

Recommendation Report for Planning Permission

REF NO: M/101/18/PL

LOCATION: 134 Elmer Road
Middleton on Sea
PO22 6HZ

PROPOSAL: Demolition of existing dwelling & erection 1 No. holiday home.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Demolition of an existing bungalow and construction of a two storey dwelling for use as a private residential holiday home including a full length balcony at first floor level facing at the rear facing the beach.
SITE AREA	0.04 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	25 dwellings per hectare.
TOPOGRAPHY	Predominantly flat with a 1 metre high bund at the southern beach end of the plot.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Close boarded wooden fences. Open to the beach front.
SITE CHARACTERISTICS	The application site comprises an existing single storey timber framed beach house. The site faces onto the beach at the rear with a 1.5 metre deep ground floor veranda and 3.5 metre garden. The primary garden, 16 metres in length at the front of the property includes the access point at the far north western corner. Cars park on the sea grass/lawn area in the front garden near the access point with plenty of room for parking 2-4 vehicles and a turning area.
CHARACTER OF LOCALITY	The area is part of an off shoot cul de sac of Elmer Road which leads to properties including the application site which front the beach. The character of the area is of a suburban residential beach side area comprising detached bungalows, two/three storey semi-detached and detached properties in a wide variety of designs.

PAA/3/18/ - A pre-application enquiry was submitted for the replacement of the existing dwelling with a two storey residential property. It was advised that such a property would be likely to receive planning permission. M/96/14/PL - At the property immediately to the west of the application site Planning Permission was granted in 2014 for a pair of two storey semi detached dwellings with a deeper front elevation than the smaller traditional beach houses along the beach front. The current proposal is to replicate the length, height and scale of these newly constructed dwellings immediately to the west.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Middleton Parish Council
No objection.

No comments from neighbouring properties received following the posting of site notices at the front entrance to the property and on the neighbouring street Deepdene Close.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Engineering Services Manager
Engineers (Drainage)
Southern Water Planning
WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

Southern Water - No objection subject to informatives
Foul sewer on the site.

ADC Engineers - No objection subject to conditions and informatives.

WSCC - No objection subject to conditions relating to the construction of car parking and the provision of cycle storage.

ADC Drainage - No objection subject to conditions and advice.

COMMENTS ON CONSULTATION RESPONSES:

Noted.

POLICY CONTEXT

Designation applicable to site:
ADOPTED LOC PLN
CLASS C ROAD

DEVELOPMENT PLAN POLICES

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

PLANNING POLICY GUIDANCE:

NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework

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.

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).

Middleton does not currently have a Neighbourhood Plan.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLANNING

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 where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan 2011-2031 subject to other policies of the Arun Local Plan covering such issues as visual amenity/character, residential amenity, highway safety and

parking.

Further, the NPPF generally seeks to promoting effective use of all land (para 117) and gives weight to proposals that develop under-utilised land (para 118(d)).

CHARACTER AND DESIGN.

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

- (1) Character - "Make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features.";
- (2) Appearance/attractiveness - "Demonstrate a high standard of architectural principles, use of building materials, craftsmanship and hard and soft landscaping to reflect the local area";
- (13) Density - "The density of new housing will make efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. Proposals should take into account the density of the site and its surroundings. The density of large sites should be varied to guard against uniformity"; and
- (14) Scale - "The scale of development should keep within the general confines of the overall character of a locality unless it can be demonstrated that the contrary would bring a substantial visual improvement."

Furthermore, policy D SP1 "Design" states that all development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

The key points regarding the proposed dwelling are that;

The site and surroundings have been fully appraised via the Design and Access Statement and findings reflected in the design.

There is a great variety of different styles of detached houses in the locality which developed in an incremental way primarily developing properties for use as holiday homes. In more recent times the properties in the area have been developed as permanent residential homes

The modern style of the property is attractive and of a high quality of aesthetic design constructed of high quality materials coloured predominantly white render with dark grey doors, aluminium window frames and rainwater goods. It also replicates a number of other modern properties along the beach front at Elmer such as 1 Sea Way.

The proposed new dwelling represents a significant improvement in the energy efficiency of the dwellinghouse and incorporates climate change mitigation measures including a raised ground floor height above the sea protection bund height and the incorporation of solar panels on the roof of the property as well as utilising the south elevation for significant solar gain.

The design is aspirational with full width floor to ceiling windows at first floor level looking out to sea and a frameless clear glazed balcony of a similar width to neighbouring properties. In addition the north elevation (the 'front') has large vertical windows illuminating an atrium which makes an architectural statement at the main entrance to the property.

The scale and layout of the property is commensurate with the new properties neighbouring the site to the west, and while increasing the height of the current property significantly, incorporating a first floor

rising above the eastern neighbours bungalow properties, this is not considered to be out of context more generally in the vicinity of the proposed property.

Having regard to the size, scale, massing and overall design of the proposed dwelling, it is considered that the proposed dwelling would not have a detrimental impact on the street scene, public areas of the beach and wider area. The proposal is therefore considered to comply with policies D SP1 and D DM1 of the Arun Local Plan.

RESIDENTIAL AMENITY

Arun Local Plan 2011-2031 policy D DM1 requires that the Council have regard to certain criteria when considering new development including: (3) Impact - "Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance."

Regard should be had to paragraph 127 of the NPPF which states that:

"Planning policies and decisions should ensure that developments: (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."

The proposed windows in the side elevations of the property are predominantly at a high level with the exception of two panels at the southern end on both the east and west elevations which are of a full length and non opening. A condition would be applied ensuring all windows on the side elevation would be obscure glazed.

The clear glazed balcony faces to the side of the property overlooking neighbouring properties however the agent has accepted a condition requiring obscure glazed 1.8metre high privacy screening to the facing elevations of the balcony.

The use of the two conditions above requiring obscure glazing of fenestration on the side elevations of the property is considered sufficient to protect the privacy of neighbouring properties.

The full width full height window on the southern elevation at first floor increases passive surveillance on the public beach to the south which is an added benefit in terms of community safety.

The bulk of the proposed dwelling and its two storey height would create an additional overshadowing of the bungalow property neighbouring the site to the east, 4 Deepdene Close, and a loss of sunlight particularly in the afternoon as the sun sets in the west. Given that 132 and 132a already have a similar sized side elevation which impact upon 4 Deepdene Close and that it does not have any primary habitable room windows on the west facing elevation toward the proposed dwellinghouse it is not considered that the loss of sunlight and overshadowing would be significant.

The form of the proposed dwelling would not intersect a 45 degree line drawn from the centre of primary habitable room windows on the front and rear, southern and northern elevations of the neighbouring bungalow at 4 Deepdene Close and therefore no significant loss of sunlight or outlook would occur from these windows. The front and rear elevations of 132 and 132a to the west match that of the proposed development negating any significant loss of amenity to that dwelling as a result of the proposal.

The properties to the north on Deepdene Close have a gable end elevation in excess of 18 metres from the proposed front elevation such that a significant loss of outlook, sunlight and privacy would not occur.

In summary it is not considered that the proposed development would cause a significant loss of residential amenity to neighbouring properties and it is considered to comply with policy D DM1 of the Arun Local Plan and para. 127 of the NPPF.

SPACE STANDARDS

- INTERNAL

Policy D DM2 of the ALP states that: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance". It is therefore necessary to assess the proposal against the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) in order to determine whether the two houses are suitable for residential use.

The proposal is for a large detached 4 bedroom dwellinghouse

For a 4 bedroomed, 8 person property the national space standards state a required minimum gross internal floor area of 124 metres squared including a minimum of 2.0 metres allocated as built in storage. From an assessment of the submitted floor plans the dwelling would have a gross internal floor area of 134.3 metres squared.

As such, the proposed dwelling would comply with the internal space standards as set out in the 'Technical housing standards - nationally described space standard (2015)' and Policy D DM2 of the Arun Local Plan 2011-2031.

- EXTERNAL

ALP 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 proposal includes a private front garden area 18 metres in depth which is of a similar size and depth to that of other dwellings on the beach front and is considered acceptable.

PARKING AND HIGHWAY SAFETY

Arun Local Plan 2011-2031 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. In respect of parking, it states that:

"The Council will support transport and development which: incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking"

In respect of highway safety, it states that:

"The Council will support transport and development which: Explains how the development has been

designed to: (i) accommodate the efficient delivery of goods and supplies; (ii) give priority to pedestrian and cycle movements and have access to high quality public transport facilities; (iii) create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter."

Regard should also be had to paragraph 109 of the NPPF which states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

West Sussex County Council Highways Department have assessed the scheme and consider it has a suitable access arrangement, would not have 'severe' impact on the operation of the Highway network and complies with the WSCC car parking demand calculator. They have requested that conditions be applied with respect to the provision of cycle parking and the laying out of the car parking prior to the occupation of the development.

It is therefore considered that the proposal is in accordance with policy T SP1 of the Arun Local Plan.

SUMMARY.

This proposal is considered to represent an efficient use of urban brownfield land and does so without compromising the visual amenity of the area, highway safety or the amenities of existing residential occupiers. It is therefore recommended that permission be granted subject to the following conditions

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

1 The development hereby permitted shall be begun before the expiration of 3 years from the

date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans;

Proposed Block Plan - dwg.no. T580-103 dated 15/05/18
Proposed Ground Floor Plan - dwg.no. T580-104 dated 20/05/18
Proposed First Floor Plan - dwg.no. T580-105 dated 20/05/18
Roof Plan Proposed - dwg.no. - T580-106 dated 20/05/18
Elevations as Proposed - dwg.no. T580-108 dated 20/05/18
Proposed & Existing Beach Front Elevations - dwg.no. T580-109 dated 20/05/18
Section A-A as Proposed - dwg.no. T580-110 dated 21/07/18
Section B-B as Proposed dwg.no. 21/07/18 dated 21/07/18
Bin Store Plan & Elevation - dwg.no. T580-112 dated 24/07/18
North Elevation - dwg.no. T580-203 dated 20/07/18
South Elevation - dwg.no. T580-201 dated 20/07/18
East Elevation - dwg.no. T580-204 dated 20/07/18
West Elevation - dwg.no. T580-202 dated 20/07/18

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 part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development in accordance with policy T SP1 of the Arun Local Plan.

- 4 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority. The details shall be permanently retained as agreed.

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

- 5 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, window frames, doors and rainwater goods of the proposed building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction.

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 and D SP 1 of the Arun Local Plan.

- 6 The windows on the east and western elevation of the building at ground and first floor levels shall at all times be glazed with obscured glass and permanently fixed shut below 1.7 metres in height measured from the internal floor level. For the avoidance of doubt this also includes the full length windows at first floor level at the southern end of the elevations. The obscure glazed windows should be retained as such in perpetuity.

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

- 7 No development above damp proof course (DPC) level shall take place unless and until details of a 1.8 metre high obscure glazed privacy screen on the east, west and north (see north elevation - dwg.no. T580-203 dated 20/07/18 as approved) of the balcony, including a schedule of materials and finishes to be used, have been submitted to and approved by the Local Planning Authority and the details and materials so approved shall be used in the construction of the privacy screen and retained as such for the lifetime of the development.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity of neighbouring properties in accordance with policy D DM1 of the Arun Local Plan.

- 8 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 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.

- 9 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.

- 10 INFORMATIVE; A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

Please read our New Connections Services Charging Arrangements documents which is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.

- 11 INFORMATIVE: Please note:
 - No development or new tree planting should be located within 3 metres either side of the external edge of the public sewer.
 - No new soakaways should be located within 5m of a public sewer.
 - All existing infrastructure should be protected during the course of construction works.

Furthermore, due to changes in legislation that came in to force on 1st October 2011

regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.
Email: developerservices@southernwater.co.uk

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INFORMATIVE: Supplementary Requirements for Surface Water Drainage Proposals

Any proposed surface water scheme must consider sustainable drainage principles.

SuDS Selection

The following destinations must be considered for surface runoff in order of preference:

1. Discharge into the ground (infiltration);
2. Controlled discharge to a surface water body;
3. Controlled discharge to a surface water sewer.

Surface water must not be discharged into the foul sewer system. Infiltration structures include soakaways, basins, swales and permeable paving. Discharge to surface water bodies and surface water sewers must be restricted to an agreed rate.

SuDS selection hierarchy based on: CIRIA C753 - The SuDS Manual BS8582:2013 - Code of Practice for Surface Water Management for Development Sites Approved Document H of the Building Regulations

Infiltration Drainage Design

Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period 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 event between the invert of the lowest entry pipe into the infiltration structure and the base. For the purpose of design, the percolation rate must be applied to the sides of the infiltration structure only and the rate for the base must be zero. This does not apply to infiltration basins or permeable pavements, whereby the percolation rate is applied to the base only. There must be provision to ensure that there is capacity in the system to contain the 1 in 100 year storm event plus 40% on stored volumes, as an allowance for climate change. The infiltration structure should also drain 50% of its total volume in 24 hours or less for both the 1 in 10 and 1 in 100 year (plus 40%) storm events, in order to provide spare capacity for subsequent storms.

Any infiltration drainage design must include adequate winter groundwater monitoring data to determine the highest winter groundwater table. Residential developments in excess of five properties will require ground water monitoring to be carried out between October and March inclusive. The extent of monitoring required for smaller developments will be subject to agreement with the Council's Engineers.

Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded groundwater level identified in that location.

Restricted Discharge

Discharge to a watercourse or surface water sewer must be restricted to the estimated mean greenfield runoff rate (Q_{bar}) by means of a controlled outflow (or restricted to existing runoff rates for brownfield sites). This can be derived from IH124 or a similar approved method. Any

storage design must be submitted with groundwater monitoring data where applicable to ensure there will be no detrimental effect on the structure or storage. Storage areas are preferred to be in an 'open' form such as ponds, rather than underground tanks.

Flow Exceedance Routes

The drainage design should show flow routes through the proposed development, demonstrating where surface water will be conveyed for three types of flow:

1. Low flow routes

Regular flow from source control features such as permeable pavements should travel in low flow channels through the development in a controlled way contributing to landscape quality.

2. Overflows

In the event of local blockages or surcharge a simple overflow arrangement should allow water to bypass the obstruction and return to the management train sequence until conditions return to normal.

3. Exceedance routes

When SuDS are overwhelmed by exceptional rainfall, then exceedance routes are required to protect people and property. These provide unobstructed overland flow routes from the development and should be considered for all drainage schemes. Exceedance routes should also be protected from future changes in land use.