

Recommendation Report for Outline Consent

REF NO: **FP/48/15/OUT**

LOCATION: Land adjacent to 94 Outerwyke Road
 Felpham

PROPOSAL: Outline application with all matters reserved for 1 No house.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	890m ²
RESIDENTIAL DEVELOPMENT DENSITY	Approximately 22 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Close boarded fencing and timber gates approximately 1.8m high to front. Leylandii hedging approximately 5m high to eastern (side) boundary. Close boarded fencing and hedging to remainder of site.
SITE CHARACTERISTICS	The site is a two storey chalet style property, with white rendered elevations and a pitched tiled roof.
CHARACTER OF LOCALITY	The site is located in Outerwyke Road, a residential road of properties of various style. However, the properties within the immediate vicinity of the application site are predominantly semi-detached.

RELEVANT SITE HISTORY

Identical outline (with all matters reserved) application approved by FP/252/10/OUT. This permission has expired and this application has been made.

REPRESENTATIONS

Representations received:

Felpham Parish Council

The Parish objects as the division of the garden in this way is out of keeping with the open layout of the area and presents a cramped form of development.

7 objections received (in some cases more than one letter from one address)raising the following main points:

- A lot of house building in Felpham so no shortage of new properties in the area
- Could set a precedent
- The development will increase traffic and parking pressures in the area
- Harm to the residential amenity of private gardens
- Overlooking and loss of privacy to neighbouring gardens/properties
- Harm to the appearance of the area as the proposal is too 'cramped' for the site
- Loss of light and overshadowing of neighbouring properties

Comments on Representations received:

Comments noted.

- Other developments within the locality for housing and the possibility of setting a precedent are not material planning considerations
- Both the existing property and proposed would have gardens and overall site size comparable to those of the surrounding area
- The proposed dwelling may be designed in order to avoid overlooking, overshadowing and loss of light to neighbouring properties

CONSULTATIONS

WSCC Strategic Planning

Consultations responses received:

None

Comments on Consultation responses:

N/A

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOCAL PLAN

TREE PRESERVATION ORDER

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) [GEN2](#)
[GEN7](#)
[GEN25](#)
[GEN26](#)

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

[Felpham Neighbourhood Plan 2014 POLICY ESD1](#)
[Felpham Neighbourhood Plan 2014 POLICY ESD4](#)
[Felpham Neighbourhood Plan 2014 POLICY ESD5](#)

Built-up Area Boundary
The Form of New Development
Water Resources
Water Quality

D DM1 Aspects of Form and Design Quality
D DM2 Internal Space Standards
D DM3 External Space Standards
SD SP2 Built-Up Area Boundary
W DM3 Sustainable Urban Drainage Systems
W SP1 Water

Design of new development

New dwellings - code for sustainable homes

Surface water management

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

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.

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 in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton.

Felpham Neighbourhood Development Plan and it's policies are a material consideration in the processing 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 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 lies within the Built Up Area Boundary and therefore the principle of additional residential development within the area is acceptable, subject to normal development control criteria being met, such as visual amenity, residential amenity and car parking.

The application site is an example of where the proposed dwelling is of a similar size to neighbouring properties, with a comparable garden area and would respect the existing spacing and pattern of development on the locality.

VISUAL AMENITY

The footprint of the proposed dwelling and its siting and relationship to the existing dwelling is similar to other properties within the vicinity. Indicative elevations submitted with the application suggest the dwelling would be of a similar design and appearance to the existing dwelling at no. 94 Outerwyke Road, and would maintain a street frontage in keeping with that found within the locality.

The proposed siting of a garage to the front of the dwelling is not normally a desirable feature for a proposed dwelling. However, as there was no objection to this in the previous approval and there are garages beside it to the rear of 41 Firs Avenue, it is considered acceptable in this instance.

It is noted that the proposed development will be visible from the street scene, it is considered to be in keeping with the character of the area, and as such is not considered to have a materially adverse impact on the visual amenities of the locality.

RESIDENTIAL AMENITY

The proposed dwelling would be located approximately 19m from the rear flanks of the properties to the east in Firs Avenue. This distance is such that it is not considered that the proposed dwelling would have a significant impact on the residential amenities of the occupiers of neighbouring dwellings by means of being overbearing.

No. 94 Outerwyke Road is a chalet style property with no windows at first floor level on its eastern side elevation, and therefore it is not considered that the proposed dwelling would have an overbearing impact on the occupiers of this existing dwelling.

Potential loss of light, overshadowing and overlooking is a matter to be addressed within any subsequent application for the approval of reserved matters.

CAR PARKING

The proposed dwelling would be accessed via Outerwyke Road, and indicative plans provided show that there appears to be adequate parking provision in the form of two car parking spaces (including a garage), a turning circle and safe access to the site. This is the same indicative layout as with the previous approval (FP/252/10) which County Highways have raised no objections to.

ADDITIONAL CONSIDERATIONS SINCE LAST APPROVAL

Since the approval of FP/252/10 additional policies have been adopted. At a national level- the National Planning Policy Framework and at a local level the Felpham Neighbourhood Development Plan. There is also the emerging Local Plan Policies but these are yet to be formally adopted. This section of the report will outline the additional considerations brought about by the new policies.

WATER DISCHARGE

To ensure a sustainable level of water discharge per person, details of how to achieve 80 litres per person per day will be required and agreed by the Council via condition (prior to occupation of the dwelling) , should permission be recommended.

SURFACE WATER DRAINAGE

Sufficient surface water drainage is required to not increase the level of localised flooding in the area. To achieve this a condition will be added requiring the submission and agreement of a surface water management plan, prior to development beginning.

INTERNAL AND EXTERNAL SPACE STANDARDS

Although the size of the dwelling is not to be considered until the reserved matters stage. It does provide 98m² of private space. This is approximately in line with the required 100m² by emerging Local Policy D DM 3 and is considered significant amenity space for a detached house.

Whilst local and parish objections are noted; outline permission was previously granted for an identical scheme in 2011. There has not been significant change in policy content or physical change to the site or surroundings since then. New policies have been considered above, it is not considered reasonable to recommend refusal of this scheme.

The proposal 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 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 neutral 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).

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The permission hereby granted is an outline permission under Article 5(1) of the Town and Country Planning (Development Management Procedure) Order (England) 2015 and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 3 years beginning with the date of this permission:-

- (a) Layout;
- (b) Scale;
- (c) Appearance;
- (d) Access;
- (e) Landscaping.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 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, Block Plan and 0842.01 received 13th March 2015.

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 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 buildings shall be erected within the curtilage of the building hereby approved 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 GEN7 of the Arun District Local Plan.

- 4 The dwelling hereby approved shall achieve a Code for Sustainable Homes Level 5 for predicted water discharge of 80 litres of water per person per day as measured by the requirements of the Code for Sustainable Homes: Technical Guide (or such national measures of sustainability for house design that replaces that scheme). No dwelling shall be occupied until it has been certified that the appropriate standard has been achieved and the appropriate certification has been submitted in writing to the Local Planning Authority.

Reason: In accordance with policy ESD4 of the Felpham Neighbourhood Plan to ensure the sustainable use of water in domestic dwellings.

- 5 No development shall commence until a Surface Water Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall detail methods of dealing with surface water arising from development to ensure that it would not compromise the Emerging Surface Water Management Plan for the Lidsey Catchment or the Aldingbourne and Barnham Rife Strategy (or any subsequent version of those documents). The measures so approved shall be implemented prior to occupation and thereafter permanently retained in good working order.

Reason: In accordance with policy ESD5 of the Felpham Neighbourhood Plan and to ensure surface water is dealt with appropriately in new development.

- 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.