

Recommendation Report for Planning Permission

REF NO: M/25/19/PL

LOCATION: 27 Central Drive
Elmer
PO22 7TT

PROPOSAL: Replacement dwelling

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Replacement 2 storey linked detached dwelling retaining the existing detached garage and creating 2 further parking spaces and a turning circle within the site. The dwelling has a footprint of 16 m by 14 m with a height of 10 m.
SITE AREA	0.1 hectares
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Fencing/hedging between 2m and 3m high.
SITE CHARACTERISTICS	Detached single storey dwelling. Painted rendered elevations and shallow pitch felted roof. The main garden area is to the north of the dwelling. The existing garage has a low pitch roof and is located in the north west corner of the site.
CHARACTER OF LOCALITY	Predominantly residential. Detached beach front dwellings of varying design, height and proportions.

RELEVANT SITE HISTORY

M/67/16/PL	Replacement dwelling (revised proposal to M/13/16/PL).	ApproveConditionally 05-10-16
PAA/82/16/	Extension to no.25 Central Drive onto adjoining plot no.27 Central Drive	Approve Pre App 08-06-16

A detached replacement dwelling of a similar size and scale albeit at a more central location within the plot was granted in 2016.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Middleton Parish Council

No objection.

2 letters of objection was received from a single neighbouring property on the following grounds;

- 1) Working hours restrictions too long.
- 2) Measures to deal with dust, odours and vapours should be agreed with neighbour and residents association
- 3) Design inappropriate and overbearing.
- 4) Risk of increased flooding to neighbouring properties.
- 5) For construction access via existing tritten not suitable. Access via beach should be utilised.

No objection was made by 2 further neighbours and the Elmer Beach Residents Association however the following issues were raised;

- 1) For construction access via existing tritten not suitable. Access via beach should be utilised and access way re-instated on completion.
- 2) Parking issues relating to estate. All contractors parking should be on site.
- 3) Drainage, sewerage issues should not impact upon neighbouring properties.

COMMENTS ON REPRESENTATIONS RECEIVED:

A condition restricting working hours for one dwelling is not necessary and any possible nuisance can be controlled by the Council's Environmental Health department.

Issues relating to parking and access of construction vehicles are private legal issues between the residents association, neighbouring properties and the property owners.

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

The Council's drainage engineers have made no objection to the scheme.(see below).

All other issues are addressed in the Conclusions section of the report below.

CONSULTATIONS

Southern Water Planning
Engineering Services Manager
Engineers (Drainage)
WSCC Strategic Planning
Environmental Health
Environment Agency
Ecology Advisor
Natural England
Arboriculturist
Parks and Landscapes
West Sussex - Waste Disposal
Engineers (Coastal Protection)

Environment Agency

CONSULTATION RESPONSES RECEIVED:

ADC Engineers - Surface Water Drainage

No objection - Surface Water Drainage to be in accordance with building regulations.

ADC Environmental Health

No objection subject to conditions.

ADC Ecology - Requested phase 1 habitat survey be conducted.

ADC Greenspace - No objection.

ENVIRONMENT AGENCY - No objection subject to a condition and an informative.

SOUTHERN WATER - Foul water/sewerage

No Objection subject to an informative.

COMMENTS ON CONSULTATION RESPONSES:

- comments noted

- ADC Environmental Health - It is not considered necessary to make a lighting condition a pre-commencement condition as the proposal is not of sufficient magnitude for a condition to be warranted.

- ADC Ecology - A phase 1 habitat survey has been submitted showing that no protected species exist on the site and that the proposed development would have a negligible biodiversity impact thus biodiversity is not considered to be a significant issue in this application.

POLICY CONTEXT

Designation applicable to site:

Within built up area boundary

DEVELOPMENT PLAN POLICIES

[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
ECCSP2	ECC SP2 Energy and climate change mitigation
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 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, would not be out of character with the varied design of properties in the surrounding area 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 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 design of the property complements the neighbouring property to which it is linked in scale, size, materials and appearance. The new property does add additional glazed features including the external staircase linking the property to no.25 Central Drive, a front balcony and extensive glazing at first floor level facing out to sea. In addition the new property includes attractive solid wood balcony features and framing around the glazed sections which is an attractive design feature.

The design is considered to complement the neighbouring building and the beachfront scene in general. Its impact is reduced due to the flood bund and beach landscaping that rises up immediately behind the property which obscures the ground floor and breaks up the appearance of the new build such that no significant impact on the existing beach front scene would occur. The spatial pattern and character of the locality would therefore be retained and improved as a result of this development.

The proposed dwelling is set back some 50 metres from Central Drive and therefore does not have an impact on the street scene in that direction.

The proposals at 27 Central Drive has sought to use materials that reflect the neighbouring dwelling and many local buildings through the use of weatherboard cladding and plain clay tile roofing.

The proposal makes a positive contribution to the appearance of the area reflecting the design style of nearby dwellings and dwellings along the coast while adding desirable features such as the rear balcony and glazing looking out to sea. In addition its design promotes a high level of sustainability utilising 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 key area of concern regarding this proposal is its impact on the dwelling to the west no.35 however due to its location on the plot separated by 20 metres from no.35, the use of 3 obscure glazed windows at first floor at the northern end of the building and substantial 2/3 metre boundary hedging and fencing it is not considered that any significant loss of privacy, overbearing impact or loss of light caused as a result of the proposed dwelling. No objection to the proposal has been received from the occupiers of no.35 Central Drive.

The balcony side closest to no. 25 Central Drive would have its privacy protected by an 1.8 metre obscure glazed screen which would be subject of a condition in the event of a planning approval.

The proposed scheme does have a secondary dining room window facing the side elevation of the applicant's own property at no.25 Central Drive. To ensure the level of residential amenity is acceptable a condition requiring the window to be obscure glazed would be applied.

The proposed windows on the front and rear elevation of the property do not result in any additional adverse overlooking of neighbours due to the orientation and separation distances of the dwellings surrounding it.

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 400 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. 780 sq. m. 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.

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 similar in the proposed and existing developments on the site. The proposed garage has space for the garaging of a vehicle and for the storage of bicycles.

The scheme provides sufficient space for the parking of 2 cars in addition to 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:

Site Plan - Drg.no. IBA/507/01 dated 16/09/18
Ground Floor Plan - Drg.no. IBA/507/03 REV A dated 20/08/18
First Floor Plan - Drg.no. IBA/507/04 REV A dated 20/08/18
Proposed South Elevation - Drg.no. IBA/507/05 REV A dated 16/10/18
Proposed North Elevation - Drg.no. IBA/507/06 REV A dated 16/10/18
Proposed West Elevation - Drg.no. IBA/507/07 dated 16/10/18
Proposed East Elevation - Drg.no. IBA/507/08 dated 16/10/18
Roof Plan - Drg.no. IBA/507/09 Rev A dated 20/08/18
Street Scene - Drg.no. IBA/507/10 dated 20/08/18

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 and D SP1 of the Arun Local Plan.

- 3 The development shall be carried out in accordance with the submitted flood risk assessment (resubmitted by Ivon Blumer Architects on May 2019) and the following mitigation measures it details:

Finished floor levels shall be set no lower than 4.41m above Ordnance Datum (AOD)
Mitigation measures shall be incorporated including construction materials of the first 600mm of the ground floor that are capable of withstanding the potential risk of flooding and the use of floodgate systems of all door openings

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

In line with section 9 of the Planning Practice Guidance of the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change and policy W DM2 of the Arun Local Plan to reduce the risk of flooding to the proposed development and future occupants.

- 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 buildings 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.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity/and character and appearance by endeavouring to achieve a building of visual quality in accordance with policy D DM1 and D SP1 of the Arun Local Plan.

- 5 The window on the east elevation at first floor level of the building shall at all times be glazed with obscured glass and fixed to be permanently non-opening beneath 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.

- 6 The 1.8 metre privacy screen on the eastern elevation of the balcony shown on First Floor Plan Dwg. No. IBA/507/04/ REV shall be constructed with obscure glazed glass and retained 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 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.

- 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 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.

- 9 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/infrastructure-charges>.

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

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".

- 10 Flood proofing
- We strongly recommend the use of flood proofing and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage.

To find out which measures will be effective for this development, please contact your building control department. In the meantime, if you'd like to find out more about reducing flood damage, visit the flood risk and coastal change pages of the planning practice guidance. The following documents may also be useful:

Department for Communities and Local Government: Preparing for floods

<http://www.planningportal.gov.uk/uploads/odpm/4000000009282.pdf>

Department for Communities and Local Government: Improving the flood performance of new buildings:

<http://www.communities.gov.uk/publications/planningandbuilding/improvingflood>