

Recommendation Report for Planning Permission

REF NO: M/143/18/PL

LOCATION: 66 Ancton Way
Elmer
Middleton-On-Sea
PO22 6JP

PROPOSAL: Erection of a new 4 bedroom dwelling

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	0.034 ha.
TREES	To the rear of the site there are trees with Tree Preservation Orders.
BOUNDARY TREATMENT	The site is enclosed to the rear by closed boarded fencing.
SITE CHARACTERISTICS	The application site is a plot situated within a residential area. The site is flanked by adjoining properties 64 and 68. At the time of the Officers site visit the original dwelling had been demolished and the site cleared. There are TPO trees to the rear of the site behind the rear boundary screening.
CHARACTER OF LOCALITY	The immediate area is residential . Along Ancton Way and the surrounding roads there are a variety of different styles of residential dwellings such as detached bungalows and detached 2 storey dwellings, featuring the use of a wide variety of external materials.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Middleton Parish Council

COMMENTS RECEIVED - AMENDED PLANS:

PARISH COUNCIL: Have not commented.

COMMENTS RECEIVED - INITIAL PLANS:

PARISH COUNCIL: Do not Object

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

Whilst the Parish Council have not commented on the amended plans they are considered to be an

improvement so do not anticipate any objection.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

Southern Water Planning

Environment Agency

Environment Agency

Engineers (Drainage)

Environment Agency

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

COMMENTS RECEIVED - AMENDED PLANS:

LANDSCAPE AND TREE OFFICER: Does not object, subject to the imposition of a condition upon any grant of planning permission.

The arboricultural information provided in support of this proposal is adequate and therefore can support.

Recommend approval for this scheme subject to the imposition of a condition on any grant of planning permission.

DRAINAGE ENGINEER : Does not object subject to the imposition of a condition:

Application is within Lidsey Catchment Area, in Flood Zone 3, and in an area at risk of surface water flooding.

Drainage proposal must be carefully considered.

In winter at times of greater rainfall and lower water demand rainwater butt would likely provide little benefit as it would be full. Infiltration must be investigated.

If minded to approve apply condition.

SOUTHERN WATER : Do not object. However, the exact position of the public foul rising main must be determined on site by the applicant before the layout of the proposed development is finalised:

No development or tree planting should be carried out within 3 metres of the external edge of the public foul rising mains without consent from Southern Water.

No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public rising mains.

All existing infrastructure should be protected during the course of construction works.

Request informative re: need to make a formal application for a connection to the foul sewer

ENVIRONMENT AGENCY (21/08/2019): Do not object:

We do not have any objections to the updated plans and the condition that was outlined in our previous response is still valid.

COMMENTS RECEIVED - INITIAL PLANS:

DRAINAGE ENGINEER: Does not object subject to the imposition of a condition

ENVIRONMENT AGENCY COMMENTS (19/06/2019): Does not object subject to the imposition of a condition:

The proposed development will only meet the requirements of the NPF if condition is included.

ENVIRONMENT AGENCY COMMENTS (09/04/2019): Objection due to insufficient information in the FRA.

ENVIRONMENT AGENCY COMMENTS (26/02/2019): Can't see Documents.

In the absence of an acceptable Flood Risk Assessment (FRA) we object to this application and recommend that planning permission is refused for the following reason.

SOUTHERN WATER: Do not object. However, the exact position of the public foul rising main must be determined on site by the applicant before the layout of the proposed development is finalised:

No development or tree planting should be carried out within 3 metres of the external edge of the public foul rising mains without consent from Southern Water.

No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public rising mains.

All existing infrastructure should be protected during the course of construction works.

Request informative re: need to make a formal application for a connection to the foul sewer

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

Southern Water have commented on this application and while they do not object they state that in line with legislation governed by them the exact position of the public foul rising main must be determined on site by the applicant before the layout of the proposed development is finalised. As, such an informative will be imposed upon any grant of planning permission informing the applicant that this is the case. It is considered that this is separate legislation and an informative will be imposed to this effect.

POLICY CONTEXT

Designation applicable to site:
Within the Built-Up Area Boundary
Flood Risk Zone 3
Lidsey Water Treatment Catchment Area.

Tree Preservation Orders (trees behind rear boundary fencing)

DEVELOPMENT PLAN POLICIES

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

SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ENVDM4	ENV DM4 Protection of trees
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
WSP1	W SP1 Water
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
QESP1	QE SP1 Quality of the Environment
QEDM2	QE DM2 Light pollution
QEDM1	QE DM1 Noise Pollution
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The 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-On-Sea does not have a Neighbourhood Development Plan.

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

This site lies within the built up area boundary where development is acceptable in principle in accordance with Arun Local Plan Policy SD SP2 and provided it is in accordance with other policies of the Local Plan covering such issues as visual amenity/character, residential amenity, highway safety & parking and space standards. The site is occupied by a detached property with front and back gardens in a mixed design area.

The key policy considerations in the determination of this application are policies S DSP2, D DM1, D DM2, D SP1, ENV DM4, W SP1, W DM1, W DM2, WDM3 and QE SP1 of the adopted Arun Local Plan.

SUSTAINABILITY:

The application site is set within a residential area and is surrounded by residential dwellings. The proposed 4 bedroom dwelling would simply replace the existing 4 bed dwellinghouse, within an existing residential area (rather than lead to the addition of a dwellinghouse). Therefore, even though the nearest bus stop is 0.3 of a mile away, on the corner of Templesheen Road and Elmer Road. Officers consider the location to be acceptable as it forms part of the existing Built-up Area. It is not considered that there are harmful environmental costs to the proposal, therefore Officers consider the location to be acceptable with regard to sustainability.

DESIGN AND VISUAL AMENITY:

The south elevation would include one built in garage which would be visible from the street scene. Next to the garage door on the southern elevation it is proposed to have one four pain window. On the first floor there would be two further windows of the same style for the bedrooms. On the eastern elevation there are three proposed windows. On the northern elevation there are 2 dormer windows set into the rear roofslope. The ground floor is proposed to host one set of Bi-Folding doors. The western elevation hosts the front door along with also three slim windows, one on the first floor and two on the ground floor.

The proposed dwelling would be set into the application site from the rear of the highway by approximately 8.55 metres. Officers note that the 2 dwellings either side are bungalows. However having regard to the fact that there are a variety of dwelling types along Ancton Way it is not considered that the proposed dwelling would appear as a incongruent feature within the street scene with regards to its size, scale and massing.

The external materials as proposed are:

Walls: Brick/Block work, timber cladding, K rend white render

Roof: Fibre cement blue slate roof tiles and dark grey eave lines/guttering

Windows: Dark Grey

Doors: Dark grey

Having regard to the above proposed external materials it is considered that, given the variety or property styles and materials in use within the area, they would be appropriate.

Therefore, having regard to the size, scale, massing and overall design of the proposed dwelling it is considered that it would not have a detrimental impact on the street scene and wider area.

As such, the proposal would comply with policy D DM1 and D SP1 of the Arun Local Plan.

RESIDENTIAL AMENITY:

The proposed development will be located 1m from the eastern boundary and 1m from the western boundary, 8.9m from the southern boundary and 18.31m from the northern boundary.

The windows in the front elevation would allow views out toward the highway and out over the front gardens of adjoining properties 64 and 68, areas that are already significantly overlooked.

With regard to proposed rear dormer windows it is considered that they would allow views over the rear parts of the rear amenity space of adjoining properties 64 and 68, rather than the primary amenity space to the rear of the dwellings. The rear of the application site is lined by mature trees and vacant land thereafter so there is no overlooking in this regard.

3 windows are proposed in both the east and west elevations of the proposed dwelling. From an assesment of the plans the ground floor windows would be set at a cill height of approximately 1.8 metres and as such it is considered that they would not lead to any detrimental overlooking. The first floor windows, in the side elevations, would be set at a cill height of approximately 1.65 metres and would serve a hallway and a bathroom. It is considered that these windows would also not lead to detrimental levels of overlooking.

It is considered that the proposed dwelling would not have a detrimental impact upon the occupiers of adjoining properties with regard to overlooking.

The proposed dwelling would extend past the rear of adjoining property number 68 by approximately 3.55 metres. However, the rear part of the dwelling has been amended at first floor level where the initially proposed rear gable end has been removed and a sloping roof element introduced. The rear sloping roof element is set back from the rear elevation, at the ridgeline, by approximately 4.0 metres where it slops down to a height of approximately 2.8 metres. Officers consider that this amended roof form would have the effect of significantly reducing the impact of the proposal on the occupiers of adjoining properties in particular number 68. Therefore when the 45 degree approach is applied to the windows in the rear of adjoining property 68 the 45 degree line would be intersected by the proposed dwelling, leading to some loss of light. However, given the aforementioned, amended roof form it is considered that this would significantly mitigate the potential impact of any loss of light.

Additionally, the dwellings on this side of Ancton Way are oriented such that their rear elevations face in a northerly direction. It is therefore considered that the proposed dwelling would not have a detrimental

impact on the occupiers of adjoining property number 68 with regards to loss of light, overshadowing or overbearing impact such that would warrant refusal. With regard to property number 64 the proposed dwelling would not extend past its rear elevation. Officers note that there is an existing conservatory to the side elevation, facing the application site, at number 64. It is noted that the proposal would have 2 storeys and be sided adjacent to it. However, it is noted that the proposed dwelling would be set in from the common boundary and in from the side elevation of the conservatory. Additionally there are also windows in the north and south elevations of the conservatory. Therefore, it is considered that while some loss of light would occur it would not be so substantial as to warrant refusal. It is therefore considered that the proposed dwelling would not have a detrimental impact on the occupiers of adjoining property number 64 with regards to loss of light, overshadowing or overbearing impact such that would warrant refusal.

The proposed dwelling would be set between 2 adjoining bungalows. Officers note that the proposed dwelling would be prominent as it would be 2 stories in height. However, it is noted that there are a variety of property styles within the area. It is considered that while the dwelling would have a prominence it is not considered that it would have a detrimental impact with particular regard to overbearing impact.

It is considered that on balance, the proposed dwelling would not have a detrimental impact on the occupiers of adjoining properties 64 and 68 with regard to overbearing impact, overshadowing, overlooking and loss of light/sunlight.

As such, the proposal would comply with Policy D DM1 of the Arun Local Plan.

PARKING AND HIGHWAY SAFETY:

The proposed front paving area would extend to the side of the highway, which is shown on the plans as within the applicants ownership. There are a wide variety of different front garden styles along Ancton Way which come to the side of the highway. Some front gardens are paved all the way while others include an area or areas of grass. Officers consider that the proposed paving and the potential this has for cars to park off street.

From an assessment of the parking guidance 3 parking spaces would be required. Having regard to the submitted plans there would be space for at least 3 vehicles (cars) off-road to the front of the dwelling and including the proposed garage parking. The proposal would adhere with the West Sussex County Council guidance on parking provision.

In terms of providing a safe access, visibility splays and the off street car parking spaces a pre occupation condition will be imposed.

Therefore it is considered that the proposal would not have a detrimental impact on parking and highway safety.

DRAINAGE, FLOODING AND FLOOD RISK:

The Council's drainage engineer has commented on this application and does not object subject to the imposition of a condition upon any grant of planning permission.

The application site falls within Flood Zone 3. The Environment Agency have commented on this application and do not object subject to the imposition of a condition. They consider that the proposed development will only meet the requirements of the NPF if a condition is imposed upon any grant of planning permission.

Therefore, it is considered that the proposal would not have a detrimental impact with regard to drainage,

flooding or flood risk.

As such, the proposal would comply with Policies W SP1, W DM1, W DM2 and WDM3 of the Arun Local Plan.

TREES:

There are a number of TPO trees behind the fencing to the rear boundary of the application site. The Landscape and Tree Officer has commented on this application and does not object. They consider that the arboricultural information provided in support of this proposal is adequate and can be supported. As such, they recommend that any approval of the scheme be subject to a condition.

As such, the proposal would comply with policy ENV DM4 of the Arun Local Plan.

INTERNAL SPACE STANDARDS:

From an assessment of the plans the proposal would comply with the internal space standards as set out in the Technical housing standards - nationally described space standard.

There are no external space standards but as the proposed rear garden would have a width of approximately 8.89 metres and a depth of 17.94 metres. Officers Consider sufficient rear amenity space would be provided.

As such it is considered that the proposal would adhere with Policy D DM2 OF The Arun Local Plan.

SUMMARY:

The proposal would not compromise 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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal is considered to be a proportionate response to the submitted application based on the considerations set out in this report. .Environment Agency have commented upon this application

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:

PA-294-01

PA-294-02

PA-294-03

PA-294-04

PA-294-05

PA-294-06

Tree Constraints Plan LLD 1758-ARB-DWG-001 Rev 00

Tree Retention and Protection Plan LLD 1758-ARB-DWG-002 Rev 00

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 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 4 The development shall be carried out in accordance with the submitted flood risk assessment (ref UK Flood Risk Consultants: Flood Risk Assessment- 66 Ancton Way, Bognor Regis PO22 6JP) and the following mitigation measures and plans it details:

All sleeping accommodation will be located on the first floor and above. These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above

shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to future occupants in accordance with Policy W DM2 of the Arun Local Plan.

- 5 Before the site is occupied or any machinery is introduced to the site or demolition work or construction work or alterations to existing ground levels takes place the Arboricultural Expert representing the site owner(s) must provide the local planning authority with written evidence by way of a report with attached photographs demonstrating that all protective fencing has been inspected to verify it is 'Fit for Purpose' as required under British Standard 5837:2012 and been erected and positioned exactly as shown on the Tree Retention and Protection Plan, dwg.no. LLD1758-ARB-DWG-002, Rev 00.

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

Reason: To comply with BS5837 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area in accordance with Policy ENV DM4 of the Arun Local Plan.

- 6 No part of the development shall be first occupied until plans and details of visibility splays with regards to the front access have been 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 and in accordance with policy T SP1 of the Arun Local Plan..

- 7 No part of the development shall be first occupied until the car parking spaces have been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated use.

Reason: To provide car-parking space for the use in accordance with policy T SP1 of the Arun Local Plan.

- 8 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.

- 9 INFORMATIVE: Sothorn Water require that the exact position of the public foul rising main must be determined on site by the applicant. This should be done prior to construction starting.

No development or tree planting should be carried out within 3 metres of the external edge of the public foul rising mains without consent from Southern Water.

No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public rising mains.

All existing infrastructure should be protected during the course of construction works.

- 10 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers.

Supplementary guidance notes regarding surface water drainage are located here <https://www.arun.gov.uk/surfacewater> on Arun District Councils website. A surface water drainage checklist is available here <https://www.arun.gov.uk/drainagechecklist> on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.

- 11 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link:

<https://beta.southernwater.co.uk/infrastructure-charges>

Our initial investigations indicate that there are no public surface water sewers in the vicinity of the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer. The disposal of surface water from this development should be in compliance with the following hierarchy of Part H3 of Building Regulations:

- a) An adequate soakaway or some other adequate infiltration system.
- b) A water course.
- c) Where neither of the above is practicable: a sewer.

Due to surface water inundation issues in the Lidsey Catchment the applicant is advised to adopt, where appropriate, the measures in the table "Practical measures to reduce the potential impacts of development". Developer should look to protect the public sewerage system from inundation and infiltration, which contribute to flooding in unfavourable conditions. For further advice, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119), www.southernwater.co.uk or by email at developerservices@southernwater.co.uk