

Recommendation Report for Planning Permission

REF NO: FP/78/22/PL

LOCATION: 32 Sea Drive
Felpham
PO22 7NE

PROPOSAL: Variation of Condition following grant of FP/51/21/PL relating to Condition No 2 - approved plans.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This proposal seeks to amend condition 2 of FP/51/21/PL, to change the approved plans to alter the approved layout of dwellings and fenestration. Condition 2 of FP/51/21/PL required compliance with the submitted plans - this application would vary those plans.
SITE AREA	897.25 square metres
RESIDENTIAL DEVELOPMENT DENSITY (NET)	11 dwellings/hectare
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the development.
BOUNDARY TREATMENT	Open to the front, close boarded fence along sides with dense hedgerow. Trees and bushes to the rear.
SITE CHARACTERISTICS	Detached two-storey dwelling on seaside of Sea Drive with uninterrupted views of the channel. The property is brick built with 2 storey gabled front projection and attached pitched roof garage on the site.
CHARACTER OF LOCALITY	Sea Drive with The Loop to its west end is a wide cul-de-sac lined with well set back two storey substantial dwellings characterised by hipped roofs with spacious rear gardens, a small pocket park within a loop. The site is part of the Summerley Private Estate in Felpham. Dwellings within the cul-de-sac are enclosed by Jacken Close to the west and accessible via Crossbush and Burley Road from the north.

RELEVANT SITE HISTORY

FP/51/21/PL	Demolition & erection of 1 No. dwelling with associated works. This site is in CIL Zone 4 & is CIL Liable as new dwelling.	ApproveConditionally 22-07-21
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The applicants wish to make the property smaller, consequently there is a change in the design to the approved drawings.

REPRESENTATIONS

Felpham Parish Council: No objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

N/A

POLICY CONTEXT

Designation applicable to site:

2km Buffer for Site of Special Scientific Interest Felpham;
Built Up Area Boundary.

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
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM5	ENV DM5 Development and biodiversity
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
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
WDM4	W DM4 Coastal Protection
WMDM1	WM DM1 Waste Management

[Felpham Neighbourhood Plan 2019-31 Policy ESD1](#)

Quality of Design

Felpham Neighbourhood Plan 2019-31 Policy ESD3

Coast Protection and Sea Defence Works

Felpham Neighbourhood Plan 2019-31 Policy
ESD5

Surface Water Management

Felpham Neighbourhood Plan 2019-31 Policy
ESD9

Protection and Enhancement of Wildlife or
Ecological Networks.

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, The South Inshore & South Offshore Marine Plan 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.

At Full Council meeting on 17th March 2021, Arun District Council resolved to 'make' the Felpham Neighbourhood Development Plan 2019-2031. The Neighbourhood Plan Review 2019 - 2031 contains several 'saved' policies from the Felpham Neighbourhood Plan 2013- 2029, some amended policies and some new ones. The relevant policies are: H2 Windfall Sites, ESD1 Quality of Design, ESD3 Coast Protection and Sea defence Works(saved), ESD5 Surface Water Management, ESD9 Protection and Enhancement of Wildlife and GA4 Parking on New Development. All relevant policies except policy ESD3, are modified in Felpham Neighbourhood Development Plan 2.

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 complies 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.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

The development is in the built-up area boundary in a sustainable location where the principle of development is acceptable subject to accordance with relevant development plan policies. The key policies considered are SD SP2, D SP1, D DM1, D DM2, TSP1, QE SP1 of the Arun Local Plan and policies H2, ESD1, ESD3, ESD5 and ESD9 of the Felpham Neighbourhood Development Plan 2 and relevant paragraphs of NPPF.

Policy D SP1 requires development to make efficient use of land reflecting the characteristics of the site/local area and policy D DM1 states a high standard of architectural principles should be demonstrated and development should have a minimal impact to users and occupiers of nearby properties/land. Policy D DM2 expects internal spaces to meet the requirements of Nationally Described Space Standard.

Policy H2 of the Felpham Neighbourhood Development Plan 2 states infill and redevelopment sites will be supported subject to conditions being met: the scale of the development is appropriate to the size, character and role of the settlement and the development complies with the other relevant policies of the development plan.

The NPPF is an important material consideration in determining applications. NPPF para 122 (d) states planning policies and decisions should support development that makes efficient use of land, considering the desirability of maintaining an area's prevailing character and setting (including residential gardens).

Due to the position of the site the dwelling would not conflict with the policies above which, in principle, allow for development or redevelopment within the built-up area.

DESIGN AND VISUAL AMENITY

Policy D SP1 of the Arun Local Plan stresses that successful development should respond to local distinctive pattern of development. Paragraph 13.2.9 of the Local Plan (Design) stresses new development should ensure height and massing does not interrupt or debase the rhythm of existing building/roof line or detract from the local and wider area's character.

Policy ESD1 of the Felpham Neighbourhood Development Plan 2 requires 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 location. Policy ESD3 ensures that Felpham is a coastal village and the quality of its seafront promenade and beaches is highly valued.

Para 130 of NPPF stresses that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

The Arun Design Guide Supplementary Planning Document (SPD), adopted on 25th January 2021, is a material consideration in determination applications. Part P.O1 deals with infill development and requires development to respond positively to the character; infill developments, whether in rural contexts or urban environments, must aim to strike a balance between the benefits of more efficient and intense use

of development land and preserving the character and local amenities of the site's context and will need to respond to the building heights, scale and massing that characterise the existing street frontage.

The main objective Felpham Parish Council Design Guide (October 2018) is to ensure that the landscape character and street scene is respected and enhanced in any change to roads, buildings, car parks, seafront, and other open spaces. Summerley Estate is described as an area with a diversity of plot shapes with attractive spaces between properties.

The amendments involve changes to fenestration of the dwelling. The outline of the amended front and rear elevation would be almost the same, only the third floor would be slightly narrower. The depths of side elevations would be significantly reduced (by 3m at the ground and first floor level and by 4m at the third floor). Side doors on the eastern elevation would be moved to the right, two obscure glazed windows are proposed at the ground and first floor level of the western elevation. There would be changes in the size and shape of the approved front fenestration, however the concept would be similar. the same applies for the rear elevation. The size of proposed external stairs would be similar as approved, but the design would be different.

Whilst the changes would be readily visible from the public view they are acceptable since the visual impact of amended dwelling would not be greater than that of approved and therefore it would not adversely impact surrounding area.

The proposal complies with policy with those aspects of Policies D SP1 and D DM1 of the Arun Local Plan, Policies ESD1, and H2 of the Felpham Neighbourhood Development Plan 2, relevant paragraphs of NPPF, the Arun Design Guide (SPD), the National Design Guide and Felpham Parish Council Design Guide as the character of the resulting development is acceptable.

RESIDENTIAL AMENITIES

ALP policy D DM1 requires the Council have regard to certain aspects when considering development including having minimal impact to users and occupiers of nearby property and land. Policy QE SP1 states: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity". Para 130 of the NPPF which states that developments should provide a high standard of residential amenity for existing and future users.

All changes are aesthetical only changing some parts of elevations, the materials are similar as approved. There will be changes in fenestration and the depth of approved property and they would not affect the residential amenity of surrounding dwellings. The changes would not have an adverse impact to users and occupiers of the neighbouring dwellings such that a refusal could be justified.

The proposal complies with policies D DM1 and QE SP1 as well as the guidance on amenity within the NPPF (para. 130).

INTERNAL & EXTERNAL SPACE STANDARDS:

The internal space is of the similar size as that approved and the same applies to the size of approved private garden. Proposal complies with Arun Local Plan policies D DM1 & D DM2 and the guidance on amenity in the NPPF.

The proposal provides a rear garden with a depth more than 20m of a rectangular shape which would exceed the requirement of Arun Design Guide and complies with policies D DM1 and D DM2 of the Arun

Local Plan and with the guidance in the NPPF (para. 130).

HIGHWAYS & PARKING:

Access would be unchanged, WSCC Highways have appraised the approved proposal and raised no objections. The impact of a dwelling would not be severe. With regards to parking, amended proposal would unlikely generate a materially different number of vehicular movements to the site.

There is a demand for 3 off street spaces and the proposal accords with the likely demand. Visitor parking requirements could be met locally without harm to highway safety. There is space on the site for a cycle storage shed. The proposal provides sufficient parking for the needs of the dwelling and therefore complies with Arun Local Plan policy T SP1.

SUMMARY:

This proposal represents an appropriate redevelopment without unacceptably compromising the visual amenity of the area amenities of neighbouring residential occupiers. The proposal represents sustainable development.

The policies most relevant to this application are not considered out of date in accordance with paragraph 11 of the NPPF. The scheme is acceptable when applying the Local Plan policies (that are relevant and up to date) and it is recommended that in accordance with paragraph 11c of the NPPF that permission is granted subject to 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.

CIL DETAILS

This application is CIL Liable therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply)

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of the planning permission under FP/51/21/PL (22nd July 2021).

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:

Dwg No 01, Site Plan as Proposed;
Dwg No B02, Block Plan as Proposed;
Dwg No 02 Rev G, Ground Floor Plan;
Dwg No 03 Rev F, First Floor Plan;
Dwg No 03b Rev H, Second Floor Plan;
Dwg No 03c Rev A, Roof Plan;
Dwg No 04 Rev H, Elevations;
Dwg No 04A Rev F, Coloured Elevations;
Dwg No 05 Rev B, Outline Section;
Dwg No SS01 Rev B, Street Scene.

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 and samples of such materials and finishes to be used for external walls and roofs of the 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 by endeavouring to achieve a building of visual quality in accordance with policy D DM1 of the Arun Local Plan.

- 4 No development above damp proof course (DPC) level shall take place until details of screen walls and/or fences have been submitted to and approved by the Local Planning Authority and no dwellings/buildings shall be occupied until such screen walls and/or fences associated with them have been erected.

Reason: In the interests of amenity in accordance with policy D DM1 of the Arun Local Plan.

- 5 Before the buildings permitted are occupied details of dustbin storage shall be provided as part of the development in accordance with detailed drawings to be submitted to and approved in writing by the Local Planning Authority, such drawings to show the siting and design thereof. The storage as approved shall be made available prior to occupation and retained in perpetuity.

Reason: To safeguard the appearance of the property and the amenities of the area in accordance with policies D DM1 of the Arun District Local Plan.

- 6 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use and in accordance with policy T DM1 of the Arun Local Plan.

- 7 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with approved plans. The facilities shall thereafter be retained in perpetuity.

Reason: To provide alternative travel options to the use of the car in accordance with policies T SP1 of the Arun Local Plan.

- 8 Construction/demolition activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no works taking place on Sunday or Bank Holidays unless they are not audible outside of the application site.

Reason: To protect the amenity of local residents in accordance with policies QE SP1 and QE DM1 of the Arun Local Plan

- 9 No development shall be commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details for all temporary contractors buildings, plant and stacks of materials, provision for the temporary parking of contractors vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: To avoid undue congestion of the site and consequent obstruction to access in accordance with policy T SP1 of the Arun Local Plan.

- 10 Prior to the occupation of the dwellings, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings shall be submitted to the Local Planning Authority for approval and thereafter implemented in accordance with the approved details and the charge points shall thereafter be permanently retained and maintained in good working condition.

Reason: New petrol, diesel and hybrid cars/vans will not be sold beyond 2035, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun Parking Standards SPD and the National Planning Policy Framework.

- 11 Details of the proposed landscape provision should be submitted for approval. The opportunity to increase the biodiversity of the site and potential screen the proposals should also be considered. Any trees and shrubs specified should be at a size which allows instant impact, but which will establish and mature as the site develops. Landscape details will be required to be submitted in plan form detailing species choice, quantities, planting densities and size at time of planting. The details so approved shall be implemented prior to the occupation of the approved dwelling.

Reason: In accordance with Arun Local Plan policy ENV DM5 and the National Planning Policy Framework.

- 12 The bank to the southern boundary of the site shown in drg.7013/05 is believed to be a clay bund which acts as flood defence structure. Therefore the bank must remain in place at a level

of no less than 6.3m Above Ordnance Datum.

Reason: In accordance with Arun Local Plan policy W DM4 and the National Planning Policy Framework.

- 13 INFORMATIVE: The ground levels in the garden are relatively low and looking at the drawing of the southern elevation it would appear that the floor levels are almost flush with the ground. It would be prudent to consider raising the floor levels slightly to prevent water ingress and improve the property's flood resilience.
- 14 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 0345 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.