

Recommendation Report for Planning Permission

REF NO: FP/274/18/PL

LOCATION: 10 Felpham Gardens
Felpham
PO22 8QS

PROPOSAL: Demolition of 1 No. house & erection of 1 No. detached chalet style dwelling and 1 No. single storey bungalow, with garaging & car parking.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

Demolition of 1 No. house & erection of 1 No. detached chalet style dwelling and 1 No. single storey bungalow, with garaging & car parking.

The existing bungalow, garage and the concrete shelter would be replaced with two units. Unit 1, chalet style dwelling with an integral garage would be accommodating the area of an existing bungalow, would be set back from the front boundary by approximately 17m, set in from the shared boundary with No 8 Felpham Gardens by 3.38m to the front and 4m to the rear, would be 8.4m wide and 12.5m deep with a half hipped roof 6.7m high to the pitch, 2.7m to the eaves. The roof ridge above the rear attached garage with a dressing room above would be set down from the main roof ridge by 0.55m. Two hipped roof dormers (2.2m wide, 2.5m high to the pitch) would be inserted to the southern roof plane with a formation of 6 roof-lights in the between; one flat roofed dormer (1.9m x 1.6m) would be inserted to the roof above the rear. Three flat roofed dormers of the same size would be inserted to the northern roof plane. The open porch with gabled roof above is proposed on the front elevation.

A hallway, a study and utility rooms, a kitchen/living/dining area and garage would be provided at the ground floor level; an ensuite bedroom, a dressing room and three bedrooms would be provided at the first floor level within a habitable roof space.

Unit 2, bungalow, would be situated behind unit 1 within a distance of approximately 4.5m, would be set in from the rear shared boundary with West Corner at Clovelly Avenue (cul de sac) by 1m, set in from the shared boundary with No 8 Felpham Gardens by 6.5m to the front and 8.25m to the rear with a detached garage within the south-eastern corner of the plot and cycle storage in the between unit 1 and 2. Unit 2 would be 8.1m wide, 11.5m deep with a gabled roof 4.9m high to the pitch and 2.4m to the eaves. A bay window is proposed

on the southern elevation. Proposed Unit 2 would provide a kitchen/dining area, a living room, three bedrooms, one bathroom and a hallway; detached garage would be 3.6m wide, 5.75m deep with a shallow gabled roof above.

SITE AREA	0.09 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	17.1 dph
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Open to the front, approximately 1.8m high timber panel fence on the boundary with No 8 Felpham Gardens, on the boundary with West Corner and Casa Mia at Clovelly Avenue to the rear and on the southern boundary.
SITE CHARACTERISTICS	The proposal site is located on the eastern end of cul de sac Felpham Gardens and comprises a bungalow style dwelling with a detached garage,
CHARACTER OF LOCALITY	Residential cul-de-sac comprising well set back detached bungalows and a chalet style dwellings on rather generous plots with a recreation ground (King George V Field) to its south end.

The property to the north No 8 Felpham Gardens has been converted from class C3 to C4 (small HMO) under reference FP/107/10/P

There is no relevant history of this site.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Felpham Parish Council

Felpham Parish Council has raised no objection.

One objection received from Flex Mean, on the otherer side of Felpham Way, within a distance of approximately 70m from the application site, as such the proposal would unlikely adversely affect the living conditions of the occupier of Flex Mean.

4 letters of objections (3 from the same address) as follows:

- The proposal ignores unique character and the history of properties in Felpahm Gardens; the removal of mature trees appears to be intended to build two properties on the site resulting in the impact on neighbouring properties and visitors to King George V Park.
- The removal of the established trees is considered as a breach of Arun District and Felpham Neighbourhood Plan Policies.
- There was no prior completion of a Biodiversity checklist following the irreparable damage to the environment. T
- The building line brought further forward; one public parking space appears to be block.
- Environmental impact by the prior removal of trees on the site and in King George V Park;
- Non compliance with the current building line;

- Non compliance with the unique setting of Felpham Gardens; evasion
- Inappropriate development that would set a precedent;
- During summer of 2018 all mature and semi-mature trees, bushes and dense vegetation were cut down on the site of No10 Felpham Gardens.
- The proposed development is totally out of character with every other format of dwellings in Felpham Gardens in terms of layout, scale and appearance.
- The buildings will both take away the daylight from gardens
- Not only the daylight issue but the sense of space will disappear
- The existing property needs to be demolished but replaced with something of a similar footprint, loss of comfort of the closest neighbours.

Cllr Paul English, Ward Councillor, expressed his support to above objections.

4 letters of support:

- The existing bungalow is in a dreadful state, eyesore for local residents and users of the park and proposed development is considered to be attractive notwithstanding smaller gardens and an overlooking issue.
- If two new houses were built on this site it would prevent more farmland being developed in this area.
- Pleased to see the eyesore being replaced by what will become two very lovely homes.

COMMENTS ON REPRESENTATIONS RECEIVED:

Proposal as submitted has been amended; the proposed rear chalet style dwelling has been replaced by bungalow style dwelling to mitigate the potential impact to users and occupiers of Casa Mia and West Corner to the rear.

The proposed development would unlikely have an impact on visitors of the King George V Park due to separation distance and an established existing vegetation with a row of mature trees alongside the southern boundary of the proposal site.

The applicant was not required to make any formal prior notification or submission in respect of the works to these unprotected trees.

This was assured by a tree officer, stating in his comment that removed trees appear to be ash, sycamore and elder and of an age/species type so as not to be the subject of a Tree Preservation Order (TPO). The original TPO (Bognor No.3 - 1962) makes reference to 7 fir and 1 hawthorn, none of which remain or seen to have been recently felled.

CONSULTATIONS

Engineering Services Manager
Engineers (Drainage)
Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree Officer Comments:

- The Tree Survey data is comprehensive and accords with the requirements of BS5837:2012.
- There are a number of low stumps across the site (majority confined to parallel with southern boundary)

indicative of preparatory tree removal within the last 12 months. These appear to be ash, sycamore and elder and of an age/species type so as not to be the subject of a Tree Preservation Order (TPO). The original TPO (Bognor No.3 - 1962) makes reference to 7 fir and 1 hawthorn, none of which remain or seen to have been recently felled.

- An early-mature ash tree just off-site south-west from the plot and within the local authority owned park was cut to ground level by that council's in-house contractor.
- There are a number of important trees within the adjacent public park that will be impacted upon from above and below ground. The tree protection measures proposed are adequate in principle and the extent of pruning work to accommodate the development is reasonable; both being achievable without undue detriment to the visual amenity they currently provide if correctly executed.
- The arboricultural survey information and associated documents/plans provided demonstrate adequate regard and respect for the tree population at and immediately around the site.
- No reason to object to these proposals on arboricultural grounds and so recommend APPROVAL for this application, subject to conditions being applied:

Engineer (Drainage & Coastal) - No objection subject to a suggested condition.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted; no objections, suggested condition would be attached to the decision.

POLICY CONTEXT

Designation applicable to site:

2km Buffer for Site for Site of Special Scientific Interest Felpham

Built -Up Area Boundary

Tree preservation Orders; BOGNOR No.3

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
HDM1	H DM1 Housing mix
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

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

Felpham Neighbourhood Plan 2014 POLICY Design details

ESD10

Felpham Neighbourhood Plan 2014 POLICY
ESD11

Increasing the energy efficiency of our buildings

Felpham Neighbourhood Plan 2014 POLICY ESD4 New dwellings - code for sustainable homes

Felpham Neighbourhood Plan 2014 POLICY ESD5 Surface water management

Felpham Neighbourhood Plan 2014 POLICY ESD8 Building design

Felpham Neighbourhood Plan 2014 POLICY ESD9 Tree protection

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 - 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.

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.

The policies ESD1, ESD4, ESD5, ESD8, ESD9, ESD10 and ESD11 of the Felpham Neighbouring Development Plan are considered to be relevant to determination of this 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 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 key policies considered are SD SP2, D SP1, DDM1, D DM2, TSP1, W DM1 and EEC DM1 of the Arun Local Plan.

Policy D SP1 requires all development to make efficient use of land reflecting the characteristics of the site and local area and 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. Policy EEC DM1 assures that the Council will support proposal for appropriately located renewable energy development where they meet certain criteria.

Felpham has a 'made' Neighbourhood Plan with Policies ESD1, ESD4, ESD5, ESD8, ESD9, ES10 and ES11 relevant to the determination of the application.

DESIGN AND VISUAL AMENITY

The proposed dwellings as amended would respect the existing development within the area and would not detract form the street scene. Face brick external walls are not considered to appear out of keeping with the area. Therefore proposal is not considered to adversely impact upon the spatial pattern or character of the area and accord with D SP1, D DM1 and D DM4 of the Arun Local Plan.

RESIDENTIAL AMENITY

The proposed new dwellings due to their position within the end of cul de sac, sensitive design and the proposed bungalow dwelling to the rear (Unit 2) in the vicinity of properties of the end of Clovelly Avenue (cul de sac) would have a minimal impact to users and occupiers of nearby property considered to result in adverse harm upon the neighbouring amenity by way of overshadowing, overbearing or overlooking and as such accords with DDM1 and DDM4 of the Arun Local Plan. The proposed side dormer windows of Unit 1, facing to the north would be serving to bathrooms and landing and would be obscure glazed and non-openable up to 1.7m from floor level.

HIGHWAY ISSUES:

Arun Local Plan policy T SP1 seeks to ensure that development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. Policy T DM1 requires that new development be located within easy access of established non-car transport modes/routes.

The application site would be accessed via the existing dropped kerb and access point off the east side of Felpham Gardens, and would run along the southern boundary of the site, leading to both garages and 1 No. parking space to the front of Unit 2. There would be an additional 2 No. parking spaces to the front of the site; resulting in a total of 5 No. parking spaces.

Secure, covered cycle parking provision is provided to the front of the site and in the between of the proposed dwellings.

It is not considered that the proposal would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal subject to condition. As such proposed development would comply with policy TP1.

SURFACE WATER DRAINAGE

Engineers haven't raised an objection, subject to a condition.

COMPLIANCE WITH INTERNAL FLOOR SPACE STANDARDS

The proposal relates to gross internal floor spaces of approx. 137 sqm for 3 bedroom unit 1, which exceed considerably the minimum gross internal floor area requirement for a two storey dwelling as set out in the Nationally adopted space standards. (102 sqm for 3 bedroom dwelling). Proposed bungalow (unit 2) relates to gross internal floor spaces of approx. 77 sqm for 3 bedroom, which exceed marginally the minimum gross internal floor area requirement for one storey dwelling as set out in the Nationally adopted space standards. (74 sqm for 3 bedroom dwelling).

Policy D DM1 refers to the need for compliance with the Arun Design Guide. This is to replace policy D DM3 "External Space Standards" which was deleted at the request of the Local Plan Inspector. Until such time as this Design Guide is published, there is no policy within the Arun Local Plan regarding private gardens sizes.

However, regard should be had to paragraph 127 of the NPPF which requires that new development has a high standard of amenity for existing and future users.

The proposed dwellings would increase the footprint of an existing bungalow, however given the existing garden and the close vicinity of the open green space to the south it is considered that the scheme provides a good standard of amenity for future occupiers.

It is therefore considered that the proposal complies with above Arun Local Plan policies, Barnham & Eastergate Neighbourhood Plan Policies ES5, ES6, ES10, ES11 and H3, H5, H6 and H7 relevant to the determination of the application, and the guidance on amenity within the NPPF.

SUMMARY

The proposed development is deemed to accord with the relevant development 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.

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
 Proposed Plat Plan Rev C
 Proposed Ground Floor Plan Unit 1 Rev A
 Proposed First Floor Plan Unit 1 Rev B
 Proposed Elevations Unit 1 Rev B
 Proposed Elevations Unit 2 Rev C
 Proposed Ground Floor Unit 2 Rev C
 Proposed Park Elevation Rev C
 Proposed Street Scene Elevation Rev B
 Garage Details Unit 2
 Proposed Elevations Unit 2 Rev C

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 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 and roofs of the proposed buildings have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the buildings.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity/and character and appearance of the Listed Building/ by endeavouring to achieve a building of visual quality in accordance with policy D DM1of the Arun Local Plan.

- 4 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.

- 5 The dormer windows on the northern elevation of the Unit 1 shall at all times be glazed with obscured glass and non-openable up to 1.7m from floor level.

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

- 6 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the dwelling houses 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 safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with policy D DM1 of the Arun District Local Plan.

- 7 The new dwelling shall not be first occupied unless and until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that the development will achieve energy efficiency measures that reflect the current standards applicable at the time of submission and includes the use of renewable energy supply systems. The approved scheme shall thereafter be implemented prior to occupation of the dwelling and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

Reason: To ensure that the development is energy efficient and in accordance with policy ECC SP2 and ECC DM1 of the Arun Local Plan.

- 8 All activity at the site is to be carried out in strict accordance with: - Arbortrack Systems Ltd., Arboricultural Impact Assessment & Method Statement, Ref: jwmb/ rpt1/ 10felphamgdns/AIAAAMS, dated 13th December 2018.

Reason: To comply with BS5837 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised and they can continue to enhance the landscape and amenity of the area.

- 9 Before the site is occupied or any machinery is introduced to the site or demolition work or construction work or alterations to existing ground levels takes place a PRE-COMMENCEMENT Site Meeting is to take place between the Arun DC Tree Officer and the Arboricultural Expert representing the site owners - at this meeting all protective fencing will be inspected to verify it is 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown on the Tree Protection Plan, Appendix A, Dec 2018.

Reason: To comply with BS5837 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised and they can continue to enhance the landscape and amenity of the area.

- 10 A schedule of Site Monitoring/Supervision visits and Reporting Procedures prepared by an Arboricultural Expert will be required and their extent will be agreed on at the site meeting to the satisfaction of the Arun DC Tree Officer.

Reason: To comply with BS5837 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised and they can continue to enhance the landscape and amenity of the area.

- 11 If there is deemed to be a need for any Utility Service Route connections to bisect retained tree Root Protection Areas/Zones then prior to their installation a Method Statement prepared by an Arboricultural Expert must be submitted that stipulates how this can be achieved without adverse impact on tree roots. Written approval and confirmation of acceptance of this Methodology must be issued before any works are commenced out on site.

Reason: To comply with BS5837 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised and they can continue to enhance the landscape and amenity of the area.

- 12 Where branches are to be shortened back the final cuts are to be made at the correct angle shown in BS3998:2010 and adjacent to a live bud or lateral.

Reason: In the interests of the tree's continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.

- 13 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.

- 14 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

- 15 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.

- 16 INFORMATIVE: Any lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any

bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

- 17 **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.