

REPORT UPDATE

Application No: M/155/18/PL

Reason for the Update / Changes

Reason for Update/Changes:

- 1) Condition 3 to include the side elevation glazed panels of the first floor balcony.
- 2) The report refers to a large cedar tree. The tree was in fact a Monterey Cypress tree.
- 3) The Monterey Cypress tree was located on the neighbouring plot at 7 Central Drive however it was not covered by a Tree Preservation Order. It was felled yesterday by the next door neighbours. This took place in the interim period between the initial site visit to the property and consideration by Development Control Committee.
- 4) Condition 4 has been amended to reflect the absence of the Monterey Cypress and condition 5 relating to the pruning of the Monterey Cypress has been removed.

Note: The changes to conditions 4 & 5 are attached on the amended replacement recommendation sheet.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.

Recommendation Report for Planning Permission

REF NO: M/155/18/PL

LOCATION: 5 Central Drive
Middleton-On-Sea
PO22 7TT

PROPOSAL: Replacement dwelling (resubmission following M/114/18/PL).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed development is to demolish an existing chalet bungalow with attached garage to the west side and replace it with a two storey flat roofed dwelling of a modern design with an integral garage.
SITE AREA	857 sq.metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	11 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	A large cedar tree would be affected by the proposed

development. It is located at the front of the plot on the neighbouring property 7 Central Drive close to the boundary and to the foundations of the existing and proposed replacement dwelling at 5 Central Drive.

BOUNDARY TREATMENT

2 metre close boarded fence to the sides of the plot.

SITE CHARACTERISTICS

The application site comprises a chalet bungalow with rooms in the roof with gardens to the front and rear on the south side of Central Drive. The rear boundary adjoins the beach. The plot has a 17 metre wide frontage to Central Drive and an overall depth of approx. 46 metres The dwelling is currently unoccupied and appears in a poor state of repair.

CHARACTER OF LOCALITY

Predominantly residential. Both sides of Central Drive comprise similar sized plots with a wide variety of designs and house types, mainly with small gardens to the front and larger rear gardens. On the south side as in the case of the application site the gardens extend down to the beach area.

RELEVANT SITE HISTORY

M/114/18/PL

1 No. replacement dwelling.

Withdrawn
26-11-18

PAA/98/18/

Replacement Dwelling

Approve Pre App
26-06-18

A previous application for a similar development was withdrawn (M/114/18/PL) and a subsequent pre-application made (PAA/98/18) where amendments were proposed in an attempt to make the scheme acceptable which are included in the current application.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Middleton Parish Council

Objection on the following grounds:

- Out of character.
- The proposed development is overbearing.

1 letter of objection from the property opposite:

- Out of character.
- Unsympathetic to neighbouring properties.
- Contemporary design not in keeping.
- Rectangular design will reduce view of the sea for neighbours and visitors.

COMMENTS ON REPRESENTATIONS RECEIVED:

Loss of view is not a material planning consideration.

There are a variety of different beachfront dwelling styles including contemporary designed flat roof houses both on Central Drive and in Middleton/Elmer in general such that there is not one central type or style of dwelling.

The applicant has reduced the width of the proposed two storey building significantly to improve the impact on loss of amenity to neighbouring properties which has also reduced the bulk of the dwelling within the street scene following pre-application advice.

The dwelling would be set in approx. 2 metres from both side boundaries at ground and first floor level which is a greater set in than many other dwellings in the area.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

Southern Water Planning

WSCC Strategic Planning

Environmental Health

Arboriculturist

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

ADC Environmental Health - No comment.

ADC Drainage Engineers - No objection subject to conditions.

Southern Water - No objection.

ADC Arboricultural Officer - No objection subject to conditions.

While this scheme requires an ambitious set of tree protection measures/demolition and construction methods, it is nonetheless achievable without undue detriment to the Monterey cypress tree (T02), providing there is adequate oversight and retained arboricultural input to ensure full and correct implementation of the same. As such, I see no reason to object on arboricultural grounds.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

It is not considered reasonable to impose a surface water drainage condition when the proposed dwelling is a replacement of an existing dwelling with no significant additional roof area created.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary.

DEVELOPMENT PLAN POLICES

Arun Local Plan 2011 - 2031:

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
TSP1	T SP1 Transport and Development
WDM3	W DM3 Sustainable Urban Drainage Systems
ECCSP2	ECC SP2 Energy and climate change mitigation

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 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.

Middleton does not have a Neighbourhood 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 the development, while having an impact on the locality in terms of design, massing and scale, would not be out of character with the varied designed properties which constitute the established spatial pattern of development in the surrounding area in general and it would not have a significant impact on the residential amenities of neighbouring properties.

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 key policy considerations in the determination of this application are policies D DM1, D DM2, D SP1, T SP1 and ECCSP2 of the Local Plan and the National Planning Policy Framework.

DESIGN AND VISUAL AMENITY

Policy D DM1 of the Arun Local Plan (ALP) requires that the Council have regard to certain aspects of design including character, appearance/attractiveness, density and scale relative to this application.

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

Section 12 of the NPPF refers to high quality buildings and places being fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development and creates better places in which to work and live. Paragraph 131 of the NPPF states that in determining applications great weight should be given to outstanding, innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

The existing dwelling is located within an area characterised by a mix of mainly medium sized detached properties of single, 2 storey and chalet style design many of which overlook the foreshore to the south. The area lacks any one predominant architectural style or design.

The properties either side of the proposed dwelling are a more conventional pitched roofed chalet bungalow (3 Central Drive) and a two storey dwelling with a gable end pitched roof (7 Central Drive). However, the properties at no.6 and no.10 Central Drive both have rectangular roof design features albeit of a more traditional type being weatherboard clad.

The proposals at 5 Central Drive has sought to use materials that reflect local features with the use of sandy coloured bricks (beach/pebbles) and larch wood in keeping with its maritime location.

The applicants have also cited that part of the reason for the use of brick on the elevations of the property in preference to white rendered elevations, more commonly used on contemporary buildings in the area, is due to concerns over the intense weathering of sea facing properties and the improved performance of brick in terms of building maintenance.

The position of the dwelling on the plot in relation to the road frontage would not be significantly altered and would be in keeping with neighbouring properties. Gaps of approx. 2 metres are retained at ground floor level to the site boundaries. The scale and massing of the proposed building is considered to be acceptable and serves to increase the open character of the area in comparison to many other local dwellings which are constructed right up to their side boundaries. The spatial pattern and character of the locality would therefore be retained and improved as a result.

The proposal makes a positive contribution to the appearance of the area reflecting the design style of nearby contemporary dwellings and local natural materials on the coast. In addition its modern design promotes a high level of sustainability using solar panels on the roof and solar gain from the extensive glazed panels on the south facing aspect of the dwelling.

The proposed building is of a high quality design in keeping with the character of the area and therefore complies with policy D SP1 and D DM1 of the Arun Local Plan with respect to design.

RESIDENTIAL AMENITY

Arun Local Plan 2011-2031 policy D DM1 requires that the Council have regard to the impact of new development on neighbouring residential amenity.

The proposed dwelling features a number of first floor windows in the eastern and western side facing elevations which could give rise to unacceptable overlooking of the adjoining properties. However a condition requiring them to be non opening and obscure glazed would address this issue. The dwelling also includes a first floor balcony on the rear elevation of the property. The brick built sides of the balcony contains a glazed panel which could also required to be non opening and obscure glazed by condition.

The proposed windows on the front and rear elevation of the property do not result in any additional adverse overlooking of neighbours given the level of glazing and windows present on the rear elevation of the original dwelling house and the orientation of the dwelling.

The built form of the proposed dwelling does not intersect a 45 degree line drawn from the centre of the primary habitable room windows at no.3 and no.7 Central Drive to the east and west of the property.

The side facing windows in the side elevation of the neighbouring property at no.7 are as follows:

- 1) An obscure glazed windows serving a bathroom.
- 2) A secondary window serving a rear bedroom where the primary windows providing light to the room is in the rear (south facing) elevation of the neighbouring property.

The side facing windows of no. 7 are therefore not significantly impacted in terms of a loss of light, privacy nor overbearing impact.

A further consideration with respect to loss of light and overbearing impact on the property opposite at 8 Central Drive is necessary as it would have a front elevation approx. 16 metres away. The property opposite is somewhat unusually sited right at the front of the plot leaving limited front garden space and no parking area to the front of the dwelling. The built form would cause some of loss of light and a degree of additional overbearing impact to this properties front elevation due to its greater height and mass than the current dwelling. Whilst the separating distance is less than the usual 20m which is expected for in the case where the relationship is with a neighbouring rear garden where privacy should be protected, in this case it is a front to front relationship where there is an intervening road and a front garden where normally privacy is not stringently expected.

The impact of the proposed dwellings on its neighbours in terms of loss of privacy, loss of light and overbearing impact is not significant and the proposal complies with policy D DM 1 of the Arun Local Plan

SPACE STANDARDS

Policy D DM2 of the Arun Local Plan seeks to ensure adequate internal space standards in new dwellings in accordance with guidance within the Nationally Described Space Standards part of National Planning Policy Guidance.

The proposed dwelling has in excess of 260 sq. m. of internal space. It would require a minimum of 124 sq.m. as specified within the Nationally Described Space Standards. The proposal therefore complies with policy D DM2 of the Arun Local Plan with respect to internal space standards.

Private amenity space is proposed in the rear garden in an area measuring approx. 30m x18m. The proposal provides a private garden of similar size to the existing dwelling and other properties in the area

with private access direct onto the beach. In terms of external amenity space the proposal is acceptable.

TREES

The site has an open frontage to Central Drive with limited existing boundary screening. There are 2 existing small mature trees on the frontage of the property including a small beech tree and a further ornamental tree is proposed to be planted shown on the on the Proposed Block Plan which have some amenity value as a group and could be retained by condition as they provide some screening for the proposed dwelling. There are mature hedges to a height of approx. 2-3m along both side boundaries in the rear garden which also provide a degree of screening and privacy. There is a large cedar tree on the front boundary of the neighbouring property 7 Central Drive which also currently provides some screening to the proposed development.

The proposed development would potentially affect a mature cedar tree of significant amenity value on the neighbours property at 7 Central Drive.

A tree survey has been submitted where the Arboricultural Officer's supports the application subject to conditions.

PARKING AND HIGHWAY SAFETY

Arun Local Plan Policy T SP1 seeks to ensure that development does not have a severe impact on the highway network, provides adequate parking and promotes sustainable transport.

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."

The parking and access arrangements are identical in the proposed and existing developments on the site. The proposed garage has space for the garaging of vehicles and for the storage of bicycles.

The scheme provides sufficient space for the parking of 2 cars including the garage space based on standard car parking size of 5.5 metres by 2.9 metres.

West Sussex County Council Highways Department have not assessed the scheme however since the access arrangement and the parking provision are to remain substantially the same it is not considered that an objection on highway and parking grounds is justified.

The proposal is in accordance with policy T SP1 of the Arun Local Plan.

SUMMARY

Therefore for the above reasons, it is recommended that the application is approved 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. PA-270-11 dated 14.12.2018
Proposed Floor Plan dwg.no. PA-270-05 dated 14.12.2018
Proposed Roof dwg.no. PA-270-06 dated 14.12.2018
Proposed Section AA dwg.no. PA-270-08 dated 14.12.2018
Proposed Drainage Layout dwg.no. PA-270-12 dated 14.12.2018
Proposed Materials dwg.no. PA-270-25 Rev A dated 07.02.2019
Proposed Elevations dwg.no. PA-270-07 Rev A dated 07.02.2019

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 and DSP1 of the Arun Local Plan.

- 3 All windows on the east and west elevations of the building including the side panels of the rear balcony at first floor level shall at all times be glazed with obscured glass and fixed to be permanently non-opening below 1.7 metres in height.

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

- 4 All activity at the site is to be carried out in strict accordance with: - Arboricultural Impact Assessment and Method Statement (LLD1671-ARB-REP-001, Rev.01, 27th March 2019) with the exception of any reference to the Monterey cypress tree which has now been felled.

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 a PRE-COMMENCEMENT Site Meeting is to take place between the Arun DC Tree Officer and the Arboricultural Expert representing the site owners - at this meeting all protective fencing will be inspected along with ground protection measures - they will be assessed to verify that they are 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown on the Tree Retention and Protection Plan (LLD1671-ARB-DWG-002, Rev.01, 26.03.19) with the exception of any reference to the Monterey cypress tree which has now been felled.

.A schedule of Site Monitoring/Supervision visits and Reporting Procedures prepared by an Arboricultural Expert will be required and their extent will be agreed on at the above site meeting to the satisfaction of the Arun DC Tree Officer.

Reasons: 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. The pre-commencement condition is required to ensure the protection of the neighbouring mature cedar tree on the adjoining site close to the boundary.

- 5 The planting of an ornamental tree and low level planting and construction of hard landscaping including the close boarded fence to the front of the property and the retention of the existing trees and hedging shall be carried out in accordance with the details shown on plan Proposed Block Plan dwg.no. PA-270-11 dated 14.12.2018. All tree and hedge planting in the approved details shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees, planting or hedging which within a period of 5 years from the completion of the 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 D DM1 of the Arun Local Plan.

- 6 No part of the development shall be first occupied unless and until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that the development will achieve energy efficiency measures that reflect the current standards applicable at the time of submission and includes the use of renewable energy supply systems. The approved scheme shall thereafter be implemented prior to occupation of the residential unit and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

Reason: To ensure that the development is energy efficient and in accordance with policy ECC SP2 of the Arun Local Plan.

- 7 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.

- 8 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>.

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 at the above address.

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.