

Recommendation Report for Planning Permission

REF NO: M/42/22/PL

LOCATION: Little Orchard
2 Sea Lane
Middleton on Sea
PO22 7RL

PROPOSAL: Demolition and erection of 1 No dwelling. This site is in CIL Zone 4 and is CIL Liable as new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Permission is sought for the replacement of Caldicott, a thatched cottage, with a chalet style gabled roof 3 bed dwelling. The house is to be finished in white render, brick plinth and Cedral cladding with double glazed UPVC windows and doors, the roof would be covered with grey slate tiles. The front elevation would have 2 storey gabled projection - a porch with a large gable window and one casement window and gabled dormers on each side. South elevation would have 3 casement windows and 2 gabled dormers with 2 roof-lights in the middle of the roof. There is a balcony with frameless balustrade at first floor level of the western elevation and two pairs of sliding doors at the ground floor level.
SITE AREA	0.23 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	4 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	One insignificant tree would be affected by the development.
BOUNDARY TREATMENT	Up to 2m high close-board timber with overgrown hedgerow and other planting around the perimeter on the western and southern boundary, planting and a large trees with Heras security fencing behind along eastern boundary (Sea Lane) and approximately 0.7m high white picket fence with gates and Heras security fencing to the front.
SITE CHARACTERISTICS	Vacant residential burnt down dwelling in the middle of a spacious plot laid with grass and remains of landscaping and large trees along the perimeter. There is a drain along the eastern boundary.
CHARACTER OF LOCALITY	The site is within a small cul de sac. The surrounding area comprises various styles of property sited within spacious plots, Middleton Sports Club to the east, duck pond and green to the north east. There are Buildings of Character along

Middleton Road to the north of site.

RELEVANT SITE HISTORY

M/11/72	Extension Of Lounge And One Room On First Floor	Approve 08-03-72
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REPRESENTATIONS

Middleton Parish Council: No objection.

Middleton on Sea Association: No objection.

2 letters of support received:

- The dwelling is modest in size and conventional in design.
- Wish that applicants can be rehoused as soon as possible. There is not enough information in this application for anyone to make a judgment as to the suitability of this type of build in this location.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. A condition will be imposed which requires a schedule of materials and finishes to be used for external walls and roofs of the buildings.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

DRAINAGE ENGINEERS: Due to the scale, location and type of application we have no conditions to request. Any alterations to surface water drainage must be designed and constructed in accordance with Building Regulations.

WEST SUSSEX FIRE AND RESCUE SERVICE (WSFR): The access drive meets with the requirements of identified in Approved Document - B (AD-B) Volume 1 2019 edition: B5 section 13 Table 13.1. Evidence is required to show sufficient turning facilities are provided for a fire appliance to turn and make their exit as identified in AD-b Vol 1 B5 section 13.

ADC ENVIRONMENTAL HEALTH: No objection subject to conditions on construction hours, construction management and unsuspected land contamination.

WSCC HIGHWAYS (LHA): Does not consider this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore, is not contrary to the NPPF (paragraph 111), and that there are no transport grounds to resist the proposal, subject to conditions.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The construction management condition suggested by Environmental Health is not considered necessary for a single dwelling. WSFR comments will be addressed under the Building

Regulations.

POLICY CONTEXT

Designation applicable to site:

Built up Area Boundary;

Flood Zone 1;

Prone to Ground Water Flooding.

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
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
TSP1	T SP1 Transport and Development
WMDM1	WM DM1 Waste Management
HERDM4	HER DM4 Areas of Character

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021
SPD7	Middleton on Sea Village Design Statement

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 does not have an adopted 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 complies 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 adverse impact upon the established character of the surrounding area.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

(a) the provisions of the development plan, so far as material to the application,

(aza) a post examination draft neighbourhood development plan, so far as material to the application,

(b) any local finance considerations, so far as material to the application, and

(c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

KEY ISSUES

The key issues are principle, design and visual/residential amenity, space standards, highways/traffic, and flooding.

PRINCIPLE

The proposal seeks permission for a replacement dwelling in the Built-Up Area Boundary (BUAB). This accords with Arun Local Plan (ALP) policy SD SP2 which seeks to focus new development in the BUABs. The development is acceptable in principle subject to accordance with relevant development plan policies. The key policies considered are SD SP2, D DM1, QE SP1 and W DM3 of the Arun Local Plan.

Policy SD SP1 of the Arun Local Plan advocates that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF). D SP1 of the Arun Local Plan requires development to make efficient use of land reflecting the characteristics of the site and local area.

Due to the position of the site the dwelling would not conflict with the policies above which allow for development or redevelopment in the built-up area. The development complies with policies SD SP2 and SD SP1 of the Arun Local Plan and relevant paragraphs of the NPPF. The policies most relevant to this application are not out of date.

VISUAL IMPACT

ALP policy D DM1 looks at aspects of form and design quality, including character, appearance, density, scale, innovation, adaptability, residential amenity impact, trees and crime prevention. New buildings should be harmonious with their surroundings and successfully integrate with the surrounding environment.

The Arun Design Guide Supplementary Planning Document (SPD), adopted on 25th January 2021, is a material consideration in determination applications. Part P.O1 deals with infill development requiring development to respond positively to the character, balance the benefits of more efficient and intense use of development land whilst preserving the character and local amenities of the site's context.

According to the Middleton on Sea Village Design Statement, the design of extensions, improvements or redevelopment of existing buildings and new buildings should be of the highest quality, be in keeping with the scale of existing developments and be well related to adjacent buildings and space.

Paragraph 130 expects developments to be visually attractive as a result of good architecture and sympathetic to local character and history.

The site is in a small cul de sac comprised of 2 houses, the proposal property and a bungalow of a T-shape to the north-east. It is surrounded by neighbouring gardens to the south and west. The replacement dwelling would occupy a similar position as the existing, (slightly shifted to the north) siting centrally within a sizeable plot, very well screened by planting and mature trees. The immediate surrounding garden area will be retained in its current format.

The ground floor would comprise of sitting/dining room, kitchen, utility room, bathroom, and bedroom 3. There would be two en-suite bedrooms and wardrobes at the first floor. The west facing bedroom would have access to a covered balcony.

The house would be well screened by mature trees and overgrown planting along the boundary and the new property would not be viewed from Middleton Road. The separation distance of the property from neighbouring properties and the footprint of the dwelling would be similar to that of the existing house, therefore the new property would not adversely impact the surrounding area.

The development would respect the character of local development and would be in harmony with surrounding area. It would comply with those aspects of Policies D SP1 and D DM1 of the Arun Local Plan, relevant paragraphs of NPPF, the Arun Design Guide (SPD) and Middleton on Sea Village Design Statement.

RESIDENTIAL AMENITIES

Arun Local Plan policy D DM1 indicates permission will only be granted for schemes displaying high quality design and layout and it takes into account impact on adjoining occupiers, land, use or property by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance. The Council requires in policy QE SP1 all development to contribute positively to the quality of the environment and ensure that development does not have a significantly negative impact upon residential amenity.

The use would have similar characteristics to other properties in the locality. The proposal would result in a dwelling of a similar size as the existing with sufficient separation distances from neighbouring properties. The relationship of the new dwelling with the bungalow in the small cul de sac would be the same as with the existing house. There are large French doors and side windows to the first floor bedroom facing west. The separation distance from the western elevation of replacement dwelling to the nearest dwelling to the west would be approximately 20m. Other relationships are also acceptable given there was a dwelling in a similar position previously. The development would not result in an adverse impact on living conditions of occupiers of neighbouring dwellings by reason of overbearing, overlooking or overshadowing.

The development would accord with policies D DM1, QE SP1 of the Arun Local Plan and relevant paragraphs of the NPPF.

INTERNAL and EXTERNAL SPACE STANDARDS

Policy D DM2 of the Arun Local Plan requires internal spaces to be an appropriate size to meet the requirements of all occupants and their changing needs. Section J.08 of the ADC Design Guide SPD reiterates the need to comply with the national internal space standards.

The application proposes a 2 storey, 3 bed, 6-person dwelling. The minimum Gross Internal Area (GIA) for which, according to the standards, would be 102sqm whilst floor plans indicate a GIA of over 152sqm which would considerably exceed the national internal space standards and comply with policy D DM2 of the ALP.

The proposed dwelling would benefit from a spacious garden of a regular shape as such it would comply with the ADC Design Guide SPD.

SITE ACCESS, PARKING AND HIGHWAYS IMPACT

Policy T SP1 of the Arun Local Plan requires development proposals to provide safe access on to the highway network and to incorporate appropriate levels of parking in line with adopted planning policies. The ADC Parking Standards (SPD) sets out the vehicle/cycle and EVCP parking standards.

The existing access is established. No changes to the access are proposed. The applicant has provided a hardstanding to accommodate the parking requirements of the development.

Subject to conditions, the proposals would provide a safe and suitable access, and adequate parking and EVCP provision, and would not give rise to unacceptable highways safety or operation impacts. The proposals would therefore accord with the NPPF, ALP policies T SP1 and T DM1 and the ADC Parking SPD (2020).

HERITAGE ASSETS

The site is within an Area of Character - a non-designated heritage asset for the purposes of the NPPF.

The dwelling by reason of its design accords with HER DM4 and the NPPF non-designated heritage assets paragraphs in section 16 as it does not create harm to the area.

DRAINAGE:

ALP policy W DM3 states that all development must identify opportunities to incorporate a range of Sustainable Urban Drainage (SUDs) systems.

The proposal is for a replacement of a 2 storey dwelling which would not result in unacceptable flood risk on site or elsewhere and would be in accordance with policy W DM3 of the ALP.

BIODIVERSITY

ALP policy ENV DM5 asks development schemes to achieve a net gain in biodiversity and protect habitats on site.

The application is for a replacement dwelling. The site is generally laid to lawn with hard standings to the

north of the dwelling. Due to the nature of proposal a Preliminary Ecological Appraisal Report was not required.

The opportunity to increase biodiversity and mitigation measures will be secured via conditions.

CLIMATE CHANGE:

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

The applicant in their Design and Access Statement states the proposal will incorporate various renewable sources and exceptional high levels of insulation and air-tightness.

As there are no details of the technologies or precise materials, a condition is necessary to secure compliance with the policy. A condition is proposed to ensure an electric car charge point is provided at the property.

SUMMARY

This proposal represents an appropriate redevelopment without compromising the visual amenity of the area amenities of neighbouring residential occupiers. The proposal represents sustainable development.

The policies most relevant to this application are not considered out of date in accordance with paragraph 11 of the NPPF. The scheme is acceptable when applying the Local Plan policies (that are relevant and up to date) and it is recommended that in accordance with paragraph 11c of the NPPF that permission is granted subject to 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.

CIL DETAILS

This application is CIL Liable therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply)

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:

Dwg No L01, Location Plan;
Dwg No 01, Proposed Site Plan;
Dwg No 02, Proposed Ground Floor Plan;
Dwg No 03, Proposed First Floor Plan; and
Dwg No 04, Proposed Elevations.

A garage is shown on drawing No 01 but as no elevations have been submitted does not form part of this proposal.

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

- 3 No 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 buildings.

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

- 4 Construction/demolition activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no works taking place on Sunday or Bank Holidays unless they are not audible outside of the application site.

Reason: To protect the amenity of local residents in accordance with policies QE SP1 and QE DM1 of the Arun Local Plan

- 5 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use and in accordance with policy T DM1 of the Arun Local Plan.

- 6 Prior to the occupation of the dwelling, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwelling shall be submitted to the Local

Panning 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.

- 7 The new dwelling shall not be occupied unless and until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that the development will incorporate decentralised, renewable and low carbon energy supply systems including full details of all incorporated sources. The approved scheme shall thereafter be implemented prior to occupation of the dwelling 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 Prior to occupation of the dwelling details of Biodiversity Net Gain shall be submitted to and approved by the Local Planning Authority. The details so approved shall be implemented no later than 6 months following the occupation of the dwelling and permanently retained thereafter.

Reason: In accordance with Arun Local Plan policy ENV DM5 and the National Planning Policy Framework.

- 9 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

- 10 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0345 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.

- 11 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.

- 12 INFORMATIVE: The applicant should be aware that there is a watercourse to the east of the site. If infiltration is not viable as a means of surface water disposal, the applicant will need to apply for land drainage consent to connect surface water to, culvert or make any alterations to this watercourse.