

Recommendation Report for Planning Permission

REF NO: M/58/25/PL

LOCATION: 86 Ancton Way
Elmer
PO22 6JP

PROPOSAL: Demolition and erection of 1 No dwelling (resubmission following M/22/25/PL).
This application is in CIL Zone 4 and is CIL Liable as a new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	240sqm.
TREES	None of any significance affected by the development. There is a Tree Preservation Order pertaining to a woodland to the north (rear) of the site, but the proposed development has no impact on this woodland.
BOUNDARY TREATMENT	Open boundary to the front allowing the driveway to meet the road, low boundary fencing to the sides of the front driveway, tall boundary fence and some sporadic planting to the remainder of the side and rear boundaries.
SITE CHARACTERISTICS	The site is an existing residential plot with a single storey dwelling, front driveway, rear amenity space and outbuilding.
CHARACTER OF LOCALITY	The site is a residential estate with dwellings of varying sizes and designs, establishing a mixed residential character.

RELEVANT SITE HISTORY

M/22/25/PL	Demolition and erection of 1 No. dwelling. This application is in CIL Zone 4 and is CIL Liable as a new dwelling.	Refused 25-06-25
m/6/22/pl	Demolition of existing bungalow and erection of 1 No 2- storey, 4-bedroom detached house with 3 No off road car parking spaces. This site is in CIL Zone 4 and is CIL Liable as new dwelling.	ApproveConditionally 31-05-22

M/6/22/PL - Whilst not an application pertaining to the site in question, this application approved a replacement dwelling of a similar design on the site immediately to the east of this proposal.

M/22/25/PL - This application was for an identical scheme to the proposal with the exception of surface

water drainage details. It was refused on surface water drainage grounds, which this application has sought to resolve.

REPRESENTATIONS

Middleton Parish Council - No objection.

No representations from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC Highways:

- Parking is sufficient.
- Do not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network.

Environment Agency - Objection:

- The submitted FRA does not comply with the requirements for site-specific flood risk assessments.
- It does not adequately consider how people will be kept safe from the identified flood hazards, how a range of flooding events (including extreme events) will affect people and property, take the impacts of climate change into account, and there is no assessment of the impact of climate change using appropriate climate change allowances.
- The applicant should apply for a product 4 data pack and compare the predicted design flood level with the finished floor level of sleeping accommodation. A 600mm freeboard is required on top of the design flood levels.

Environmental Health - No objection:

- Construction Management Plan condition requested.

Southern Water:

- Suggested consultation with Portsmouth Water as the relevant water supplier.
- General advice regarding required applications for new sewer connections and SUDS features.
- Requesting formal notification of demolition works to protect SW assets.

Ecologist - No objection:

- The proposal is exempt from statutory BNG under the De-minimis exemption.
- No further protected species surveys required.
- Ecological enhancements are recommended to be secured by way of condition.

ADC Drainage Engineers - Objection (27/10/25):

- Full comments available on the Arun District Council website.

ADC Drainage Engineers - Objection (12/12/25):

- Objection to National Standards for SuDS (NSfS) standard 1 (Runoff Destination).
- Insufficient evidence submitted to confirm infiltration is viable on site and no alternative sustainable

- disposal location has been identified.
- Lack of clear evidence of the strata composition and to confirm that infiltration into made ground has not occurred.
 - The infiltration testing has not been undertaken at the correct depth, nor in a methodology recognised the SuDS Manual or the National Standards for SuDS.
 - No objection subject to conditions in relation to NSfS standards 2-7.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. It is material that under M/22/25/PL (validated on: 24/03/25 and determined 25/06/25) was supported by a Flood Risk Assessment (FRA) that is identical to the FRA submitted under this application (notwithstanding relevant surface water drainage details). The Environment Agency raised no objection to the FRA and proposals under M/22/25/PL but have objected to this current application. In seeking clarity on this matter, the EA identified no changes to considerations between their previous response and response to this application, but noted the inconsistent positions. They identified that neither FRA specified predicted flood levels and their relation finished floor levels (allowing freeboard levels to be specified), and that their assessment under M/22/25/PL likely involved the calculation of these levels and resulted in the No Objection, but that this did not occur under this application. Confirmation that this, therefore, meant the current FRA was adequate despite these levels not being specified was sought, but no further correspondence on the matter was received. Based on the information before the Local Planning Authority (LPA), it appears that the FRA was reviewed and found acceptable under M/22/25/PL, and that there has been no material changes to the considerations to determine the adequacy of the FRA, but due to the lack of specificity in the FRA and the inconsistent approach to assessing the FRA under this application, has resulted in an Objection that appears unwarranted. The LPA would have been satisfied that the FRA is sufficient despite the objection raised by the EA under this application.

POLICY CONTEXT

- Designations applicable to site:
- Built-up Area Boundary.
 - TPO adjacent the site.
 - Lidsey Wastewater Treatment Catchment Area.
 - At potential risk of Groundwater Flooding.
 - Flood Zone 3.
 - Within a Lidsey Local Flood Risk Zone.

DEVELOPMENT PLAN POLICIES

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

SDSP2	SD SP2 Built-up Area Boundary
DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
QESP1	QE SP1 Quality of the Environment
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM5	ENV DM5 Development and biodiversity
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
SPD11	Arun Parking Standards 2020

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.

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 in accordance with relevant Development Plan policies in that it would not harm the visual amenities of the locality, and maintain a sufficient level of amenity for occupiers and neighbours.

The proposal is in conflict with the relevant Development Plan policies in that it has not been adequately demonstrated that the development could be sustainably drained without increasing flood risk on site or elsewhere.

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

Middleton-on-Sea are in the process of 'making' a Neighbourhood Development Plan. It is not yet 'made' but it has passed Regulation 19 and is nearing completion. It is a material consideration.

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS**PRINCIPLE**

The proposal is for the replacement of an existing residential dwelling on an established residential plot

within the Built-up Area Boundary. The principle is acceptable subject to the consideration of relevant Development Plan policies in accordance with Arun Local Plan (ALP) policy SD SP2.

The site remains within the Built-up Area Boundary outlined within Policy MOS1 of the emerging Middleton-on-Sea Neighbourhood Development Plan (MNDP).

CHARACTER & DESIGN

The existing dwelling is a single storey unit in a residential area that features a mix of designs and scales. The proposed dwelling would slightly increase the footprint of the dwelling and increase the scale to two storeys. It would adopt a style and material palette comparable to that of the recently approved replacement dwelling on the neighbouring plot immediately east of the site.

The existing dwelling virtually abuts the eastern site boundary and features a single storey extension of the west side that virtually meets the shared, western site boundary. The proposal would occupy virtually the full width of the plot and feature similar comparable separations from the neighbouring dwellings as existing, albeit with a two-storey scale.

The limited separation distances combined with the added scale and comparable design to its eastern neighbour would result in the partial erosion of the visual separation and distinction between the host and the neighbouring dwellings. However, given the existing context, this is not so harmful that it is a reason for refusal.

The proposal would not result in any unacceptable harm to the visual amenities of the locality and remains in accordance with ALP policies D SP1 & D DM1.

Policy MOS6 of the emerging MNDP is of note but does not alter the conclusions of this section.

QUALITY OF ACCOMMODATION

The proposal is for a 2 No. bed property, an increase of 1 bedroom. It features a gross internal floor area of 102sqm and a substantial rear garden amenity space of more than 10.5m in depth. Each bedroom is of sufficient area and width and the floor to ceiling heights are in excess of 2.3m for more than 75% of the building. The proposal is compliant with the Nationally Described Space Standards and Section H.04 of the Arun Design Guide (ADG).

The proposal is in accordance with ALP policy D DM2.

ENERGY EFFICIENCY

Policy ECC SP2 requires all new residential and commercial development to be energy efficient and to demonstrate how they will achieve energy efficiency measures that reflect the current standards, use design and layout to promote energy efficiency, and incorporate decentralised, renewable, and low carbon energy supply systems such as solar panels. The inclusion of energy efficient materials such as double glazing is expected and would be controlled at the Building Regulations stage. To ensure that adequate decentralised, renewable, and low carbon energy supply systems are provided, a condition has been attached to this decision.

Policy MOS7 of the emerging MNDP is of note and reflects many of the requirements of ALP policy ECC SP2. It does not alter the conclusions of this section.

Subject to the relevant condition, the proposal would be in accordance with ALP policy ECC SP2.

NEIGHBOURING RESIDENTIAL AMENITY

The proposal would occupy approximately the same location as the existing dwelling but would rise to

two storeys and almost abuts the western site boundary. The added height and bulk of the dwelling would give rise to some adverse impacts of overbearing and overshadowing on the ground floor side facing window to the east elevation of No. 84, and the ground floor side facing window on the west elevation of No. 88.

However, the side facing window to No. 88 is a high-level window serving the kitchen and is already met by the shared boundary treatment and the existing single storey dwelling in very close proximity. The ground floor side facing window of No. 84 is a standard window. From review of historic Building Regulations applications for this dwelling, the side window in question does not serve the rear kitchen/dining room, and instead, remains either a bathroom window or a secondary window to the front bedroom area. The window also shared boundary treatment and the existing single storey dwelling in very close proximity.

Both neighbouring ground floor side windows of note provide no significant amenity outlook and have a limited access to natural light at present. The resultant harms are not such that the adverse overbearing/overshadowing impacts would warrant a refusal of this application.

At ground floor, there are to be 3 No. side facing windows on the west elevation and 2 No. side facing windows on the east elevation, all of which are to be high-level and would not produce unacceptable inter-overlooking impacts between properties.

The proposal would not introduce any side facing windows at first floor but would include first-floor front and rear facing windows that provide new viewpoints. Those to the front would look out over the street, and those facing the rear would provide oblique views of the neighbouring rear gardens that run parallel, which is to be reasonably expected in a built-up residential area and is acceptable.

By virtue of not producing any unacceptable adverse impacts on neighbouring residential amenity, the proposal is in accordance with ALP policy D DM1.

PARKING & TRANSPORT

The proposal would provide sufficient parking capacity for 2 No. cars which is in accordance with the Arun Parking Standards for a dwelling of this size and within this area. The vehicular access would remain as existing and WSCC Highways have raised no concerns in this regard.

A condition could be used to secure cycle parking. It is noted that currently, the proposed site plan locates this to the front of the site, but that the Design & Access Statement identifies such provisions would be to the back of the dwelling. Siting a cycle storage unit to the front of the site alongside the relatively cramped parking provisions would likely clutter the forward elevation in the street. The Local Planning Authority would be satisfied with the provisions being situated within the rear of the site in this context and a condition would have been attached to secure the finalised siting and details of the cycle storage provisions.

An electric vehicle charging point has been provided as indicated on the site plan, which is supported, and could have been secured by way of condition. Subject to conditions, the proposal would have been in accordance with ALP policy T SP1 of the ALP and the Arun Parking Standards SPD.

DRAINAGE & FLOODING

The site is within Flood Zone 3, a Lidsey Local Flood Risk Zone (rated as high risk for pluvial and sewer flooding), and the Lidsey Wastewater Treatment Catchment Area.

The NPPF and ALP policy W DM2 outline the need for a Sequential and Exception Test when proposing development within areas at risk of flooding from any source. The Sequential Test aims to assess

alternative sites at no, or lower, risk of flooding that would be 'reasonably available' for the type of development proposed.

The Exceptions Test is required to demonstrate that the proposed development would be safe from flood risk for its lifetime without increasing flood risk elsewhere, and that the development would provide wider sustainability benefits to the community that outweigh the flood risk.

It is material that the site already features a residential dwelling. If the application were refused, a lawful dwelling would remain within an area at risk of flooding. On this basis, the lack of a Sequential Test alone, is not a reason for refusal.

As explained within the 'Comments on Consultations' section of this report, while the Environment Agency have objected to the submitted FRA, they did not object to the previous application M/22/25/PL, which made use of the same FRA and proposed an identical form development. It is understood that the FRA is sufficient, but that the consultation response provided on this application did not investigate their flood modelling data to make the assessment, whereas their response to M/22/25/PL did. The EA have identified that the onus is on the applicant to produce a comparison of the relevant flood and floor levels, but although this has not happened on either application, the EA made an informed assessment of this matter under M/22/25/PL in its absence. It is understood there have been no changes to the relevant considerations that would have altered their conclusions had the assessment involved interrogation of their flood modelling data on this application. On this basis, while the EA have objected, the FRA is understood to be sufficiently safe for its lifetime.

Furthermore, the existing dwelling is a bungalow with no area for safe refuge in the event of a flood. The replacement dwelling would not be significantly larger in footprint, would provide an area of safe refuge for its occupiers (at first floor), and would be of a more modern construction. Therefore, the replacement dwelling would reduce the adverse impacts of flood risk without increasing flood risk elsewhere, which is in line with the general aims of the NPPF & NPPG.

The proposal would reduce the existing vulnerability of the site to flood risk, would make more efficient use of the site, redevelop brownfield land, and would produce a more modern, energy efficient building with greater resistance to damage or displacement during a flood event. Additionally, had the drainage matters been resolved, the management of surface water on site would be greatly improved with resultant benefits to the flood risk of the wider area.

Policy W DM3 of the ALP supports the use of permeable driveways in parking areas. The proposal includes a permeable gravel driveway that would replace an existing concrete driveway, which is positive.

The proposal has sought to dispose of surface water on site through an infiltration design. There appears to be no alternatives for the proposal on the basis that there are no watercourses, surface water bodies, or surface water sewers on or immediately adjacent to the site. Infiltration is the preferred method in any case due to its position in the Sustainable Urban Drainage Systems Hierarchy.

An objection was received to the originally submitted drainage details on a number of grounds. The applicant was invited to amend the submitted details with the aim to resolve the concerns raised, but following a further consultation, the submitted details remain insufficient. No objection has been raised by ADC Drainage Engineers on NSfS standards 2-7 subject to conditions. However, in respects of NSfS standard 1 (runoff destination) the submitted information has not clearly confirmed that infiltration is viable on site, and with no alternative sustainable disposal location identified, an objection has been raised.

Clear evidence identifying the strata composition on site and that confirmation infiltration into made ground has not occurred has not been provided. Additionally, while infiltration testing has been provided, the infiltration testing has not been undertaken at the correct depth, nor in a methodology recognised the SuDS Manual or the National Standards for SuDS. On this basis, the ADC Engineers objected as the submitted information has not adequately demonstrated that infiltration is viable.

The site is in a Lidsey Local Flood Risk Zone that includes foul sewer flood risk, and the Lidsey Wastewater Treatment Catchment Area that aims to ensure surface water from proposed developments is managed with particular scrutiny. The proposed surface water drainage design seeks to utilise infiltration techniques which is appropriate and subject to resolution of the drainage scheme, would have accounted for its surface water disposal and avoid the risk of contributing to any inundation of foul sewers. Southern Water have raised no objections to the proposal. It is noted that the proposal is a replacement dwelling that would utilise existing agreed foul sewer connections.

It has not been confirmed that the proposal can be sustainably drained and not increase flood risk on site or elsewhere. The proposal is in conflict with ALP policies W DM2 & W MD3, and paragraphs 181, 182 & 187(e) of the NPPF.

Policies MOS2, MOS3, and MOS4 of the emerging MNDP are also of note, and as the proposals fail to demonstrate a viable and sustainable surface water drainage scheme in accordance with the identified hierarchy, the proposal would conflict with Policies MOS2 and MOS3 of the emerging MNDP. However, the proposal is a replacement dwelling and no objections have been raised from Southern Water concerning foul sewer capacity, the proposal would be in accordance with the principles of MOS4 of the emerging MNDP.

ECOLOGY & BIODIVERSITY

The proposal is not liable for Statutory Biodiversity Net Gain under the de-minimis exemption. However, some Biodiversity Net Gain is still required in line with ALP policy ENV DM5. This has been demonstrated through the provision of ecological enhancement features outlined on the proposed site plan. The proposal has evidenced that it would not prejudice any protected species on the site. Subject to conditions securing the relevant ecological enhancement features, the proposal would be in accordance with ALP policy ENV DM5.

Policy MOS10 of the emerging MNDP is of note but does not alter the conclusions of this section.

WASTE MANAGEMENT

The proposal includes the provision of a timber, sheltered waste bin storage unit that would be situated within the front of the site. This is acceptable and would facilitate street-side collection in accordance with ALP policy WM DM1.

SUMMARY

The proposal has not provided sufficient, clear evidence that concludes the proposed development can be sustainably drained and not increase flood risk on site or elsewhere. As a result, the proposal is not compliant with relevant Development Plan policies and the NPPF and is recommended for refusal.

HUMAN RIGHTS ACT

The Council in making a decision, should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (Right to respect private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

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 would have been required (dependent on any exemptions or relief that may apply).

RECOMMENDATION

REFUSE

- 1 Insufficient evidence has been submitted to confirm that the proposal can be sustainably drained and not increase flood risk on site or elsewhere in conflict with Arun Local Plan policies W DM2 & W MD3, Policies MOS2 and MOS3 of the emerging Middleton-on-Sea Neighbourhood Development Plan, and paragraphs 181, 182 & 187(e) of the NPPF.
- 2 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. It has not been possible to resolve those matters within the determination of this planning application. The Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.