

PLANNING APPLICATION REPORT

REF NO: M/38/24/PL

LOCATION: Mariedene
43 Sea Way
Middleton-on-sea
PO22 7RZ

PROPOSAL: Proposed replacement self-build dwelling with open air swimming pool and ancillary outbuildings. This application is in CIL zone 4 and is CIL liable as a new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Replacement of a dwelling with a self-build dwelling with open air swimming pool and ancillary outbuildings.
SITE AREA	1938m2
SITE CHARACTERISTICS	Two storey detached dwelling.
CHARACTER OF LOCALITY	Residential.

No relevant site history.

REPRESENTATIONS

Middleton Parish Council - Objection:

- The proposal is contrary to policy HER DM4 of the Arun Local Plan.
- The roofscape with neighbouring properties should be maintained.
- New developments should be well visually related to adjacent building and spaced.
- The proposal is too large and inappropriately positioned.
- Overdevelopment of the site.
- Unneighbourly in regard to the overall size, mass, height and position on the plot.
- The siting of the air source heat pumps have a potential to create a noise nuisance.
- A detailed independent noise report is needed to assess the noise levels generated and potential mitigations required.
- Request Environmental Health conditions are included if approval is given.

13 letters of support received from nearby occupiers. General comments regarding:

- Building is in a state of disrepair. The works will be a welcome improvement to the site and the area.
- It will remain in keeping with the character and design of the area.
- The development will enhance the area.
- The design is well designed, and is sensitive to the surrounding area and properties.
- Relates well to neighbouring properties.
- Request conditions on the building work regarding the vehicles permitted on site in order to protect access to the site and surrounding properties.
- The proposal will provide more parking, which will prevent vehicles from needing to park on verges.
- The new siting lends to a better use of the plot and will be proportional to its size.
- Better environmental impact than the current dwelling.

2 letters of no objection received from nearby occupiers. General comments regarding:

- No objection subject to Arun being satisfied that materials/finishes are compatible with the area of character.
- Subject to there being no unacceptable noise or visual impact to neighbouring properties.

4 letters of objection received from nearby occupiers. General comments regarding:

- Disputes regarding the information submitted within the Design and Access Statement.
- The proposal infringes on the 45 degree line and should be moved.
- The design would be overpowering, visually unacceptable and obtrusive.
- Concerns regarding the increased height of the proposal.
- Concerns regarding a reduction in light and space for neighbours.
- The proposal raises concerns regarding overlooking, or at least perceived overlooking.
- Concerns regarding the positioning of the air source heat pumps, and resultant noise pollution.
- Issue with location of processing plant/boiler for the swimming pool and noise and air pollution.
- Concerns regarding light pollution.
- The proposal will erode the established building line and spatial composition.
- There will be harm to residential amenities.
- The proposal is in conflict with policy and should be refused.
- The roof height is not in keeping with neighbouring structures.
- Inconsistencies with plans

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. Material planning considerations are discussed below. The agent provided a response to comments raised during the consultation period, and these comments have been taken into account.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ADC ENVIRONMENTAL HEALTH:

No objection, subject to conditions regarding construction hours and building services plant.

ADC ECOLOGY:

No objection, subject to conditions for biodiversity net gain enhancements and bat friendly lighting.

ADC DRAINAGE ENGINEER:

No objection, subject to a pre-commencement condition regarding surface water drainage design.

SOUTHERN WATER:

No comments, other than advice regarding connecting to the public foul sewer.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Requested conditions have been applied below. A drainage pre-commencement condition has been agreed with agent.

POLICY CONTEXT

Built Up Area Boundary
Area of Character (Middleton-on-Sea Estate)

Flood Zones 1,2 and 3a
 Prone to Groundwater Flooding
 Erosion Risk
 CIL Zone 4

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
HERDM4	HER DM4 Areas of Character
HERSP1	HER SP1 The Historic Environment
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WSP1	W SP1 Water

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

MDS	Middleton-on-Sea Village Design Statement by Middleton PC
SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

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

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

"If regard is to be had to the development plan for the purpose of any determination to be made under

the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal complies with relevant Development Plan policies in that it will not result in adverse harm to visual or residential amenity, the area of character, nor will it increase risk of flooding.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

(a) the provisions of the development plan, so far as material to the application,

(aza) a post examination draft neighbourhood development plan, so far as material to the application,

(b) any local finance considerations, so far as material to the application, and

(c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The site is in the Built-Up Area Boundary (BUAB) where the principle of residential redevelopment is acceptable subject to consideration of relevant policies of the in the Arun Local Plan. It is of relevance that this application is for a replacement dwelling.

Key Development Plan policy considerations are D SP1 (Design), D DM1 (Aspects of Form and Design Quality), D DM2 (Internal Space Standards), T SP1 (Transport and Development), ECC SP2 (Energy and Climate Change mitigation), QE DM1 (Noise pollution), QE SP1 (Quality of the environment), W DM2 (Flood Risk), W DM3 (Sustainable Urban Drainage Systems), W SP1 (Water), HER DM4 (Areas of Character), HER SP1 (Historic Environment), ENV DM5 (Development and Biodiversity), and ENV SP1 (Natural Environment) of the Arun Local Plan (ALP).

The Arun Design Guide and Arun Parking Standards SPD are also pertinent to this application.

Middleton does not have a 'made' Neighbourhood Development Plan, a plan is under preparation but has not reached a formal consultation stage. There is an adopted a Village Design Statement.

This proposal for a replacement dwelling within the BUAB is acceptable in principle and is 'sustainable development', according with policies SD SP1 and SD SP2 of the ALP. The principle of the development is acceptable, and will be approved subject to compliance with other material considerations and policies.

DESIGN AND VISUAL AMENITY

Policy D SP1 of the ALP states development should seek to make efficient use of land but reflect the characteristics of the site and local area. ALP policy D DM1 looks at aspects of form and design quality, including character, appearance, density, scale, innovation, adaptability, residential amenity impact, trees, and crime prevention. New buildings should be harmonious with their surroundings and successfully integrate with the surrounding environment.

Arun District Council Design Guide SPD provides design guidance. This includes Section P.01 on Infill Development which provides detailed guidance on the redevelopment of sites, and Section J.01 which

concerns building design, in particular form and character.

The proposal seeks a replacement dwelling. The property comprises a two storey detached dwelling including cream render and hipped roof, with single storey projections and ancillary garden buildings. The building covers an area of approximately 200m², and is in a state of disrepair. The proposal will result in the demolition of this building, and replacement with a larger and more contemporary style property, with a footprint of approximately 365m² (inclusive of an attached garage). The proposal will comprise a two storey hipped roof dwelling, with single storey flat roof projections, reflecting the layout and form of the building on site, but on a slightly enlarged scale. This increase in scale results in the height increasing from 7.4m to 8.9m.

The proposal includes landscaping, including an open-air swimming pool, pool house and boat house. The associated buildings are single storey and of modest scale. They will reflect the design of the host dwelling, and integrate well with the site, with no adverse harm to the visual appearance of the property. Being to the rear, they will have no impact on the street scene, and will retain the character of the area. The hard and soft landscaping will enhance the visual amenity of the site.

Whilst it is acknowledged that the increased scale, mass and modernised design results in an alteration to the visual appearance and character of the site, this is not inappropriate, and is an acceptable redevelopment. The proposal is proportionate to the scale of the site, and will not appear as an overdevelopment; retaining a sufficient amount of amenity space, whilst making more efficient use of the site. The design is not obtrusively contemporary, and is sensitively designed for its location. It draws from design cues and styles of the existing property, and is well designed to reflect the former building. Its design offers good visual amenity value, which will improve and enhance the site from its current condition. In terms of harm to visual amenity and character, the property will not be adversely harmful, and will be an improvement. This is in accord with D DM1 of the Arun Local Plan, which states the proposals should 'make the best possible use of available land by reflecting and improving upon the character of the site and surrounding area, in terms of scale, massing, layout, materials and design features'.

Sea Way is a cul-de-sac comprising a wide array of differing styles, design and age of properties; most of which are detached and sited on large plots. There is a varied mix of traditional and modern designs, and no set composition or design style to the area. As a result, the amenity value of the street scene draws from the rich array of differing architectural features and qualities. No.43 is at the end of the cul-de-sac, on one corner of the small roundabout, and is not a landmark property within the street scene. It is between two significantly different style and scaled properties, and is not in a strict building line. The redesign and repositioning of the dwelling will not unduly harm the spatial pattern of the area.

Concern has been raised regarding the ridge height, and how this will be greater than neighbours to the north and east. This raises issues that the proposal will appear out of scale and out of keeping with the pattern of design within the street scene. Whilst this is acknowledged, the ridge height will only be 1.5m higher than the previous dwelling, and will not be vastly taller than its surrounding neighbours. This is especially in consideration to its neighbour to the west, No.64, which is substantially larger than any other property within the local vicinity. This building is of significant scale, being taller and greater in mass than No.43 and its surrounding neighbours. Whilst the proposal will result in an increase in scale and massing, which will alter its coherence with the immediate neighbours to the north and east, in comparison to No.64, this proposal is relative to the scale of the plot, and is not an excessive scale or mass. The majority of the footprint is single storey, and whilst on plan the proposal appears much larger in scale, its massing will be lower than surrounding properties. The proposal will not be adversely out of keeping with the scale, massing and design of its surroundings, and is an appropriate replacement.

Part J.01 of the Arun Design Guide states 'Good contemporary design that takes cues from well-

designed elements of its existing environment by incorporating architectural features and detailing such as chimneys, dormer windows or half-hipped roofs while expressing its own complementary character will be supported.' The proposal will appear more contemporary against its immediate neighbours, however, will reflect elements of the locality, and will be consistent with other developments within Sea Way. The design of the proposal would not appear out of keeping with the wider context of its vicinity and would be a positive addition to both the street scene, and the varied form and character of Middleton. This is especially in regard to other redevelopments within the vicinity, such as Nos 29 and 25, which have introduced a far more modern and contemporary design into the character of the area. The proposal will be reflective of these existing buildings, and as such is acceptable.

The proposal is sympathetically designed for its context, and will not appear unduly out of keeping. Materials include render to the ground floor, with horizontal weather board cladding at first floor. Decorative stone panels will be incorporated at both floors, and slate roofing will be used for the main hipped roof. Sea Way comprises a number of examples of materials. Render is most prominent throughout the street scene, and as such the use of this is acceptable. There are few examples of cladding being used, however timber boarding and tile hanging does exist within the wider vicinity. Whilst this will introduce a more modern material to the immediate area, this is not unduly out of keeping, and is not of significant enough harm to warrant result. The incorporation of slate and stone is also acceptable.

The Middleton Village Design Statement (MVDS) provides guidelines on developments which states 'redevelopments should be of the highest quality; be in keeping with the scale of existing developments and well related to adjacent buildings and space, demonstrate an awareness of the local context in its use of materials, design, style detailing, layout and form; have the area in front of buildings soft landscaped; make use of existing vehicular accesses; and ensure that the orientation maintains the privacy enjoyed by neighbouring properties and seek to minimise overlooking.' Whilst the proposal will result in an increase in scale and massing, this will not be obtrusively greater than that of surrounding properties. It will reflect the scale and massing both in regard to its proportion to the rest of the site, and also in respect to other properties within the immediate vicinity. Given this, and whilst acknowledged it is a more modern redevelopment, the proposal is within the scope of the MVDS guidelines, and respects the character and amenity value of the area in accord with the statement.

The proposal will not result in adverse harm to visual amenity, and will preserve and enhance the character of the locality. This accords with D DM1 and D SP1 of the Arun Local Plan, the MVDS, and the Arun Design Guide.

RESIDENTIAL AMENITY AND NOISE

Policy QE SP1 (ALP) requires development to ensure it does not have a significantly negative impact on residential amenity. Policy D DM1 (ALP) requires development to have a minimal impact to users and occupiers of nearby property and land.

The Arun Design Guide deals in part H.04 with separation distances between habitable rooms: Back to Back: min. 21m between habitable rooms of properties or to existing buildings. Back/Front to Side: min. 14m between habitable rooms and side gable of adjacent property. Front to Front: min. 16m between habitable rooms of properties facing each other. Back to Boundary: min. 12m between habitable rooms and site boundary to existing landscaping.

The building will comprise a hipped roof measuring approximately 8.9m (varying marginally due to minor changes in ground level), with eaves 6.4m. The single storey projections will comprise a garage with flat roof at a height of around 3.5m, and habitable rooms with flat roof at around 3.9m in height. A detached flat roof pool house is proposed on at a height of 3.5m, and a boat house with a roof at 3m high.

The main dwelling retains a minimum distance of 2.09m from the northern boundary, 1.8m from the east, 31m from the south, and 2.08m from the west. The pool house will be 1.01m from the east, and boat house 1.035m to the west and 5.625m to the south. Boundaries vary in materials; however, all retain a minimum height of 1.8m (other than the front-most and rear boundaries). The habitable rooms retain minimum distances of 16m from the side elevation to the rear elevation of No.39, 14m from the front elevation to rear of the annex at No.41, and 11.8m from the side elevation to the side elevation of No.64. All distances, bar those between the annex of No.41, meet the separation distances in part H.04 of the ADG. The distance between the front elevation and rear elevation of the property and No.41 is not of significant concern, as the property is angled away from the rear elevation, and will provide no visibility into the first floor habitable room. The closest windows have been obscure glazed, to reduce the risk of perceived overlooking. The first floor windows and ground floor WC on the east elevation have been obscure glazed, to reduce any risk of overlooking of No.39. These have been conditioned below. The proposal will not result in demonstrable harm through overlooking and is acceptable.

The proposal will conflict the 45 degree line, when taken from the rear elevation of No.39. This is in conflict with the ADG. A 2m high boundary exists between these properties, and the closest buildings to this boundary will be less than 1.9m higher than this. The overbearing and overshadowing impact of the single storey buildings, by virtue of their scale, will not be unduly harmful to residential amenity, and are acceptable. The two storey aspect is more harmful, and will result in some overbearing and overshadowing. It retains an acceptable separation distance, meeting the minimum 14m, and is set a fair distance away from the boundary and No.39. The ridge height of the two storey element is only 1.5m higher than the existing dwelling, and the proposal would not result in adverse overbearing. The application has been supported by a solar study, which demonstrates that the proposal would not result in adverse overshadowing of No.39 or their rear amenity space, with most overshadowing only happening in late evening. The proposal will result in some overshadowing and overbearing. This will not be of a demonstrable level to justify a reason for refusal. Despite not meeting the 45 degree rule, it has been demonstrated that the proposal will not be unduly harmful, and there are no grounds on which to refuse the application for this reason.

In order to ensure no additional structures (such as dormers) are constructed outside of development control which could be harmful to residential amenity, permitted development rights pertaining to Parts 1, Class AA, A(g) and B of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (as amended) have been removed under a condition below.

Concern has been raised regarding noise pollution from the proposed air source heat pumps, and plant equipment to be used by the property and pool. The agent has clarified that the air source heat pumps have been designed in line with Permitted Development guidelines, and the impact of the heat pumps are comparable to that achievable without planning permission. This is acceptable. A condition requiring their installation be in accordance with the Microgeneration Certification Scheme (MCS) or equivalent standard has been added to ensure the impact of these pumps is kept to a minimum.

Environmental Health were did not object subject to conditions regarding hours of working and building services plant. These conditions will secure that the noise produced by the proposals construction and operation will be to an acceptable level, and will not harm nearby residential amenity. This is in accord with QE DM1 and QE SP1 of the ALP.

Whilst resulting in an increase in overshadowing and overbearing than currently experienced, this will not be adverse nor unacceptable. The development will not be unduly harmful to residential amenity and is in accord with D DM1 of the Arun Local Plan, and Arun Design Guide.

HIGHWAYS, ACCESS AND PARKING

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.

Arun District Council adopted a Parking Standards SPD (Jan 2020). For a 4 bed property in Parking Behaviour Zone 2 a minimum of 3 car parking spaces on site are required. Electric vehicle (EV) charging points should be provided for all new homes. The Arun Parking Standards SPD and policy T SP1 require new dwellings to provide electric vehicle charging points if they feature driveway or garage. The SPD requires the provision of 2 cycle spaces for 3+ bed houses.

The proposal includes an attached garage, measuring 6m by 6m. Arun Parking Standards states that garage spaces must measure at least 6m x 3m internally, and will be regarded as 0.5 of a space if meeting these dimensions. The garage would provide space for two internal spaces; and this counts as one space towards the 3 required. There is a large driveway provided, which will provide sufficient capacity for the parking of two cars. The proposal is in accord with Arun Parking Standards.

No cycle parking spaces nor EV charging point has been detailed in the plans. The DAS states an EV point will be included in the garage. In accord with T SP1 and the Arun Parking Standards, these will be conditioned to require additional details (for the cycle parking) and secure the charging point.

The access will be the existing access. This is an established opening, and is acceptable. The increase in driveway space will result in reduced pressure on on-street parking, which will improve the safety and amenity of Sea Way.

The access and parking provisions, bar the cycle parking details which have been conditioned, are acceptable and in accord with T SP1 of the Arun Local Plan and the Arun Parking Standards SPD.

SPACE STANDARDS

Policy D DM2 of the Arun Local Plan requires internal spaces to be an appropriate size to meet the requirements of all occupants and their changing needs.

Floor plans show each bedroom meeting minimum space requirements for double bedrooms, and the total internal floor area is substantially greater than the minimum required for a dwelling of this size (4 bedroom, minimum 5 persons). The dwelling has a substantial front amenity space and private rear amenity space greater than the minimum 10.5m depth required by Section H of the Arun Design Guide.

The dwelling is compliant with policy D DM2 of the ALP and Section H of the Arun Design Guide.

FLOODING AND DRAINAGE

The site is partly in Flood Zone 2, 3 & 3a, as well as being in an area prone to groundwater flooding. A site specific Flood Risk Assessment identifying that the proposal would be safe from flood risk now and in the future has been submitted. The proposal will result in the reduction of existing ground floor bedrooms, and will be of improved design, which will act as betterment towards flood risk. Whilst it is acknowledged that flood risk still exists on, the development will not increase this risk, and could not be located in a different location. Mitigation measures have been included, including a surface water drainage system designed for a 1 in 100 year storm event, and finished floor levels 0.7m above the lowest point on site. This is designed to ensure any flood water flows to the rear of the site and away from the property. The development is acceptable and in accord with W DM2.

The ADC Drainage Engineer and Environment Agency were both consulted on this application. Only one

response was received, from ADC Drainage Engineers who have raised no objection to the works. They have requested a surface water drainage design pre-commencement condition be applied, in order to ensure that the development is adequately drained and does not increase flood risk elsewhere. This condition has been agreed with the agent and applied below. As such, as no concerns have been raised by ADC Drainage, and the LPA are satisfied with the submitted information, the proposal is concluded to be in accordance with the guidance of W DM2 and W DM3. The development sufficiently meets the requirements in regard to drainage and flood risk and is in accordance with the ALP.

HERITAGE ASSETS

The proposal is in the Middleton-on-Sea Estate Area of Character, and must accord with HER DM4 of the Arun Local Plan.

The NPPF states that "In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset." (para 209).

Para 200 of the NPPF requires the significance of the heritage asset affected by a development be identified. The asset in this case is of architectural and historical significance, being an Area of Character and subsequently classified as a Non-Designated Heritage Asset.

Para 201 requires the LPA consider the significance of the impact on that heritage asset. The proposal will have some impact to the significance, by way of altering the character, design, scale and massing of the plot, which will in turn change the appearance and character of the street scene.

The proposal is at the end of Sea Way, in the corner of the cul-de-sac. It is not an overtly prominent building in the street scene of the area.

Sea Way comprises a wide array of different style and scale properties, ranging from more traditional to contemporary design. Some properties of note are Nos 29 and 25, which have been renovated to a larger and contemporary design. Whilst the proposal will be larger and more modern in design than the existing, the impact to the area of character will not be adverse. The proposal is proportional to the scale of the site, and is not significantly larger than neighbouring properties. It will retain existing masonry to the north western boundary, and enhance hedgerows across the site. The design will improve the visual amenity of the dwelling, and enhance the visual appearance and character of the area. The development will not detract from its surroundings, nor result in adverse harm to the historic and architectural significance of the area.

The MVDS sets out guidelines for which developments should follow. This states 'the important point in design is that today not all houses display the characteristics (described above). These characteristics should provide a design basis for any building to deserve to be added to the Area of Special Character'. The design guidelines strive for a more traditional design, and require materials to match those of existing buildings. Whilst the design of the building is more modern, and is not fully cohesive with all the guidelines within the design statement, it is reflective of similar works within the immediate vicinity. Incorporating innovative and different designs is not always of negative to an area of character, and helps to enhance and enrich the quality and range of design. Given previous designs of this style have been permitted nearby, it is concluded that the development is in accord with the MVDS, and having been given no objection to by the Middleton on Sea Association, this development is acceptable.

The proposal will improve the visual amenity and character of the site, incorporating a modern design into the locality. This is in line with similar developments in the area, and reflective of other vernaculars throughout the area of character. As such, the development will have some impact on the character and

appearance of the heritage asset; however this impact will be minor, and will not result in demonstrable harm to its significance. This is in accord with HER DM4 of the ALP, the MVDS, and NPPF, and will respect the sensitivity of its historic and architecturally significant environment.

BIODIVERSITY

Policy ENV DM5 of the ALP requires development to achieve a Biodiversity Net Gain and protect existing habitats on site.

The site is a residential plot with no evidence of being a habitat for any protected species and little ecological value. The development would result in the loss of an existing housing and surrounding garden land. The applicant has claimed self-build and custom housebuilding exemption, to which they are not required to provide the mandatory 10% BNG on site. The PEA submitted with the application does however outline a number of recommended ecological enhancement measures and lighting, which would result in ecological improvements across the site. The ADC Ecology Officer was consulted on the application, and did not object subject to two conditions securing BNG enhancements and bat friendly lighting. These measures have been secured via a condition, to ensure they are implemented.

The proposal would not have any likely impact on the Site of Special Scientific Interest for which it is on the border of the 2km Buffer Zone.

The proposal is compliant with policies ENV DM5 of the ALP.

SUSTAINABLE CONSTRUCTION

ALP policy ECC SP2 requires residential development be energy efficient and incorporate decentralised, renewable, and low carbon energy supply systems.

The building has been designed with significant consideration towards reducing the embodied and operational carbon levels. This includes the utilisation of the following components, to increase the sustainability of the property:

- Building location, orientation and form; (the property is designed to maximise sun exposure and solar gain).
 - Fabric Element Design; (the proposal will at minimum equal the latest approved documents of Building Regs in regard to thermal performance).
 - Ventilation and airtightness; (the building is designed with ventilation and good airtightness to prevent loss of heat).
 - Renewable energy; (air source heat pumps and PV panels will be installed).
 - Appliances, lighting and use; (the dwelling will encourage energy saving measures).
- An EV charging point is also to be included within the garage.

The details above are sufficient to meet the requirements of ECC SP2 of the ALP, and are acceptable.

SUMMARY

The development is in accordance with the relevant development policies and as such is recommended for approval subject to the following conditions and informatives. The recommendation is made in accordance with para 11 c of the NPPF.

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 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 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 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 (dependent 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:

- Location and Block Plan 3.01 A
- Proposed Site Plan 3.02 A
- Proposed Site Plan 3.02 B
- Proposed Ground Flood Plan 3.03 A
- Proposed First Floor and Roof Plan 3.04 A
- Proposed Elevations 3.05 A
- Proposed Section A-A and Proposed Boat and Pool House Elevations 3.06 A

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policy D DM1.

- 3 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.

- 4 The ground floor WC window to the eastern elevation, bedroom and dressing room windows to the first floor east elevation and en-suite and dressing room windows to the northern elevation shall be obscure glazed. This shall remain in perpetuity.

Reason: In the interests of protecting residential amenity and privacy in accord with D DM1 of the Arun Local Plan

- 5 No development above damp-proof course (DPC) level shall take place unless and until a detailed colour schedule of materials and finishes to be used for external walls and roofs of the buildings have been submitted to and approved in writing 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 Arun Local Plan policy D DM1.

- 6 No part of the development shall be first occupied until two covered and secure cycle parking spaces have been provided. The spaces so provided shall be retained in perpetuity.

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

- 7 Notwithstanding the provisions of Parts 1, Class AA, A(g) and B of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (as amended) (or any Order revoking or re-enacting this Order) no dormers, roof extensions or extensions to the property shall be constructed unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: In the interests of visual and neighbouring amenity in accordance with Arun Local Plan policies D DM1 and QE SP1.

- 8 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. Design considerations must take full account of the 'Supplementary Requirements for Surface Water Drainage Proposals' produced by Arun District Council and are an overriding factor in terms of requirements. 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.

- 9 Demolition/construction works shall only take place between 08:00 hours and 18:00 hours (Monday to Friday) and between 08:00 hours and 13:00 hours on Saturday with no activities taking place on Sundays or recognised public holidays. In addition to these hours of working, the Local Planning Authority may approve in writing a schedule of activities where it is necessary to conduct works outside the hours specified in this condition.

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

- 10 Prior to any development above damp-proof course (DPC) level, a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Preliminary Ecological Appraisal and Preliminary Roost Assessment Report (CT Ecology, 28 March 2024) shall be submitted to and approved in writing by the Local Planning Authority.

These enhancement measures should include the following:

- Soft landscaping
- 2 No integral swift bricks
- 2 No integral bat tubes
- Green roofs
- Hedgehog homes / gaps

The enhancement measures shall be implemented in accordance with the approved details prior to first occupation of any part of the development and all features shall be retained in that manner thereafter.

Reason: To enhance protected and priority species and habitats in accordance with Arun Local Plan policies ENV SP1 and ENV DM5 and allow the Local Planning Authority to discharge its duties under the NPPF 2023 and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

- 11 The Air Source Heat Pumps hereby approved shall be installed in accordance with the Microgeneration Certification Scheme (MCS) or equivalent standard. They shall be maintained in good working order for the life of the pumps.

Reason: To protect the amenity of local residents in accordance with the NPPF and policies D DM1, QE DM1 and QE SP1 of the Arun Local Plan.

- 12 No internally or externally located plant, machinery equipment or building services plant (other than the air source heat pumps) shall be operated on the site until an assessment of the acoustic impact arising from the operation of all such equipment has been submitted to and approved in writing by the Local Planning Authority. The assessment shall be undertaken in accordance with BS 4142:2014+A1:2019 and shall include a scheme of attenuation measures to mitigate the adverse impacts identified in the acoustic assessment. The scheme shall ensure that the rating level of noise emitted from the proposed building services plant is 5 dB less than the prevailing background sound level (LA90). The scheme as approved by the Local Planning Authority shall be fully installed prior to first operation of the plant and shall be retained as such thereafter. Any agreed attenuation measures shall be permanently maintained in good working condition.

The applicant should review the Planning Noise Advice Document - Sussex, November 2023: <https://www.arun.gov.uk/download.cfm?doc=docm93jjm4n19846.pdf&ver=24686>.

Reason: To protect the amenity of local residents in accordance with the Arun Local Plan policy QE DM1.

- 13 For avoidance of doubt, the building shall be constructed in accordance with the finished floor levels as shown on 'Proposed Ground Floor Plan 3.03 A' and 'Proposed First Floor and Roof Plan 3.04 A'.

Reason: To protect the amenity of occupiers from flood risk in accordance with W DM2 of the Arun Local Plan.

- 14 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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.

- 15 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The infiltration tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method. All design storms must include a climate change allowance, as per <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>, on stored volumes or rainfall intensity. Infiltration structures must cater for the critical 1 in 10-year storm event, (plus40%) between the invert of the entry pipe to the soakaway and the base of the structure. All surface water drainage designs must also have provision to ensure there is capacity in the system to contain the critical 1 in 100-year storm event (plus 45%).

Freeboard is to be provided between the base of the infiltration structure and the highest recorded groundwater level identified in that location. Ideally this should be 1 metre where possible, as stated in the CIRIA Suds Manual guidance. However, on the coastal plain in particular, where geology dictates and where shallow perched/tidally influenced water tables are often present, this is unlikely to be achievable irrespective of this, infiltration must still be fully considered. Therefore, to maximise this potential and avoid utilising other less favourable methods of surface water disposal, the bases of infiltration structures are permitted to be immediately above the peak recorded groundwater levels where it is deemed necessary.

In areas where an aquifer is to be protected (subject to guidance from the Environment Agency) then a minimum 1 metre freeboard must be provided. Suitable water treatment is required upstream to the point of discharge in all circumstances to minimise any groundwater pollution risk or detriment to the drainage network. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest groundwater table in support of the design. The applicant is advised to discuss the extend of ground water monitoring with the council's engineers.

Supplementary guidance notes regarding surface water drainage are located at <https://www.arun.gov.uk/drainage-planning-consultations> on Arun District Council's website. A surface water drainage checklist is available on Arun District Council's website, this should be submitted with a Discharge of Conditions Application. Reference should also be made to the 'West Sussex LLFA Policy for the Management of Surface Water'.

- 16 INFORMATIVE: Based on the information available, this permission is exempt from the

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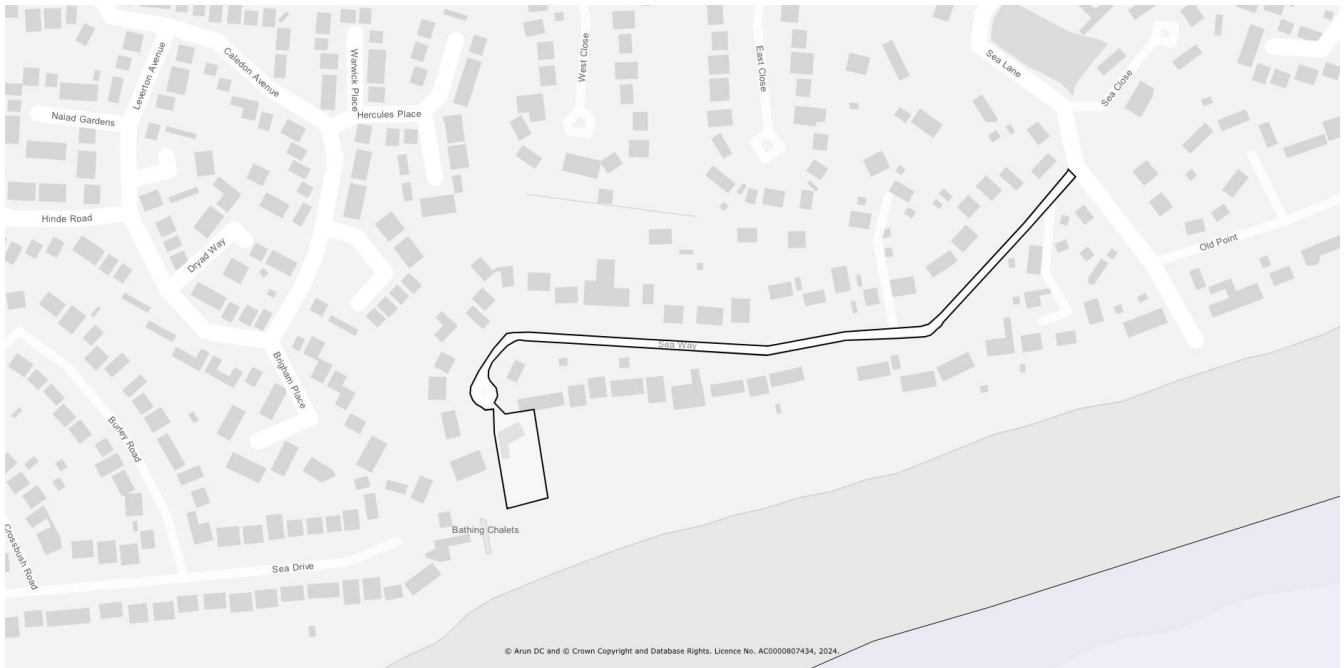
requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission relates to a development which consists of no more than 9 dwellings; is carried out on a site which has an area of no larger than 0.5 hectares; and consists exclusively of dwellings which are self build or custom housebuilding.

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/38/24/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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