

PLANNING APPLICATION REPORT

REF NO: M/112/23/S73

LOCATION: 8 Manor Way
Elmer
Middleton-on-sea
PO22 6LA

PROPOSAL: Variation of condition 2 imposed under M/86/20/PL relating to approved plans.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>This application seeks amendments to the approved plans (Condition 2) imposed under application M/86/20/PL.</p> <p>The original development was for the demolition of existing house and construction of a house measuring 10.29m by 9.34m at ground floor with a roof height of 6.2m to eaves and 10.38m to the ridge.</p> <p>This application seeks the following amendments only:</p> <ul style="list-style-type: none"> - Raising of eaves height by 900mm, the ridge height will remain as approved. - Slight amendments to the amount of cladding to the elevations. - Alterations to the positions of 1 first floor window on the western elevation. - Downpipes front and rear relocated externally from the envelope of the building. - Rooflight raise by 150mm to allow for robust weatherproofing. <p>This application does not seek any other amendments, the footprint and layout of the dwelling does not alter as a result of these amendments.</p>
SITE AREA	735 sq.m.
BOUNDARY TREATMENT	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.

RELEVANT SITE HISTORY

M/86/20/PL	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.	ApproveConditionally 19-01-21
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M/130/21/DOC Approval of details reserved by condition imposed under DOC Approved
ref M/86/20/PL relating to Condition No 3 - surface water 26-10-21
drainage.

Since approval of M/86/20/PL condition 3 relating to surface water drainage has been successfully discharged. This application does not impact the approved surface water drainage scheme for the site.

REPRESENTATIONS

Middleton Parish Council - Objection

- Parish requested further details alluded to in the Planning Statement.

22/01/23 Parish Council further comments - Objection

- There is a need to know exactly how the rainwater will be discharged, if it is by soakaway, where these are located and if by other means full details and diagrams are needed.

- It appears that the existing pipe discharges onto the new coastal path which is completely unacceptable and sets a dangerous precedent.

COMMENTS ON REPRESENTATIONS RECEIVED:

Further details in respect of the amendments were provided by the Agent in an email dated 19 January 2023. This set out in detail all the proposed amendments, which are summarised in the description above.

The objection held by the Parish Council is not relevant to this application as it relates to drainage matters which are not part of this application. As noted above condition 3 of M/86/20/PL relates to the surface water drainage scheme, this was discharged in October 2021 after it was fully considered by ADC Drainage Engineers. This application does not seek amendments which could impact the surface water drainage scheme.

Officers have contacted the Parish Council to confirm that the grounds of objection do not relate to the contents of this application and invited them to withdraw their objection. However, they have confirmed that they would like the objection to remain so this application now has to be presented to Planning Committee for consideration.

CONSULTATION RESPONSES RECEIVED:

None

POLICY CONTEXT

Designation applicable to site:

PD Restriction.

Built-up Area Boundary

DEVELOPMENT PLAN POLICIES

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

DDM1 D DM1 Aspects of form and design quality

DSP1	D SP1 Design
QESP1	QE SP1 Quality of the Environment

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, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is 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

This application only seeks to vary condition 2 (approved plans) and the only matters which are relevant to the changes will be discussed below. All other matters were considered and remain as approved under application M/86/20/PL.

DESIGN

Para. 140 of the NPPF seeks to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme.

The proposed alterations to the eaves height, material treatments, repositioning of the window and downpipes can be seen from the highway, as such they will impact the character of the area. The ridge height remains as approved. The eaves height is not dissimilar to the height of the eaves of the flat roof dormer found on the neighbouring dwelling to the east nor to the two-storey property to the west. The slight increase in the amount of cladding to the first floor and the relocation of the first-floor window (1m to the north) does not materially impact the design or the character of the development. The alterations to the design do not negatively impact the character of the area or diminish the quality of the overall design.

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 complies with policies D DM1, D SP1 of the Arun Local Plan.

RESIDENTIAL AMENITY

The alterations to the height of the eaves does not significantly enlarge the scale of the building and the overall ridge height will remain the same. The footprint and layout remain unaltered and as such the separation gaps to boundaries will not differ from the approved plans. Situated between the enlarged part of the dwelling and neighbouring property to the west is the host dwelling's garage, which lessens any harm arising from the alterations to the eaves height. The front and rear elevations of the 2-storey sections of the of the host property are approximately in line with the neighbour's front and rear elevations to the east. There will be no significant negative impact felt by neighbouring residents from the effects of the proposal from being overbearing or overshadowing.

The first-floor western elevation window was approved with, and still has an outlook over the frontage of the neighbour to the west and the highway beyond. As the properties in this location are all open fronted this causes no unacceptable loss of privacy to the neighbour.

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

SUMMARY

The development is in character with surrounding development and to have an acceptable impact on neighbouring properties and is therefore recommended for approval. As the permission creates an alternative planning permission, conditions will be reimplemented as follows.

Conditions controlling plans have been altered to reflect the submitted documents. Condition 3 (now condition 2) has been altered to reflect the discharge of condition. All other conditions remain the same.

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

CIL liability is made against application M/86/20/PL, as this application proposes no additional floor area no additional CIL charges will be levied.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 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 Rev A
Proposed Loft and Roof Plans Dwg. no. B59051 - 3101 Rev A
Proposed Front and Side Elevations Dwg. no. B59051 - 3200 Rev A
Proposed Rear and Side Elevations Dwg. no. B59051 - 3201 Rev A
Proposed Block Plan Dwg. no. B59051 - 3500 Rev A

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.

- 2 The proposed surface water drainage scheme shall be implemented in accordance with the following documents approved under M/130/21/DOC:

- 23605-201-A Proposed Surface Water Plan
- 23605-501-A Construction Details

No 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.

- 3 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.

- 4 Prior to occupation of any of the approved dwellings, the applicant or developer shall provide the dwellings with electric vehicle charge points in accordance with the council's standards as set out in its Parking Standards SPD. This requires that where a dwelling has a driveway or

garage then one of those parking spaces shall be provided with a charging point, with ducting then being provided to all other spaces, where appropriate, to provide passive provision for these spaces to be upgraded in future. The individual charge points shall be in accordance with the technical requirements set out in Part S, section 6.2 of the Building Regulations 2010 (as amended). The electric vehicle charge points shall thereafter be retained and maintained in good working condition.

Reason: To mitigate against adverse impacts on local air quality and to promote sustainable travel, in accordance with Arun Local Plan policy QE DM3(c), the Arun Parking Standards SPD and the NPPF.

- 5 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.

- 6 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.

- 7 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.

- 8 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.

9 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

10 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/112/23/S73 - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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