

Recommendation Report for Planning Permission

REF NO: M/75/20/PL

LOCATION: 13 Elm Drive
Elmer
Middleton-On-Sea
PO22 6JE

PROPOSAL: Demolition of existing dwelling & erection of replacement dwelling. This site is in CIL Zone 4 & is CiL Liable as new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal involves demolition of a 3 bed bungalow and replacement with a 4 bedroom 2 storey dwelling with an integral garage in a similar position on the site. The proposal has been amended since originally submitted to move the dwelling forward on the site to improve the relationship with dwelling to the south.
SITE AREA	0.582 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	17 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Fencing/hedging to site boundaries
SITE CHARACTERISTICS	Detached bungalow with rendered elevations and concrete tile roof and conservatory on western front elevation on edge of parking area. Flat roofed extension to rear.. Dwelling to south is chalet style with no first floor windows in side elevation. Dwelling to north has a garage adjacent to boundary and is separated from the application site by a path.
CHARACTER OF LOCALITY	Residential area characterised by a mix of two storey dwellings and chalet style bungalows. The houses are sited in relatively close proximity to one another and are set back from the road, with varying front boundary treatments including shrubs and low walls within front garden.

REPRESENTATIONS

Middleton-on-Sea Parish Council - No Objection

One Objection

Query whether the eastward extension of build towards our property is permissible under planning regulations and guidelines. Whilst adding a further floor may seemingly be allowable we do not believe that other newly built properties in this area have been permitted to significantly increase their

footprint at original ground level. The proposed eastward extension here into the current garden area takes the rear of the property out of line with other existing properties in Elm Drive and, fundamentally, creates a significant overlook of properties in Stable Field.

- What will the 'studio' proposed at ground floor level be used for?
- There should be no windows facing east.
- No other property in Elm Drive facing towards Stable Field has a rear balcony. It would directly overlook our bungalow intruding into our lounge and front bedroom.
- Would access to the property be solely from Elm Drive and that no pedestrian or vehicular access to Stable Field shall be permitted - either during the construction process or subsequently.

COMMENTS ON REPRESENTATIONS RECEIVED:

The studio would be for use as part of the residential dwelling house.

The balcony is recessed and would not afford overlooking to the side and the 15.9m distance to the rear boundary is considered adequate to prevent a material loss of privacy to the east from windows and the balcony. The position of the dwelling on the plot has been amended to increase the distance to the rear boundary and improve the relationship with the adjacent dwelling to the south.

There is no access to the property indicated other than that from Elm Drive.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environment Agency - No Objection subject imposition of condition relating to compliance with submitted FRA.

Southern Water - No Objection

County Highways - No Objection

Environmental Health - No Objection. Conditions requested.

Drainage Engineer - No Objection. Conditions requested.

COMMENTS ON CONSULTATION RESPONSES:

- comments noted

The Construction Management Plan requested by environmental health is considered to be onerous for one dwelling, but the requested condition has been added restricting working hours.

POLICY CONTEXT

Designation applicable to site:

Within Flood Zone 3

Within Built Up Area

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
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation

WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
ENVDM5	ENV DM5 Development and biodiversity
WSP1	W SP1 Water
QEDM2	QE DM2 Light pollution
TSP1	T SP1 Transport and Development

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 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 is considered to comply with relevant Development Plan policies in that there would be no materially adverse effect on residential or visual amenity or flood risk.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS**PRINCIPLE**

The site lies within the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan subject to other policies of the Arun Local Plan covering such issues as visual amenity/character, residential amenity, highway safety and parking.

Further, the NPPF generally seeks to promoting effective use of all land (para 117) and gives weight to proposals that develop under-utilised land (para 118(d)).

CHARACTER AND DESIGN.

Policy D DM1 of the Arun Local Plan requires that the Council have regard to certain aspects including character, appearance/attractiveness, density, and scale.

Furthermore, policy D SP1 "Design" states that development proposals should make efficient use of land but reflect the characteristics of the site and local area.

The key points regarding the proposed dwelling are that:

- The site and surroundings have been fully appraised via the Design and Access Statement and findings reflected in the design.
- There is a great variety of different styles of detached houses in the locality which developed in an incremental way historically for use as holiday homes. In more recent times the properties in the area have been developed as permanent residential 2 storey homes.
- The height, scale and mass of the property would be comparable to nearby dwellings and would not be in excess of the scale of nearby properties in the area.

The proposed contemporary design is not considered out of character in the local area but rather responds to it.

The use of high quality materials used elsewhere in the neighbourhood on other dwelling houses means that the proposed dwelling would not look out of keeping with surrounding properties.

The proposed new dwelling represents a significant improvement in the energy efficiency of the dwelling house and incorporates climate change mitigation measures including a raised ground floor height for additional flood protection.

The design philosophy creates a contemporary style with simple, minimal detailing whilst retaining the form of a typical domestic property that has character and enhances the quality of the immediate area and street scene. The dwelling has been designed to reflect the proportions of a typical two storey house with a traditional roofspace over. In order to break up the massing of the scheme, whilst providing the required accommodation, an asymmetric roof helps reduce the overall visual mass of the scheme.

As the scheme has been designed in a contemporary style, the fenestration has been designed to complement the simple detailing of the elevations and take advantage of the eastern and western aspect by using large areas of glazing to the living accommodation and bedrooms and smaller windows on the southern aspect.

Having regard to the size, scale, massing and overall design of the proposed dwelling, it is considered that the proposed dwelling would not have a detrimental impact on the street scene, public areas of the beach and wider area. The proposal is therefore considered to comply with policies D SP1 and D DM1 of the Arun Local Plan.

The proposal is considered to be in line with existing dwelling types situated in the immediate area with first floor accommodation forming part of the prevailing character and has no demonstrative impact on the site, adjoining properties or setting of the existing residential development along Elm Drive.

RESIDENTIAL AMENITY

Arun Local Plan policy D DM1 requires that the Council have regard to certain criteria when considering the impact of new developments on neighbouring properties which include avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance.

Regard should be had to paragraph 127 of the NPPF which states that Planning policies and decisions should ensure that developments should ensure a high standard of amenity for existing and future users.

The replacement dwelling has been located in a similar position to the existing dwelling, but is closer to side boundaries. It maintains a 1m minimum gap to side boundaries. The footprint of the new dwelling is larger than the existing however, it is set sufficiently faraway from neighbouring properties to have no detrimental effect. In addition there is a path dividing the dwelling to the North from the application site.

The footprint of the proposed dwellinghouse and the absence of any clear glazed windows on the side elevations at first floor level would prevent any adverse impacts on privacy or overbearing impact to the north and south to the dwellings on either side. Windows are indicated to the study at first floor in the south elevation, but these are conditioned to be obscure glazed above 1.7m internal floor height. The adjacent chalet style dwelling has no windows at first floor level in its side elevation and the main aspects of both adjacent properties are to the front and rear. The dwelling to the north is separated by a garage and path and additional windows at first floor. Additional windows are also controlled by condition.

The Council uses the 45 degree rule in which new built development should not encroach within a 45 degree line drawn from the centre of the neighbours windows in order to avoid a loss of outlook, overbearing impacts and a loss of light to those properties. The proposed development does not breach this 45 degree rule. The revised site plan shows the proposed dwelling brought forward to the west on the site in order to sit outside the 45 degree line with the dwelling to the south (11 Elm Drive).

There is a balcony proposed to the rear elevation at first floor but this would only afford views to the road to the rear. The rear garden length exceeds 15m and the width of the road to the rear is 5m. The front garden of the dwellings to the rear are therefore 20m away which is sufficient distance to preclude adverse overlooking particularly since front garden areas are not private amenity areas. Again the balcony area to the front is enclosed to the sides and only affords roads over the road and adjoining front gardens.

In summary it is not considered that the proposed development would cause a significant loss of residential amenity to neighbouring properties and it is considered to comply with policy D DM1 of the Arun Local Plan and para. 127 of the NPPF.

SPACE STANDARDS

In terms of the internal space requirements Policy D DM2 of the ALP 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".

For a 4 bedrooomed, property occupied by 6 people the proposed the national space standards require minimum gross internal floor area of 102 sq.m. including a minimum of 2.0 metres allocated as built in storage. The gross internal floor area of the proposed dwelling is 245m², which exceeds the Council's minimum standard for a 4 bedroom dwelling.

In respect of outside amenity space the proposal includes a rear garden length of 15.9m which is exceeds the 10.5m referred to in the Arun Design Guide and is acceptable.

SUSTAINABLE DEVELOPMENT

In accordance with policy ECC SP2 of Arun Local Plan energy efficiency has been incorporated in the scheme. These comprise:

- Large areas of glazing, particularly on the south-facing elevation, to maximise solar gain and provide natural light, helping to reduce heating demand in the winter months and the use of artificial lighting.

- The dwelling will have insulation standards compliant with the current Building Regulations.
- The WCs will incorporate low-flush cisterns and aerated taps will be fitted to the sinks, baths & wash hand basins, to reduce water consumption.
- Low voltage lighting will be included throughout the dwelling to reduce electricity consumption.
- Demolition waste will either be retained for re-use on site as hardcore, or recycled, with any new materials being sourced locally where possible.
- Provision of an electric vehicle charge point is conditioned.

PARKING AND HIGHWAY SAFETY

Arun Local Plan policy T SP1 seeks to ensure that development provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. In respect of parking, compliance with Arun's adopted parking requirements are sought. The site currently has 2 parking spaces and 2 spaces will be retained in the development which accords with these standards.

In respect of highway safety, it states that transport and development proposals relating to new development need to demonstrate how it will provide efficient and safe access onto and off site that prioritises pedestrians and cyclists, maximising access to public transport facilities.

Regard should also be had to paragraph 109 of the National Planning Policy Framework (NPPF) which states that development should only be prevented where the residual cumulative impacts on the road network would be severe.

West Sussex County Highways Department have assessed the scheme and consider it has a suitable access arrangement, it would not have 'severe' impact on the operation of the Highway network. They have requested that conditions be applied with respect to the provision of cycle parking and car parking prior to the occupation of the development.

It is considered that the proposal is in accordance with policy T SP1 of the Arun Local Plan and the NPPF.

FLOODING AND DRAINAGE

A flood risk assessment has been submitted with the application. Subject to conditions setting the minimum finished floor levels there are no objections to the development from the Environment Agency and therefore the proposal complies with policy W DM2 of the Arun Local Plan.

In accordance with policy WDM3 a condition has been imposed to ensure that the development is adequately drained and does not increase flood risk elsewhere.

BIODIVERSITY

The proposal is a one for one replacement dwelling on a site with no biodiversity designation. Policy EMV DM5 requires development schemes to achieve a net gain in biodiversity and protect existing habitats on site.

No enhancements are proposed within the scheme so it is proposed to impose a condition requiring provision of bird boxes within the garden. Subject to the proposed condition the proposed scheme complies with policy ENVDM5 of Arun Local Plan.

SUMMARY

This proposal is considered to represent an efficient use of urban brownfield land without harming the visual amenity of the area, highway safety or the amenities of existing residential occupiers. It is therefore recommended that permission be granted 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.

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:
Proposed Floor Plans 2.02A
Block, Location and Site Plan 2.01 A
Proposed Elevations 2.03

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 The windows on the south elevation serving the study shall at all times be glazed with obscured glass and fixed to be permanently non-opening below 1.7m internal floor level.

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

- 4 No windows (other than those shown on the plans hereby approved) shall be constructed at first floor level or above in the side elevations of the dwelling hereby permitted without the prior permission of the Local Planning Authority on an application in that behalf.

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

- 5 No demolition/construction 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 noisy work on Sunday or Bank/Public Holidays.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of Arun Local Plan.

- 6 The development shall be carried out in accordance with the submitted flood risk assessment (ref 5930) and the following mitigation measures it details:

- No sleeping accommodation shall be placed on the ground floor
- Flood resilience measures as set out in section 7.5 of the flood risk assessment shall be implemented

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 to reduce the risk of flooding to the proposed development and future occupants and policy W DM2 of Arun Local Plan.

- 7 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 in accordance with policy T SP1 of Arun Local Plan

- 8 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

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

- 9 No part of the development shall be first occupied until an electric vehicle charging space has been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide sustainable travel options in accordance with current sustainable transport policies and policy T SP1 of Arun Local Plan.

- 10 Prior to occupation of the dwelling 2 bird boxes shall be provided within the garden/on the dwelling in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason: To ensure provision of biodiversity enhancements in accordance with policy ENV DM5 of Arun District Local Plan.

- 11 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.

- 12 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 dwelling 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 by endeavouring to achieve a building of visual quality in accordance with policy D DM1 of the Arun Local Plan.

- 13 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 percolation tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. 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 winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers.

Supplementary guidance notes regarding surface water drainage are located here <https://www.arun.gov.uk/surfacewater> on Arun District Councils website. A surface water drainage checklist is available here <https://www.arun.gov.uk/drainagechecklist> on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.

- 14 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 15 INFORMATIVE: The exact position of the public foul sewer asset must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.

Please note:

- The 150mm public foul sewers requires a clearance of 3 metres on either side of the gravity sewer to protect it from construction works and to allow for future access for maintenance.
- No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.
- No soakaway, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public sewer.
- All existing infrastructure should be protected during the course of construction works.