

Recommendation Report for Planning Permission

REF NO: M/151/21/PL

LOCATION: 7 Central Drive
Middleton-on-Sea
PO22 7TT

PROPOSAL: Erection of 1 No. 4 bed dwelling (resubmission of M/105/18/PL). This application is in CIL Zone 4 and is CIL liable as new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks planning permission for erection of 1no. 3 bed dwelling (resubmission of M/105/18/PL). The proposed ground floor will comprise of 3 single aspect bedrooms with toilets, garage and a hallway. The proposed first floor will provide a kitchen, study, lounge, toilet and stairway. The proposed two storey dwelling will have dormer window to the front, mansard roof design and a proposed ridge height of about 8.0m.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Low brick fence at the front, 1.8m close boarded timber fence to the side and rear of property.
SITE CHARACTERISTICS	The application site is located on land to the west of No. 7 Central Drive. The proposal is for a two storey dwelling which would replace a conservatory, high wall and single storey garage.
CHARACTER OF LOCALITY	The locality is predominantly residential use with mixed housing design.

RELEVANT SITE HISTORY

M/105/18/PL	1 no detached four bedroom house	ApproveConditionally 30-11-18
M/70/14/PL	1 No detached 4 bedroom house (resubmission following M/21/14/)	Refused 14-10-14 Appeal: Allowed+Conditions 09-09-15
M/21/14/	1 No detached 4 bedroom house.	Refused 16-06-14

This planning permission has been renewed on several occasions. In 2014 it was refused but subsequently allowed on appeal and the latest renewal is under M/105/18/PL.

REPRESENTATIONS

Middleton Parish Council has no objection to this application.

3 letters of objection were received from neighbours and the basis of objection was;

- the proposal will restrict view and devalue their property;
- inadequate car parking spaces;
- not in keeping with the street scene;
- negative impact on wildlife;
- flooding;
- detrimental impact on sea view;
- increased residential density;
- create a precedent.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comment noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Coastal Protection

Coastal Protection has no objection to this application but provided other general comments.

Drainage Engineers

Drainage Team confirmed that applicant has an updated Drainage Statement.

Condition PCENG2 no longer to be applied to the decision.

Alternative Condition: All surface water drainage is to be constructed in accordance with the "Surface Water Drainage Strategy 100-PL-100-P2" drawing contained within this document.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Lidsey Treatment Catchment Area

Built Up Area Boundary (BUAB)

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
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM4	W DM4 Coastal Protection

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

Middleton Parish do not have a made Neighbourhood Plan to take into account in the determination of this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal complies with relevant Development Plan policies in that it would not have materially adverse effect on the street scene and the residential amenities of the adjoining properties and of prospective occupiers.

OTHER MATERIAL CONSIDERATIONS

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 application seeks permission for planning permission for erection of 1no. 4 bed dwelling (resubmission of M/105/18/PL). The key policies are D DM1 and D SP1 of the Arun Local Plan.

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy D SP1 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. Development proposals should have been derived from: a thorough site analysis and context appraisal; adherence to objectives informing sustainable design (inclusivity, adaptability, security, attractiveness, usability, health and wellbeing, climate change mitigation and habitats); and the influence these objectives have on the form of the development.

Previous application for renewal of planning permission for this development was approved under M/105/18/PL. This application is a resubmission of the previously approved scheme, the principle of which has already been established.

Further guidance from the Arun Design Guide is relevant and referred to below.

DESIGN AND VISUAL AMENITY

Section A.05 of the Arun Design Guide emphasizes the need to promote good design, it goes beyond the appearance of individual buildings and is about how a place is shaped, how it will be lived and experienced. Section J.01 of the Arun Design Guide outlines that built form and character varies considerably throughout the Arun District as a whole and in the settlement character areas identified in Section C.05 of the Design Guide. Section J.02 (scale and mass) ensures that the scale and massing of development responds to the existing townscape and landscape. The appropriate scale for new buildings should be determined by their context, their location within the order of streets, and their function and positioning, and should avoid overshadowing of neighbouring properties.

The replacement dwelling will be visible in the street scene. Due to the proposal's scale, mass, bulk and height, it will not be an overdevelopment or be overbearing. The street scene is characterised by mixed scale and design of residential dwellings with similar separation distances. There are similar two storey developments in the vicinity.

The proposal will have a modest design and there are similar developments in the street scene, therefore, the proposal will be in keeping with the design, character and appearance of the street scene and will not have a significant unacceptable impact on the appearance of Central Drive. Given that the surrounding properties are of mixed design and style, the proposed dwelling by reason of its design and scale will not appear out of keeping and will be in accordance with policies D DM1 and D SP1 of the Arun Local Plan and the Arun Design Guide.

RESIDENTIAL AMENITY

The proposal will have a separation distance of 1.55m to the western, 5.55m to the northern, 1.55m to the western and 27.6m southern boundaries of neighbouring dwellings. The proposed development will project beyond the original rear elevation but adequate separation distances between properties are maintained. Due to the height, scale, mass, bulk and separation distance of the two storey development, it will neither create an enclosure effect nor will overshadow the neighbouring properties (7 and 9 Central Drive). The prevailing site layout and building design within this vicinity are similar two storey dwellings. The proposal will not result in significant adverse impact on the residential amenities of neighbours and it is acceptable in this regard.

The two rear windows on the first floor provide views predominantly down the host garden and acceptable views to neighbouring properties. These windows will not result in unacceptable overlooking of neighbouring properties and loss of privacy to neighbour's garden to justify refusal. The proposal is therefore in accordance with policies D DM1 and D SP1 of the Arun Local Plan.

INTERNAL AND EXTERNAL SPACE STANDARDS

Arun Local Plan policy D DM2 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". The Technical Housing Standards (Nationally Described Space Standard) provides relevant standards for bedroom and dwelling sizes. Reference should be made to Arun's Environmental Health Private Housing Standards.

On the ground floor, there will be 3 single aspect bedrooms with toilets, garage and a hallway with room sizes ranging from 11.0sqm to 15.62sqm within 80.03sqm internal floorspace. While on first floor, there will be a kitchen, study, lounge, toilet and stairway within 80.03sqm internal floorspace. The total internal floor space for the proposed two storey dwelling will be 160.06sqm.

Bedrooms meet the Nationally Described Space Standards' bedroom size requirements of 102sqm for 3bed 6persons dwelling on two floors and complies with Policy D DM2.

The proposal will have sufficient amenity space to the rear, provision for waste and recycling facilities to provide for the residential amenities of future occupiers.

The two storey dwelling will provide satisfactory living accommodation for future occupiers and is acceptable in accordance with para. 17 of the NPPF. The development complies with the Nationally Described Space Standards and policy D DM2 of the Arun Local Plan.

TRAFFIC AND PARKING

Arun Local Plan's Policy T SP1 seeks to ensure development provides safe access on to the highway network contributes to highway improvements (where appropriate) and promotes sustainable transport. Schemes should accommodate the efficient delivery of goods and supplies; give priority to pedestrian and cycle movements, be accessed by high quality public transport facilities, create safe and secure layouts for traffic, cyclists and pedestrians and provide appropriate levels of parking.

Para. 110 of the NPPF states: "In assessing, specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Para. 111 states: "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."

With regard to highways, transport and parking, the following policies and guidance are relevant: paras. 110 and 111 of the NPPF, ALP policies T SP1 and T DM1, and the ADC Parking SPD (2020). The Arun Parking Standards SPD would expect 2 car parking space provision in this location. The cycle parking requirement would be 1 per dwelling, therefore requiring 1 cycle parking spaces.

Arun District Council's Electric Vehicle Infrastructure Study was agreed at Full Council on 18-01-2019 and Policy QE DM3 of the Arun Local Plan seeks to encourage the use of electric vehicle charging points. The Arun Parking Standard requires that "all houses with a garage and a driveway must have a charging point but that for new flatted and all other types of development, provision should be made for dedicated EV charging bays in 2% of the parking spaces provided." WSCC Highways raises no highway safety concerns for this application.

The proposal incorporates a built-in garage for 1 car parking space, no cycle storage and no electric vehicle charging point. These can be secured via a suitably worded condition. The proposal will not

generate significant traffic and parking demand to exacerbate the existing parking condition. The proposal will accord with Policy T SP1 of the Arun Local Plan.

DRAINAGE AND FLOODING

The development will be in Flood Zone 1 and this application is supported with a Surface Water Drainage Report. The proposal involves increase in residential density. The existing dwelling has two bedroom at ground floor and four bedrooms are proposed at first floor.

Coastal Protection has no objection.

The Drainage Engineer has reviewed and confirmed that the proposed soakaway scheme is acceptable (June 2022).

Similarly, the Drainage Engineers do not object subject to conditions to ensure that the development is adequately drained and does not increase flood risk elsewhere should the application be approved. Therefore, the development would not exacerbate the site's existing condition in accordance with policy W DM2.

BIODIVERSITY

ALP policy ENV DM5 states: "Development schemes shall, in the first instance, seek to achieve a net gain in biodiversity and protect existing habitats on site. They shall also however incorporate elements of biodiversity including green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitats (whether designated or not)."

Para. 180 (a) of the NPPF states: "If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;"

The site is generally laid to lawn and due to the nature of the proposal a Preliminary Ecological Appraisal Report was not required. The opportunity to increase biodiversity and mitigation measures will be secured via conditions so as to comply with policy ENV DM5..

CLIMATE CHANGE

The ALP policy ECC SP2 requires residential development to be energy efficient and incorporates decentralised, renewable and low carbon energy supply systems.

No decentralised, renewable and low carbon energy supply systems are proposed therefore a condition would be necessary to secure compliance with the policy.

SUMMARY

The principle of development on this site has already been established under previous planning consents including M/105/18/PL and at Appeal. The proposal will be in keeping with the design, character and appearance of the street scene, enhance the quality of the environment and provide satisfactory living accommodation. The development accords with development plan policies D DM1, D DM2, D SP1, T SP1, W DM2 and para.11d of the NPPF.

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

In assessing this proposal no impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The 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 -
 - Location Plan, Block Plan, Proposed Bike Store and Street Scene Sheet 2 of 2;
 - Proposed Floor Plans and Elevations Sheet 1a of 2; and
 - Proposed Section
 - Surface Water Drainage Strategy Rev P2 23.06.22 100-PL-100-P2
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 All surface water drainage is to be constructed in accordance with the Surface Water Drainage Strategy 100-PL-100-P2 drawing contained within the Drainage Statement Rev P2 23.06.22

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 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 building(s)/extension have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building/extension.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity/and character and appearance of the Listed Building/ by endeavouring to achieve a building of visual quality in accordance with policy D SP1 of the Arun Local Plan.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order), no windows or other openings (other than those shown on the plans hereby approved) shall be constructed on the first floor of the east wall of the dwelling hereby approved.

Reason: In order to protect the residential amenity of the neighbouring property in accordance with policy D DM1 of the Arun Local Plan 2018

- 6 The development not be occupied until the shed shown on the approved plans to provide secure cycle parking spaces has been provided. 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.

- 7 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.

- 8 Within 3 months of the date commencement of this permission details of improvements to secure biodiversity net gain shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be completed on site prior to occupation of the dwelling and the approved details and retained thereafter.

Reason: In accordance with Arun Local Plan policy ENV DM5 and the NPPF.

- 9 "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 infiltration tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method. All design storms must include a climate change allowance of 40% on stored volumes or rainfall intensity. Infiltration structures must cater for the critical 1 in 10 year storm event, (plus 40%) between the invert of the entry pipe to the soakaway and the base of the structure. The design must also have provision to ensure there is capacity in the system to contain the critical 1 in 100 year storm event (plus 40%).

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 groundwater table in support of the design. The applicant is advised to discuss the extent of ground water monitoring with the council's engineers.

Supplementary guidance notes regarding surface water drainage are located at <https://www.arun.gov.uk/drainage-planning-consultations> on Arun District Council's website. A surface water drainage checklist is available on Arun District Council's website, this should be

submitted with a Discharge of Conditions Application."

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 has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>. Our initial investigations indicate that there are no public surface water sewers in 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. 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".

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.

11 INFORMATIVE: Should the permission need renewing again in the future the appellant is invited to consider submitting a revised design for the property which reflects the objective in the NPPF 2018 for high quality designs.

12 INFORMATIVE:

Other general comments that may be of interest to the Applicant are as follows:

- There can be no guarantee that homes situated next to the sea are 100% safe. Living close to any expanse of water always carries some level of risk; homeowners should be aware of this and should take appropriate precautionary measures if they consider it necessary.
- Although the property is located outside of Flood zone 2 and 3 It should be understood that the mapping provided by the Environment Agency is indicative and subject to change as new information / modelling becomes available.
- The Environment Agency have produced National Coastal Erosion Risk Mapping. This dataset provides detail on the predicted erosion rates for the short, medium and long term, along with the Shoreline Management Plan for each epoch.

<https://environment.maps.arcgis.com/apps/webappviewer/index.html?id=9cef4a084bbb4954b970cd35b099d94c>

- The Beachy Head to Selsey Bill Shoreline Management Plan (SMP) provides a high level assessment of the risks associated with coastal evolution and presents a policy framework to address these risks. <http://www.se-coastalgroup.org.uk/wp-content/uploads/2013/10/Beachy-Headto-Selsey-Bill-SMP-FINAL.pdf>

- The River Arun to Pagham Flood and Coastal Erosion Risk Management Strategy sits below the SMP and suggests how best to manage coastal flooding and erosion risk over a 100 year strategy period for smaller lengths of coastline. The Strategy has identified shortlisted options on how this can be achieved, provided funding is available. Full documentation can be found at:

<https://drive.google.com/drive/folders/1diqZC539DlbkaPQ0EcChgoTMFW32xsdf>

- Living and building on the Coast In Arun <https://www.arun.gov.uk/living-and-building-on-the-coast>

- The Government's current strategy for funding capital works (e.g. major groyne replacement schemes) is known as Partnership Funding. If or when any Partnership Funding might be required direct beneficiaries of the defence are likely to be approached. I.e. those likely to be at risk from

flooding or erosion within the timescale of the scheme. I have provided a link which explains partnership funding in greater detail -

<https://www.gov.uk/government/publications/flood-andcoastal-resilience-partnership-funding>

- 13 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.