

Recommendation Report for Planning Permission**REF NO:** FP/80/17/PL**LOCATION:** 112 & 114 Felpham Way
Felpham**PROPOSAL:** Demolition of existing dwellings & replacement with 3No. dwellings with garages & ancillary parking. Resubmission of FP/207/16/PL**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	Three detached two storey houses located centrally with gardens and parking to front and gardens to rear. The houses will vary in style, one with a hipped roof, one with a half hip and one with a gable end roof. Each property will be three bedroom and have two off street parking spaces and single storey garage.
SITE AREA	0.11 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	Approximately 30 dwellings/hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	1m picket fence and hedge to front 1.8m fence to sides and rear.
SITE CHARACTERISTICS	Two detached bungalows located centrally, 112 with parking to the front. Both have gardens to front and rear, 114 occupies a corner plot on the junction of Felpham Way and Clovelly Avenue.
CHARACTER OF LOCALITY	The area is characterised by mixed single and two storey detached dwellings on a classified road. The wider area includes mixed uses such as a pub/restaurant, retail units and church.

RELEVANT SITE HISTORY

FP/96/87	1 no new cottage style chalet bungalow with single detached garage fronting Clovelly Avenue.	ApproveConditionally 15-06-1987
FP/15/15/PL	Demolition of existing dwelling & replacement	ApproveConditionally

	with 2 No. semi detached chalet bungalows & ancillary parking (resubmission following FP/152/14/PL).	11-05-2015
FP/216/15/PL	Temporary Container Storage Unit on site until 10th May 2018	Refused 04-01-2016
FP/32/16/PL	Temporary Container Storage Unit with external cladding & pitch roof. Re-Submission following FP/216/15/PL.	Refused 20-04-2016
FP/207/16/PL	Demolition of 2 No.dwellings & erection of 5 No dwellings & ancillary parking.	Withdrawn 20-10-2016

Permission granted in 2015 for two no. semi detached residential units on the site of 114 only. Previous applications for 5 units on the site of 112 and 114 withdrawn in 2016.

REPRESENTATIONS

Representations received:

Felpham Parish Council

Felpham Parish Council

Objection - Overdevelopment and Access & Egress concerns - FPC stand by previous comments on FP207/16/PL.

Previous comments for FP/207/16/PL:

"severe overdevelopment, drainage concerns, access & egress and not in keeping with the street scene."

Following WSCC comments regarding access and egress; the officer asked if the Parish Council would like to make further comments. The Parish wish to retain their objection on the above grounds.

Comments on Representations received:

Comments noted.

WSCC have not objected to the application on the grounds of highways safety or access issues.

The use of the site for three detached two storey houses as opposed to two large detached bungalows is not considered to be an overdevelopment. The development density would be similar to that of the surrounding area and the properties would have sufficient off street parking spaces and private, external amenity space. Thus this is not considered to be an overdevelopment.

The site is not within an area at high risk of surface water flooding or fluvial flooding. However, a pre-commencement surface water drainage condition is to be imposed to further limit the probability of flooding from an increase in surface water run-off.

CONSULTATIONS

WSCC Strategic Planning
Engineering Services Manager

Engineers (Drainage)

Consultations responses received:

WSCC STRATEGIC PLANNING, HIGHWAYS

Summary

The applicant is proposing to demolish the existing dwellings at 112 and 114 Felpham Way and erect 3 x 3 bed dwellings in place. These dwellings will be served via new proposed crossovers adjoining Felpham Way, a B class road which joins Felpham with South Bersted to the west. The most recent Sussex Police Collision Data reveals there have been no highways accidents or personal injury claims in the vicinity of the existing point of access, indicating no existing concerns with this location.

Previously the Local Highway Authority (LHA) has been consulted on matters at this address under application FP/207/16, this application sought for the demolition of 112 & 114 Felpham Way and the erection of 5 dwellings; the LHA raised no highways concerns to this proposal; however this application was withdrawn by the applicant. This most recent application therefore is a reduction in scale.

Access and visibility

Each access is served via Felpham Way (82259). The 82259 is subject to 30mph speed restrictions at this point, visibility for such speeds is required to meet 2.4m x 43m. From observation of WSCC mapping data, visibility from the accesses appears sufficient to serve the proposed dwellings. To ensure visibility is retained within this location, the LHA advises that the proposed fencing and frontage is maintained clear of vertical obstructions of over 0.6m, this is to ensure both vehicular and pedestrian visibility is maintained in this location. The applicant is advised to contact the Area Officer in order to ascertain whether a license would be obtained to carry out the works on the highway to create the accesses in this location.

Parking

The parking provision meets the requirement outlined by the Parking Demand Calculator (PDC.) Single garage spaces are required to measure a minimum internal width of 3m x 6m to adequately serve an average sized vehicle and to provide space for cycle storage.

Capacity

In addition there are no known capacity and congestion issues within the immediate vicinity of the site. From a capacity perspective we are satisfied the proposal will not have a severe residual impact and not be contrary to Paragraph 32 of the NPPF.

Sustainability

This site is situated in a location which is linked via lit pedestrian footways, within walking distance of the site area various shops, amenities and leisure attractions. Buses frequently run along this portion of Felpham Way with the nearest stop situated just 30m from the proposed. These busses link with Bognor Regis where a regular train service runs and links to further areas, this allowing alternative transport for commuters and alleviating the reliance on the use of a car.

Conclusion

The LHA does not consider that the proposal would have a 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 32.) Should planning consent be obtained, the following conditions are advised to be sealed alongside it.

Conditions

Access (details approved, access provided prior to use of parking area)

The parking area and garage spaces shall not be used until such time as the vehicular access has been constructed in accordance with Site Plan Drawing 02, including the closure of the existing access.

Reason: In the interests of road safety

Visibility (details required)

No part of the development shall be first occupied until visibility splays of 2.4 metres by 43 metres have been provided at the proposed site vehicular access onto Felpham Way in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed. Reason: In the interests of road safety.

Car parking space (details approved)

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 measure a minimum of 2.4m x 4.8m or 3m x 6m for a single garage space and thereafter be retained at all times for their designated purpose. Reason: To provide car-parking space for the use

Construction plant and materials

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.

Informative

Minor Highway Works

The applicant is advised to contact the Highway Licensing team (01243 642105) to obtain formal approval from the highway authority to carry out the site access works on the public

highway.

DRAINAGE ENGINEERS

Infiltration must be investigated for surface water disposal. Please apply standard pre-commencement condition.

Comments on Consultation responses:

Comments noted. Conditions and informatives to be included.

POLICY CONTEXT

Designation applicable to site:
Within the built up area boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: GEN12
GEN2
GEN7
GEN9

Publication Version of the Local
Plan (October 2014):

Felpham Neighbourhood Plan 2014 POLICY
ESD1
Felpham Neighbourhood Plan 2014 POLICY
ESD10
Felpham Neighbourhood Plan 2014 POLICY
ESD4
Felpham Neighbourhood Plan 2014 POLICY
ESD5
Felpham Neighbourhood Plan 2014 POLICY
ESD8

Parking in New Development
Built-up Area Boundary
The Form of New Development
Foul and Surface Water Drainage
D DM1 Aspects of Form and Design
Quality
D DM2 Internal Space Standards
D DM3 External Space Standards
D SP1 Design
SD SP2 Built-Up Area Boundary
Design of new development

Design details

New dwellings - code for sustainable homes

Surface water management

Building design

PLANNING POLICY GUIDANCE

NPPF National Planning Policy Framework
NPPG National Planning Practice Guidance

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.

A new local plan is in preparation may be a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account.

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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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).

Felpham Parish has a made NDP with policies relevant to this application that will be 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 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 is located within the built up area boundary in a location of medium residential density. The site is in a sustainable urban location with access to transport links and within walking distance to shops and other amenities. As such the proposal is compliance with saved policy GEN2 and emerging policy SD SP2 and the principle of development is considered acceptable.

DESIGN AND VISUAL AMENITY

The size and design of the three dwellings is considered to be in character with the area. The dwellings, whilst having slight variances in roof design are relatively uniform in design and draw on the characteristics of other properties in the area, such as 110 Felpham Way, which is a detached two storey dwelling immediately adjacent to the site. The dwellings would be set back from the road as to not dominate the street scene and would have a similar height to surrounding properties. Materials will be required via condition as to respect the character of the area.

RESIDENTIAL AMENITY

Bluebell Cottage, to the rear of the site would be approximately 13m away from the rear elevation of the middle property, which is the closest unit. Given this distance and the height of the properties at eaves level of approx. 4.9m, it is not considered that Bluebell Cottage would be detrimentally affected by the proposal in terms of overshadowing, loss of light or visual intrusion or overbearing impact. The rear upstairs windows are also, not considered to increase communal overlooking of neighbouring gardens to a harmful level.

The main property to be affected by the proposal would be 110 Felpham Way which is set back from the new dwelling proposed on the west part of the site. To limit the impact on number 110, a single storey garage has been located on the westernmost part of the site and adjacent to 110s existing garage. The main bulk of the nearest new dwelling would be set 6m from the habitable side wall of number 110 and has no proposed first floor side facing windows. Furthermore, 110 has no windows serving habitable rooms at ground floor level further limiting any loss of light which could result from the proposed development. Overall, given the orientation and layout of the proposed development, in relation to 110, it is not considered that the proposal would be overbearing, visually intrusive to its residential amenity, or result in loss of privacy, significant overshadowing or loss of light to its garden or windows. Should first floor, side facing windows be proposed once the house is built, using permitted development rights, they would have to be obscure glazed to meet legislative requirements. As such, it is not considered necessary to impose a condition removing PD rights for windows at first floor level.

The development is considered to be acceptable in terms of impact on residential amenity.

INTERNAL AND EXTERNAL AMENITY STANDARDS

The development would meet central government and emerging policy requirements for internal

and private external amenity space standards, other than the property to the west of the site which would only have a garden of 9.575m garden. However, this is not considered to be significantly less than the 10m depth required by policy DDM3 of the emerging plan.

To maintain the proposed amount of garden area, it is considered reasonable and necessary to remove extended permitted development rights (by condition) under Class A of the General Permitted Development Order. Should one of the properties extend at single storey, to the rear by 8m which is allowed by the legislation, a very limited amount of rear garden private amenity space would remain. This would be to the detriment of future occupants and fail to meet policy requirements.

PARKING AND HIGHWAYS SAFETY

Two off-street parking spaces will be provided for each house and this is considered to be acceptable in meeting the WSCC parking requirements for each dwellings. WSCC (the highway authority) has not objected on safety grounds as long as conditions regarding visibility splays are met prior to occupation of the dwellings. A pre-commencement construction details condition is also required. This is considered to be necessary and reasonable in terms of highway safety and potential disruption to road access for Clovelly Avenue owing to the access of the dwellings from a busy road and junction with a residential cul-de-sac.

SURFACE WATER DRAINAGE

A pre-commencement condition will be imposed for surface water investigation and sustainable drainage in line with the Council's Drainage Engineer requirement.

Given the above assessment and the compliance with saved development plan and emerging development plan policy; the application is recommended for conditional permission.

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:

1630 P 01
1630 P 02
1630 P 06
1630 P 07
1630 P 08
1630 P 09
1630 P 10

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 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 GEN7 of the Arun District Local Plan.

- 4 Before the buildings hereby permitted are occupied dustbin enclosures 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.

Reason: To safeguard the appearance of the property and the amenities of the area in accordance with policies GEN7 of the Arun District Local Plan.

- 5 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 dwellings and garages have been submitted to and approved by the Local Planning

Authority and the materials so approved shall be used in the construction of the dwellings and garages.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity, character and appearance of the area by endeavouring to achieve buildings of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

- 6 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.'

Reason: In the interests of amenity and of the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 7 The parking area and garage spaces shall not be used until such time as the vehicular access has been constructed in accordance with 'Site Plan' Drawing 02, including the closure of the existing access.

Reason: In the interests of road safety in accordance with policy GEN7 of the Arun District Local Plan.

- 8 No part of the development shall first be occupied until visibility splays of 2.4 metres by 43 metres have been provided at the proposed site vehicular access onto Felpham Way in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6m above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety in accordance with policy GEN7 of the Arun District Local Plan.

- 9 No part of the development shall first be occupied until car parking has been constructed in accordance with the approved site plan-'Site Plan' Drawing 02. These spaces shall measure a minimum of 2.4m x 4.8m or 3m x 6m for a single garage space and thereafter be retained at all times for their designated purpose.

Reason: To provide off street parking for the dwellings in accordance with policy GEN7 of the Arun District Local Plan.

- 10 No development shall take place 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,

working hours/days 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 accesses in accordance with policy GEN7 of the Arun District Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the site set up prior to commencing any building works as to achieve the condition's aims.

- 11 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) under Class A, section G (extended permitted development rights) of the above act, no extensions 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 GEN7 of the Arun District Local Plan.

- 12 Development shall not commence 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, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No 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 GEN7 and GEN9 of the Arun District Council 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.

- 13 INFORMATIVE: Drainage Engineers advise that 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 BRE 365, 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 30% 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 are also available on request.

14 **INFORMATIVE: Minor Highways Works**

The applicant is advised to contact the West Sussex County Council Highways Licensing Team 901243 642105) to obtain formal approval from the highway authority to carry out the site access works on the public highway.

15 **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.**