

Recommendation Report for Planning Permission

REF NO: M/86/20/PL

LOCATION: 8 Manor Way
Elmer
Middleton-On-Sea
PO22 6LA

PROPOSAL: Demolition of existing 2 storey dwelling and construction of new 2 storey 4 bedroom dwelling with habitable loft and all associated works. This site is in CIL Zone 4 and is CIL Liable as new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Demolition of existing house and construction of a house measuring 10.29 m by 9.34 metres at ground floor with a roof height of 6.2 metres to eaves and 10.38 metres to the ridge.
SITE AREA	735 sq.m.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	1.2 metre fence to front boundary. 2 metre close boarded fence to rear garden boundary.
SITE CHARACTERISTICS	A detached residential property.
CHARACTER OF LOCALITY	A residential area close to the beach front at Elmer.

REPRESENTATIONS

Middleton Parish Council - No objection.
2 letters of objection on the following grounds;
3rd storey out of character.
Balcony has no side screening and will cause loss of privacy.

1 letter of support on the following grounds;
Building will improve quality of site while maintaining the volume of the existing building

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. Issues raised covered in conclusions section.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

ADC Drainage - No objection subject to conditions.

ADC Environmental Health - No objection subject to conditions. As only one house is being built the construction management and construction hours conditions are considered to be overly onerous.

WSCC Highways - No objection subject to conditions.

Southern Water - No objection subject to informatives.

COMMENTS ON CONSULTATION RESPONSES:

Noted.

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOC PLN

PD RESTRICTION

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
TSP1	T SP1 Transport and Development
WDM3	W DM3 Sustainable Urban Drainage Systems

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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.

Middleton does not have a 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 the design is acceptable and it would not have an adverse impact on the residential amenity of neighbouring properties.

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

In this case, 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.

D SP1 - Design requires that development proposals should reflect the characteristics of the local area by amongst other things in terms of its character and design.

DESIGN

The footprint of the new house will be broadly similar to the existing dwelling but will differ with regards to a modern styling in line with some of the neighbouring dwellings including no.14 Manor Way & 1 and 3 Sea Way. This will mean that it will have an acceptable impact on the areas prevailing character.

The streetscene is formed of evenly spaced dwellings which this new dwelling would match by infilling the gap its demolition creates.

The development would appear two stories in height from the front elevation revealing the third storey when viewed from the rear beach side.

The development would broadly match in height neighbouring development. It would use high quality materials including a zinc clad roof and rendered walls.

The development would accord with the Arun Design Guide chapter P 'Infill Development' in that the development would respect the established pattern of building height, scale, plot width, boundary treatment and building line along the edge of the plot, and continue the rhythm of the street by repeating key elements such as porches, windows and doors.

The development is therefore considered to comply with policies D DM1, D SP1 of the Arun Local Plan.

SPACE STANDARDS

The new dwelling would have an internal floor space of 225 sq.m. which is well in excess of the nationally described space standards for a three bedroomed 3 storey dwelling (108 sq.m.).

The rear garden would be in excess of 10.5 metres in length which would adequately provide sufficient external space for the dwelling and is in keeping with what is found elsewhere in the area and comply with guidance within the Arun Design Guide.

RESIDENTIAL AMENITY

The development would project to the rear of no.10 Manor Way without breaching a 45 degree line drawn from the nearest habitable room window which would mean it would comply with the 45 degree rule which the Council uses to assess impact on loss of light and overbearing impact. The rearward projection would be similar to the existing arrangement. Like wise the impact on the rear of the proposed dwelling caused by the position of 6 Manor Way would also be acceptable.

There would be side facing windows and a balcony at the rear of no.10 Manor Way at first floor level which exist at present and face a blank gable end wall. This would be replicated in the new development and is thus considered an acceptable relationship.

The balcony to the rear could potentially cause overlooking towards neighbouring properties in particular 10 Manor Way however a condition requiring a glazed screen would address this problem. The balcony at second floor level has solid sides which would prevent overlooking.

The impact on residential amenity of neighbouring properties would be acceptable and in accordance with policy D DM1 of the Arun Local Plan.

PARKING AND TRANSPORT

The proposed driveway and turning space shown has the potential for the provision of 2 car parking spaces which meets the requirements of the Arun Parking Standards Supplementary Planning Document.

The proposal is considered to comply with policy T SP1 of the Arun Local Plan.

ENERGY AND CLIMATE CHANGE

The development would require an electric vehicle charging point and a requirement that the new dwelling is energy efficient. A condition has been applied to this effect.

SUMMARY

The development is considered to be in character with surrounding development and to have an acceptable impact on neighbouring properties and is therefore recommended for approval 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 Ground Floor and First Floor Plans Dwg.no. B59051-3100 D dated Nov 2020
 Proposed Loft and Roof Plans Dwg.no. B59051 - 3101 D dated Nov 2020
 Proposed Front and Rear Elevations Dwg.no.B9051-3200A dated Nov 2020
 Proposed Side Elevations Dwg.no.B59051 - 3201B dated Nov 2020
 Proposed Block Plan Dwg.no. B59051 - 3500B dated Nov 2020

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 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.

- 4 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved Proposed Block 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 the Arun Local Plan.

- 5 No part of the development shall be first occupied until the electric vehicle charging space have been provided in perpetuity and 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 including policy T DM1 of the Arun Local Plan.

- 6 The balcony at first floor level shall have a 1.7 metre high obscure glazed screen constructed the full width at both ends. The screens shall be retained for the lifetime of the development.

Reason: To safeguard the amenities of the occupiers of adjoining properties in accordance with policy D DM1 of the Arun Local Plan.

- 7 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources or equivalent fabric first standards that would secure a 10% reduction in energy use. Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in accordance with the approved timetable and permanently retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to seek to achieve high levels of energy efficiency in accordance with policy ECC SP2 of Arun Local Planning Authority and the aims of the NPPF.

- 8 **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 on Arun District Councils website, this should be submitted with a Discharge of Conditions application.

- 9 **INFORMATIVE - Asbestos**

The owner(s) of any domestic property built or refurbished before the year 2000 are legally obliged to protect householders from any risks from work activities being carried out in their homes. Where the work being carried out involves Asbestos-Containing Materials (ACM's), then the Control of Asbestos Regulations 2012 will apply. As the proposed development is being demolished and / or renovated, the Council need to be satisfied that any ACM's previously identified as still present, is either removed or suitably managed to minimise risk to human health as there is no safe threshold for asbestos exposure.

Within any owner-occupied domestic properties, the owner(s) are not legally responsible for risks to contractors from asbestos, as the owners themselves are not engaged in any work activity.

NB: If you are planning any DIY home improvements, repairs or maintenance - and intend to bring in any additional builders, maintenance workers or contractors to site - you must inform them of any ACM's in your home before they start work. This will help reduce the risks of any

ACM's being disturbed. The domestic enforcement authority; the Health and Safety Executive (HSE) strongly encourages the use of trained professionals to repair or remove ACM's. If an owner / occupier chooses to carry out DIY repairs or remove damaged asbestos materials themselves, they must make sure the right Personal Protective Equipment (PPE) is used and always follow safe working methods. In addition, please be aware that ACM's need to be legally disposed of as 'hazardous waste'. The removed materials should not be mixed with normal household waste. Arrangements must be made to have any ACM's collected by a competent person(s) or there may be special facilities in an area where you can safely dispose of it.

- 10 INFORMATIVE: Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

To make an application visit: developerservices.southernwater.co.uk and please read our New Connections Services Charging Arrangements documents which are available on our website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements

The Council's technical staff and the relevant authority for land drainage should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

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. It is possible that a sewer now deemed to be public could be crossing the development site.

Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).

Website: southernwater.co.uk or by email at: SouthernWaterPlanning@southernwater.co.uk

- 11 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.