	Two storey rear infill & two storey side extension for loft conversion with 2 No. dormers at rear & 1 No. dormer to front.	ApproveConditionally 12-01-18
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A householder application for a two storey rear infill & two storey side extension for loft conversion with 2.dormers at rear & 1 dormer to front (FP/249/17/HH) was approved by delegated powers January 2018.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Felpham Parish Council

Felpham Parish Council

Felpham Parish Council - Object:

No identification of car parking on the block plan or submission made under FP/259/17/HH.
Two parking bays proposed are 2.15m wide by 6.45m long (a standard UK car parking space is 2.4m by 4.8m) - the Council feels that the space to park cars in parallel format as could not be achieved.
Difference in the ground and first floor lay outs/plans which indicates this is not the same as approved.
Therefore object to the parking issue and that FP/249/18/PL is not to the approved design or details provided in FP/259/17/HH.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. The responses are considered in the conclusion section.

CONSULTATIONS

Engineering Services Manager
 Engineers (Drainage)
 Environmental Health
 Environment Agency
 Environment Agency

CONSULTATION RESPONSES RECEIVED:

Environment Agency: no objection subject to condition.

Environmental Health: no objections subject to a condition for construction hours limitation.

Drainage Engineer: no objections subject to condition ENGD2B.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The EA condition has been added. It is not considered necessary to impose the condition recommended by EH as they can control noise nuisance. The development has commenced and it is not possible to impose the pre-commencement condition suggested by Engineers. An application under the Building Regulations has been submitted and drainage will be dealt with by that application.

POLICY CONTEXT

Designations applicable to site:

Within Built Up Area Boundary; and
 Bognor No. 3 Tree Preservation Order.

DEVELOPMENT PLAN POLICES

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

DDM2	D DM2 Internal space standards
SDSP2	SD SP2 Built-up Area Boundary
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
TSP1	T SP1 Transport and Development
WDM3	W DM3 Sustainable Urban Drainage Systems

Felpham Neighbourhood Plan 2014 POLICY ESD1	Design of new development
Felpham Neighbourhood Plan 2014 POLICY ESD5	Surface water management
Felpham Neighbourhood Plan 2014 POLICY ESD11	Increasing the energy efficiency of our buildings
Felpham Neighbourhood Plan 2014 POLICY ESD10	Design details
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 Local Plan 2011-31, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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.

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 relevant Felpham Neighbourhood Plan has been considered in this report.

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 significant adverse effect on the visual amenities of the locality or the residential amenities of the adjoining 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 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 in the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan (ALP) provided it accords with other policies of the Local Plan character/design, residential amenity, space standards and highway safety/parking.

Works permitted by FP/259/17/HH involved the partial removal and re-building of the original dwelling. Due to excessive amount of movement within the wall, it was classed as unsafe and structurally unsound

in need of full demolition.

The principle of a 4 bed dwelling and its layout was agreed as acceptable under FP/259/17/HH. The principle of a two storey dwelling is acceptable and as previously assessed would not detract from the character of the street scene and the amenity impact of neighbouring occupiers.

DESIGN AND CHARACTER OF THE AREA:

Policy D DM1 of the Arun Local Plan 2011-2031 (ALP) requires that the Council have regard to certain aspects including:

(1) Character - "Make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features.";

(2) Appearance/attractiveness - "Demonstrate a high standard of architectural principles, use of building materials, craftsmanship and hard and soft landscaping to reflect the local area".

Felpham Neighbourhood Plan policy ESD1 states: "New development which would have an effect on the appearance or character of the surrounding area must be of a high quality of design and must contribute to local character by creating a sense of place appropriate to its location."

It is necessary to consider policy ESD8 which includes the following: "The design of new buildings must reflect the design principles of their time so that the richness of varied character would continue and would be extended into the future."

Policy ESD10 states: "The following items must be considered early in the design process and integrated into the overall scheme:

- bin stores and recycling facilities
- cycle stores
- meter boxes
- lighting
- flues and ventilation ducts
- gutters and pipes
- satellite dishes and telephone lines"

The proposal accords with Local Plan D DM1 and with policies ESD1 and 8 of the Neighbourhood Plan. The proposal remains not to fully comply with policy ESD10 in that although the position of cycle and bin stores are shown(plan 236/01), other details are not. The missing details are not considered necessary at the planning stage. It is not considered that non-compliance with this policy should result in a refusal.

RESIDENTIAL AMENITY:

Arun Local Plan 2011-2031 policy D DM1 requires that 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."

Para 127 of the NPPF states: "Planning policies and decisions should ensure that developments: (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a

high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."

There is no loss of privacy to existing properties, namely no.20. Although two side 1st floor windows (serving bathrooms) appear in the side elevation, the rear garden at no.20 is occupied by an amenity space set away from the shared boundary. The siting of the dwelling has been designed to mitigate further harm to neighbouring occupiers. Its form prevents demonstrable harm caused by loss of light.

Therefore the proposal accords with policy D DM1 of the ALP.

INTERNAL SPACE STANDARDS

Policy D DM2 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 necessary to assess the proposal against internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if the building is suitable for residential use.

As the principle of development has been agreed (FP/259/17/HH) for 4 bedrooms and the internal layout and space standards have not altered the room sizes are considered sufficient.

PARKING

The comments of the Parish Council are noted.

The parking arrangement is similar to FP/259/17/HH where officers concluded "Although it is considered that there is limited amount of space for on-street parking due to existing vehicle accesses and crossovers and given the opportunity to park on both sides of the street, it is not considered that such matters are so severe as to merit refusal of permission and the proposed development would not conflict with GEN7 and GEN12 of the Arun Local Plan 2003." Following the adoption of the Local Plan July 2018 the above policies requirements of TSP1 superseding the previous Arun Plan Policies .

SUMMARY:

The dwelling replaces an existing dwelling without compromising the character of the area or the amenities of neighbouring properties or impact on highway safety to its detriment. It is recommended permission be granted subject to the following conditions.

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:

Location Plan - 236/01 (with the exception of parking details)
Proposed Plans - 236/04B
Proposed Elevations - 236/05A Rev B
Proposed external works - 236/07

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.
- 3 The development shall be carried out in accordance with the submitted flood risk assessment (ref. FP/249/18/PL Dated Nov 2018, previously approved FP/259/17/HH) and the following mitigation measures which details: Finished floor levels shall be set no lower than 2.66 m above Ordnance Datum (AOD)

Reason: To reduce the risk of flooding to the proposed development and future occupants
- 4 No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development and in accordance with the National Planning Policy Framework.
- 5 The proposed first floor en-suite windows on the east elevation of the building shall at all times be glazed with obscured glass.

Reason: To protect the amenities and privacy of the adjoining properties in accordance with policy D DM1 of the Arun Local Plan.
- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking or re-enacting that Order) the

building shall not be extended in any way unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of the amenities of adjoining residential occupiers and the locality in general in accordance with policy D DM1 of the Arun Local Plan.

- 7 **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.