

PLANNING APPLICATION REPORT

REF NO: M/92/22/PL

LOCATION: 13 Elm Drive  
Elmer  
Middleton-on-sea  
PO22 6JE

PROPOSAL: 1 No. replacement dwelling. This application is in CIL Zone 4 and is CIL liable as new dwelling.

<b>SITE AND SURROUNDINGS</b>
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DESCRIPTION OF APPLICATION	<p>The proposal involves the demolition of a 3-bed bungalow and replacement with a 3-bedroom part two-storey part single storey dwelling with an integral garage in a similar position on the site.</p> <p>Walls will be painted render. Roof, zinc metal standing seam roof. Windows, ppc aluminium. Doors, timber composite. Decking, composite decking. Feature timber frame details, galvanised steel. Feature cladding, cedar and Balustrading, frameless glass.</p> <p>The design encompasses a two-storey middle section with a monopitch roof falling north to south, single storey sections on either side also with monopitch roofs. At first floor between the single-storey and two-storey sections on the northern side of the building is a balcony at the rear (east) linking to a narrower outdoor corridor running east west providing a lightwell to the downstairs hall and screening for the two upstairs bedrooms. Dimension of the proposed house are as follows: Ridge height approx.7.5m. Eaves height approx. 5.4m. Width (north-south) at first floor approx.4.4m. Width at ground floor approx. 13m. Depth (east -west) approx.16.4m (17m at two storey height). Balcony areas serving rooms at first floor. Front and rear.</p>
SITE AREA	0.580 hectares.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Fencing to site boundaries.
SITE CHARACTERISTICS	Detached bungalow with rendered elevations, concrete tile roof and conservatory on western front elevation on edge of parking area. Flat roofed extension to rear.

Dwelling to the south is chalet style with no first-floor windows. Dwelling to the north is two-storey, has a garage adjacent to the 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 in general 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.

**RELEVANT SITE HISTORY**

M/75/20/PL Demolition of existing dwelling & erection of replacement dwelling. This site is in CIL Zone 4 & is CiL Liable as new dwelling. Approve Conditionally 29-01-21

M/75/20/PL Planning permission for a replacement 4 bed two storey house.

The dimensions of the approved house are as follows:

Ridge height approx. 8.4m.

Eaves height approx. 5.4m.

Width (north-south) at first floor approx. 7.5m.

Width at ground floor approx. 11.25m.

Depth (east-west) approx. 20.5m (17m at two storey height).

Covered balcony areas serving rooms at first floor. Front and rear.

The design approved under this planning permission is modern in style and set further east on the site.

**REPRESENTATIONS**

Middleton-on-Sea Parish Council - Objection. Out of character with the streetscene. The appearance of the proposed development has a significant harmful impact upon the character of the dwelling and may not meet the regulations within the Arun DC Design Guide.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

The content of the representation is noted and addressed in the conclusions section of the report.

**CONSULTATIONS**

**CONSULTATION RESPONSES RECEIVED:**

Environment Agency - No objection to the proposal as submitted.

Southern Water - No response at time of writing. Under M/75/20/PL informative sough regarding exact position of sewer.

County Highways - No response at time of writing. Under M/75/20/PL no objection.

Environmental Health - No response at time of writing. Under M/75/20/PL no objection.

Drainage Engineer - Will accept sustainable drainage features in this location and would expect to see infiltration fully investigated. Conditions requested.

**COMMENTS ON CONSULTATION RESPONSES:**

Comments noted.

Appropriate conditions have been recommended and where appropriate repeated from the previous planning permission.

**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
QESP1	QE SP1 Quality of the Environment
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
TSP1	T SP1 Transport and Development

**PLANNING POLICY GUIDANCE:**

NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework

**SUPPLEMENTARY POLICY GUIDANCE:**

SPD13	Arun District Design Guide (SPD) January 2021
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**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 a made 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 NPPF paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development.

Policy SD SP1 Sustainable Development states that ADC will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Policy SD SP1a Strategic Approach (g) encourages the effective use of previously developed land in accordance with the strategy, provided that it is not of high environmental value.

The site lies within the built-up area boundary where development is acceptable in principle subject to other policies of the Arun Local Plan covering such issues as visual amenity/character, residential amenity, highway safety and parking. Policy D SP1 Design 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. Arun Local Plan Policy D DM1 sets out design aspects of which applications should be assessed against including Character, Appearance, Impact, Density and Scale.

Middleton Parish Council does not have a Neighbourhood Plan.

The principle of a replacement dwelling has already been established under M/75/20/PL. The design of the house previously granted planning permission is also contemporary but with a significant two-storey element and catslide style roof running from the ridge to the northern side of the site. The scheme under consideration proposes a smaller first floor and will be single storey on both northern and southern elevations. Both schemes include balcony areas at first floor.

##### **CHARACTER AND DESIGN.**

There is a variety of styles of detached houses and materials used in the area which have, historically, developed in an incremental way. The height, scale and mass of the proposed property would be comparable to nearby dwellings and would not be in excess of the scale of nearby properties in the area. The principle of a two-storey house has already been accepted.

Having regard to the size, scale, massing and overall design of the proposed dwelling, it will not have a detrimental impact on the street scene or wider area. The proposal complies with policies D SP1 and D DM1 of the Arun Local Plan.

Overall, the scale and massing will be less than the previously approved house. The proposed contemporary design is not considered out of character in the local area but rather responds to it.

The use of good quality materials already used elsewhere in the neighbourhood ensures that the proposed dwelling would not look out of keeping with surrounding properties.

The design offers a contemporary style with simple 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 asymmetric roof and lower single storey wings reduce the overall visual mass of the scheme. As the house has been designed in a contemporary style, the fenestration echoes the simple detailing of the elevations taking advantage of the western aspect by using larger areas of glazing to the living accommodation and bedrooms.

Section J of the Arun Design Guide refers to new building design and states development must ensure the existing character and sense of place of an area is respected and enhanced. New development should generally reflect the scale of existing buildings and should avoid overshadowing of neighbouring properties. The proposal complies with these statements, being sympathetic in appearance to the area.

Section P of the Arun Design Guide, Infill Development, seeks development which emulates the established pattern of building height, scale, plot width, boundary treatment and building line. The proposal is a replacement dwelling on an established plot whose design and siting will accord with these aims. The proposed materials will be complementary to the surrounding area and the design reflects the prevailing mixed character of the area.

Similarly, the proposal complies with para. 130 of the NPPF which states: "decisions should ensure that developments: (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change."

As the dwelling is a replacement, bin storage will operate as existing in accordance with WM DM1 of the Plan.

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 and wider area. The proposal is therefore considered to comply with policies D SP1, D DM1, QE SP1 of the Arun Local Plan and the Arun Design Guide.

#### 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.

Whilst the footprint of the new dwelling is larger than the existing, to the north there is a path dividing the neighbouring dwelling from the application site. The floor plan of the proposed dwellinghouse, the orientation and style of windows on the side elevations at first floor level will prevent adverse impacts on privacy or overbearing impact to the neighbouring dwellings to the north and south.

The window serving the stairwell at first floor in the southern elevation is recommended to be conditioned to be obscure glazed and fixed shut which accords with a condition applied to the previous approval.

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 Arun Design Guide recommends the use of the 45-degree rule in which new built development should not encroach within a 45-degree line drawn from the centre of the neighbour's 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 single storey elements on the north and south of the house reduce impact to both neighbours.

A balcony is proposed to the rear elevation at first floor with views over the rear. The bungalows to the rear (east) are separated from the boundary by their access road. The rear garden length exceeds 20m, the front garden of the dwellings to the rear are over 25m from the rear elevation which is sufficient distance to preclude adverse overlooking particularly since front garden areas are not private amenity areas. The balcony area to the front is modest and will look over the road. Balconies were approved under the previous planning permission.

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

#### **SPACE STANDARDS**

ALP Policy D DM2 seeks 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 3 bedroomed house Nationally Described Space Standards require minimum gross internal floor area of 102m<sup>2</sup>. The gross internal floor area of the proposed dwelling is 221m<sup>2</sup> (including garage), which exceeds the minimum standard for a 3-bedroom dwelling.

In respect of outside amenity space, the proposal includes a rear garden length of over 20m which exceeds the 10.5m referred to in the Arun Design Guide and is acceptable.

#### **SUSTAINABLE DEVELOPMENT**

Policy ECC SP2 of Arun Local Plan seeks to ensure that new dwellings energy efficiency. The application is silent on these matters. In the absence of detail regarding energy efficient measures, appropriate conditions are proposed including the requirement to provide an electric vehicle charge point.

#### **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 is 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. There will be little

change from the existing and previously approved arrangements. Under the previous consent WSCC Highways did not consider that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network.

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 which will not be the case with the proposals under consideration.

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. There are no objections to the development from the Environment Agency and therefore the proposal complies with policy W DM2 Flood Risk, which requires a site-specific flood risk assessment.

In accordance with policy W DM3 Sustainable Urban Drainage Systems, 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 ENV DM5 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:

<b>HUMAN RIGHTS ACT</b>
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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.

<b>DUTY UNDER THE EQUALITIES ACT 2010</b>
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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 Liabe 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 and details:

- Existing Plan and Elevations DWG No IBA/558/02
- Existing and Proposed Sections DWG No IBA/558/06
- Location Plan, Block Plan and Site Plan DWG No IBA/558/01
- Illustrative Street Scene and Roof Plan DWG IBA/558/05
- Proposed Elevations DWG No IBA/558/04
- Proposed Floor Plans DWG No IBA/558/03
- Materials as listed in the Design and Access Statement July 2022

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 at first floor 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



(QFRA 2181) and the mitigation measures detailed in Section 6.

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 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 and 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.

- 12 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.

- 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: 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.

- 15 INFORMATIVE: From The Environment Agency: Flood resistance and resilience. The EA strongly recommend the use of flood resistance and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage.

To find out which measures will be effective for this development, please contact your building control department. In the meantime, if you'd like to find out more about reducing flood damage, visit the Flood Risk and Coastal Change pages of the planning practice guidance. The following documents may also be useful: Flood resilient construction of new buildings: <https://www.gov.uk/government/publications/flood-resilient-construction-of-newbuildings>.

The applicant/occupants should phone Flood line on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up.

Flood warnings can give people valuable time to prepare for flooding - time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities.

For practical advice on preparing for a flood, visit <https://www.gov.uk/prepare-forflooding>.

To get help during a flood, visit <https://www.gov.uk/help-during-flood>.

For advice on what do after a flood, visit <https://www.gov.uk/after-flood>.

- 16      **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.

## **BACKGROUND PAPERS**

[The documents relating to this application can be viewed on the Arun District Council website by going to https://www.arun.gov.uk/weekly-lists and entering the application reference or directly by clicking on this link.](https://www.arun.gov.uk/weekly-lists)

**M/92/22/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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