

Recommendation Report for Planning Permission

REF NO: M/6/22/PL

LOCATION: 88 Ancton Way
Elmer
Middleton-On-Sea
PO22 6JP

PROPOSAL: 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.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks permission for the demolition of a bungalow and erection of 1no. 2-storey, 4-bed detached house with 3no. off road car parking spaces. The proposal is for a replacement dwelling which would maintain the existing footprint. The first floor would have two bedrooms with front facing windows, two bedrooms with rear facing windows, 1no. en-suite toilet, bathroom and another toilet and bathroom with gable roof design. The proposal incorporates 3no. car parking spaces to the front, permeable pavior hardstanding, drainage channel across frontage to drain to soakaway under hardstanding, 0.9m high close boarded timber fence, 2no. Euro bins for waste and recycle, cycle shed and air heat exchanger.
TOPOGRAPHY	The immediate vicinity is predominantly flat.
TREES	None affected by the development.
BOUNDARY TREATMENT	The front boundary of the site is open with rear and side boundaries of the site featuring a mixture of close boarded fencing, brick walling and mature planting of various heights.
SITE CHARACTERISTICS	The site is occupied by a detached bungalow with hard standing forward of the primary elevation and a garden to the rear. The bungalow features white rendered walls with gabled roof with weatherboarding on the primary elevation. The property features an integrated garage to the west.
CHARACTER OF LOCALITY	The site is part of a residential street of mixed character with detached properties of 1 and 2 storeys in height in medium plots set back from the highway with gardens to rear in a suburban environment. The residential properties which characterise the area are of various designs and styles.

No relevant planning history is associated with this application site.

REPRESENTATIONS

Middleton-on-Sea Parish Council - object

- overall scale is out of keeping with surrounding properties;
- overdevelopment of the site;
- lack of suitable drainage plans in the application within an area that is known to flood; and
- no approval for widening the existing vehicular access across the site frontage.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and will be considered further in the conclusion to this report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC (Local Highway Authority - 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, and is therefore not contrary to the NPPF (para. 111), there are no transport grounds to resist the proposal. A cycle shed is proposed for the storage of bicycles.

SOUTHERN WATER

- the public foul rising main requires a clearance of 3 on either side of the public rising main to protect it from construction works and to allow for future access for maintenance;
- no development or tree planting should be carried out within 3m of the external edge of the public foul rising main without consent from Southern Water;
- no soakaway, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5m of a public foul rising main; and
- all existing infrastructure should be protected during the course of construction works.

Southern Water further commented that "due to surface water inundation issues in the Lidsey Catchment the applicant is advised to adopt, where appropriate, the measures set out in the table "Practical measures to reduce the potential impacts of development". The developer should look to protect the public sewerage system from inundation and infiltration, which contribute to flooding in unfavourable conditions."

ENGINEERS (SURFACE WATER DRAINAGE):

The application lies in Flood Zone 3 and in the Lidsey Treatment Catchment. No surface water drainage design has been submitted. The applicant has indicated an intention to drain surface water via soakaway, this must be located 5m from the building. The Engineer will not support a proposed connection of surface water to the foul sewer under any circumstances if this is the case.

The Engineers suggested a condition should the application be approved.

ENVIRONMENTAL HEALTH

No objection subject to conditions (unexpected contamination, electric vehicle charging points, construction - small developments and construction hours) to be attached.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within built up area boundary

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
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
TSP1	T SP1 Transport and Development
TDM1	T DM1 Sustainable Travel and Public Rights of Way
ENVDM5	ENV DM5 Development and biodiversity
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:

SPD3	Parking Standards
SPD13	Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012

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

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal complies with relevant Development Plan policies in that it would not have materially

adverse effect on the residential amenities of the adjoining properties and of prospective occupiers.

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 application seeks permission for demolition of a bungalow and the erection of 1 No 2-storey, 4-bedroom detached house with 3 No off road car parking spaces. The key policies are D DM1 and D SP1 of the Arun Local Plan.

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

Policy D SP1 states that all development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details. Development proposals should have been derived from: a thorough site analysis and context appraisal; adherence to objectives informing sustainable design (inclusivity, adaptability, security, attractiveness, usability, health and wellbeing, climate change mitigation and habitats); and the influence these objectives have on the form of the development.

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

DESIGN AND VISUAL AMENITY

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

The scale, mass and bulk of the replacement dwelling will be visible from the street and will have an impact on the character and appearance of the area. Due to the development's scale, mass, bulk and height, it is neither overdevelopment nor overbearing. The street scene is characterised by mixed scale and design of residential dwellings with similar separation distance. There are similar two storey developments in the vicinity

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

RESIDENTIAL AMENITY

The proposal will retain 0.55m to the western and 0.98m eastern boundaries and neighbouring dwelling. The two-storey rear element will utilise the existing footprint and north facing rear windows at first floor.

The development will not project beyond the original rear elevation and the separation distances between properties are maintained. Due to the height, scale, mass, bulk and separation distance of the two storey development while maintaining the existing footprint, it will create an enclosure effect and will overshadow the neighbouring property (86 Ancton Way). The prevailing site layout and building design within this vicinity are such that these effects prevalent elsewhere and there are similar two storey dwellings. It will not result in significant adverse impact on the residential amenities of neighbours and it is acceptable in this regard.

The two rear windows provide views predominantly down the host garden. There are trees to protect views beyond this point and provide only oblique and acceptable views to neighbouring properties. These windows will not result in unacceptable overlooking of neighbouring properties and loss of privacy to neighbour's garden to justify refusal.

The proposal is therefore in accordance with policies D DM1 and D SP1 of the Arun Local Plan.

INTERNAL AND EXTERNAL SPACE STANDARDS

Arun Local Plan policy D DM2 states that: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance". The Technical Housing Standards (Nationally Described Space Standard) provides relevant standards for bedroom and dwelling sizes. Reference should be made to Arun's Environmental Health Private Housing Standards.

On the ground floor, there will be reception, study, cloakroom, utility, kitchen / dining and living room within 88.61sqm internal floorspace. While on first floor, there will be 4 bedrooms with room size ranging from 10.15sqm to 15.75sqm within 67.38sqm internal floorspace. The total internal floor space for the proposed two storey dwelling will be 156sqm.

Bedrooms meet the Nationally Described Space Standards' bedroom size requirements and complies with Policy D DM2

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

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

TRAFFIC AND PARKING

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

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

"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

With regard to highways, transport and parking, the following policies and guidance are relevant: paras. 110 and 111 of the NPPF, ALP policies T SP1 and T DM1, and the ADC Parking SPD (2020).

The Arun Parking Standards SPD would expect 3 car parking space provision in this location. The cycle parking requirement would be 1 per dwelling, therefore requiring 1 cycle parking spaces.

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

The proposal incorporates a cycle shed, an electric vehicle charging point and 3 car parking spaces. A shed is proposed for the storage of bicycles. The proposal is not considered to generate significant traffic and parking demand to exacerbate the existing parking condition. The proposal will accord with Policy T SP1 of the Arun Local Plan.

DRAINAGE AND FLOODING

The development will be in Flood Zone 3 and this application is supported with a Flood Risk Assessment. The proposal involves increase in residential density but utilises the existing footprint. The existing dwelling has two bedroom at ground floor and four bedrooms are proposed at first floor. Engineers suggested a condition should the application be approved. It is considered that the development would not exacerbate the site's existing condition in accordance with policy W DM2.

However, the Environment Agency have been consulted and their comments are awaited. It will therefore be necessary to issue the decision once their comments are received.

BIODIVERSITY

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

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

The application is for a replacement dwelling. The site is generally laid to lawn and due to the nature of the proposal a Preliminary Ecological Appraisal Report was not required.

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

CLIMATE CHANGE

The ALP policy ECC SP2 requires residential development be energy efficient and incorporates

decentralised, renewable and low carbon energy supply systems.

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

SUMMARY

Due to the scale, mass and bulk of the proposal, it is not considered overdevelopment. The proposal will be in keeping with the design, character and appearance of the street scene, enhance the quality of the environment and provide satisfactory living accommodation. The development accords with development plan policies D DM1, D DM2, D SP1, T SP1, W DM2 and para.11c of the NPPF. Committee is asked to defer a decision to the Group Head of Planning in conjunction with the Chairman once comments from the Environment Agency have been received.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

In assessing this proposal 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 not CIL Liable, therefore no 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

- Proposed Plans (6778 - 05); and
- Proposed Elevation (6778 - 06).

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 and samples of such materials and finishes to be used for external walls and roofs of the proposed building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building/extension.

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

- 4 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions or dormer windows to the dwelling houses shall be constructed or additional buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy of adjoining occupiers, maintain adequate private amenity space and safeguard the cohesive appearance of the development in accordance with policy D DM1 of the Arun Local Plan.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015, (or any Order revoking or enacting that Order) no windows or other openings (other than those shown on the plans hereby approved) shall be formed at first floor level in the east or west side elevations of the dwelling without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities of adjoining residential properties in accordance with policies D DM1/D DM4 of the Arun Local Plan.

- 6 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

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

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

- 8 Any on site brush piles, compost and debris piles which could provide shelter areas and hibernation potential for hedgehogs must be removed outside of the hibernation period mid-October to mid-March inclusive. The piles must undergo soft demolition. If any small mammals including hedgehogs are found they should be relocated away from the construction area into surrounding suitable habitats.

Reason: To enhance the environment for local wildlife and result in net biodiversity gain, in accordance with the relevant legislation and policy ENV DM5 of the Arun Local Plan.

- 9 Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st October. If works are required within this time an ecologist will need to check the site before any works take place (within 24 hours of any work).

Reason: To enhance the environment for local wildlife and result in net biodiversity gain, in accordance with the relevant legislation and policy ENV DM5 of the Arun Local Plan.

- 10 The 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 solar panels or air source pumps. 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.

- 11 Prior to the occupation of the dwellings, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings shall be submitted to the Local Planning Authority for approval and thereafter implemented in accordance with the approved details and the charge points shall thereafter be permanently retained and maintained in good working condition.

Reason: New petrol, diesel and hybrid cars/vans will not be sold beyond 2035, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun Parking Standards SPD and the National Planning Policy Framework.

- 12 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.

- 13 The development not be occupied until the shed shown on the approved plans to provide secure cycle parking spaces has been provided. The facilities shall thereafter be retained in perpetuity.

Reason: To provide alternative travel options to the use of the car in accordance with policies T SP1 of the Arun Local Plan.

- 14 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.

- 15 The development shall be carried out in accordance with the submitted flood risk assessment and the following mitigation measures and plans it details:
·All sleeping accommodation will be located on the first floor and above

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: To reduce the risk of flooding to future occupants in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan.

- 16 INFORMATIVE:
Flood proofing
The Environment Agency 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 document may also be useful:

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

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

- 17 INFORMATIVE:
Flood warning and emergency response

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

The planning practice guidance to the National Planning Policy Framework states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning

and rescue implications of new development in making their decisions. As such, we recommend you consult with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with the guiding principles of the Planning Practice Guidance (PPG).

- 18 **INFORMATIVE:** Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The infiltration tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method. All design storms must include a climate change allowance of 40% on stored volumes or rainfall intensity. Infiltration structures must cater for the critical 1 in 10 year storm event, (plus 40%) between the invert of the entry pipe to the soakaway and the base of the structure. The design must also have provision to ensure there is capacity in the system to contain the critical 1 in 100 year storm event (plus 40%).

Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest groundwater table in support of the design. The applicant is advised to discuss the extent of ground water monitoring with the council's engineers.

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

- 19 **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.