

Recommendation Report for Planning Permission

REF NO: M/105/18/PL

LOCATION: Land adjacent to 7 Central Drive
Elmer
Middleton
PO22 7TT

PROPOSAL: 1 no detached four bedroom house

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	See conclusions section
SITE CHARACTERISTICS	see conclusions section
CHARACTER OF LOCALITY	see conclusions section

RELEVANT SITE HISTORY

M/70/14/PL	1 No detached 4 bedroom house (resubmission following M/21/14/)	Refused 14-10-14 Appeal: Allowed+Conditions 09-09-15
M/21/14/	1 No detached 4 bedroom house.	Refused 16-06-14
M/73/10/	Renewal of unimplemented planning permission M/96/05/ for one new dwelling house	ApproveConditionally 17-11-10
M/96/05/	Renewal of unimplemented outline planning permission M/79/02/ for one new dwelling house	ApproveConditionally 02-11-05
M/79/02/	Renewal of unimplemented outline planning permission M/86/99 for one dwelling house.	ApproveConditionally 30-10-02

M/86/99/	Renewal of unimplemented outline consent M/57/96 for one dwelling house.	ApproveConditionally 04-10-99
M/57/96	Renewal of unimplemented outline consent M/66/93 for one dwelling house	ApproveConditionally 04-11-96
M/66/93	Renewal of unimplemented Outline Consent M/98/90 for one dwelling house	ApproveConditionally 12-11-93
M/98/90	Renewal of unimplemented outline consent M/118/87 for one dwelling house	ApproveConditionally 05-11-90
M/118/87	Renewal of Unimplemented Permission No. M/78/84 for Outline Consent for one dwelling house and garage	ApproveConditionally 16-11-87

This permission has been renewed on several occasions. In 2014 it was refused but subsequently allowed on appeal.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Middleton Parish Council

No representation from PC received and logged.

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS

Southern Water Planning

Engineers (Drainage)

Engineering Services Manager

CONSULTATION RESPONSES RECEIVED:

Southern Water: No objection

Drainage Engineers:

The site is within the Lidsey Catchment. Therefore, please apply ENGD2B.

Soakaways must be investigated for surface water disposal.

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 BRE 365, 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 are also enclosed for information.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Designation applicable to site: Built up area boundary

DEVELOPMENT PLAN POLICES

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2018, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans. There is no neighbourhood Plan for Middleton.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLANNING

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 it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

CONCLUSIONS

The previous application for the renewal of planning permission for this development was refused and subsequently appealed. The appeal was allowed with the Inspector drawing the following conclusions.

"The appeal site is located on land to the west of No 7 Central Drive. The proposal is for a single dwelling which would replace a conservatory, high wall and single storey garage. The Council indicate that the principle of development is acceptable within the area. The appeal site has a planning history including a previously refused outline planning application for a single dwelling. The scheme before me seeks to address the concerns of the Council in relation to the previous proposal including a proposed increase to the distance of the dwelling to the boundaries with Nos 7 and 9.

The appeal site is located within a mainly residential area on a private estate with a mix of designs, sizes and age of dwellings including two storey houses, bungalows and chalet bungalows. There is an irregular building line although the majority of dwellings on the north side of Central Drive are closer to the road than those on the south. The varied nature of the dwellings is a very pleasant and strong characteristic of the area.

Plot sizes for the dwellings on Central Drive differ and a significant number of dwellings are built across the width of their plots including garages. I accept that the proposed dwelling and overall plot size would be narrower than a number of properties in the immediate area, including Nos 7 and 9. However, narrow plots and houses do occur on Central Drive and in the wider area. In addition, the height of the proposed roof would be similar to the adjoining houses and the hipped roof design would reduce the overall mass and bulk of the dwelling. As a result it would not look out of context given the variety of sizes and designs of dwellings on Central Drive.

There are no pavements on Central Drive and there is a slight curve along this part of the road with the houses on the north side being very prominent as they are very close to the roadside. The building line of the proposed dwelling would be comparable to that of Nos 7 and 9 and it would be set back from the roadside. As a result, I consider the dwelling would not appear overly prominent in relation to adjoining properties and the streetscene, with the gaps to the boundaries of the appeal site contributing to a sense of spaciousness.

For the reasons given above, I conclude that the proposed development would not cause harm to the streetscene. There would be no conflict with Policy GEN 7 (ii) of the LP, which amongst other things seeks new development to demonstrate that it responds positively to the identified characteristics and resources of the site. It would not be contrary to the provisions of the Framework in respect of the need for high quality design.

These conclusions remain pertinent still today notwithstanding the updating of the Local Plan and NPPF. That said an informative has been added to invite the appellant to consider modifying the design should the permission need to be renewed again in the future.

HUMAN RIGHTS ACT

FOR APPROVAL

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 no 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).

RECOMMENDATION

APPROVE

- 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 105/18/01a & 2

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 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, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

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.

- 4 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls (and roofs) of the proposed building(s)/extension have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building/extension.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity/and character and appearance of the locality to achieve a building of visual quality in accordance with policy D SP1 of the Arun Local Plan.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order), no windows or other openings (other than those shown on the plans hereby approved) shall be constructed on the first floor of the east wall of the dwelling hereby approved.

Reason: In order to protect the residential amenity of the neighbouring property in accordance with policy D DM1 of the Arun Local Plan 2018

- 6 INFORMATIVE: A formal application for connection to the public sewerage system is required in order

to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.

Our initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer.

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

Due to surface water inundation issues in the Lidsey Catchment "The applicant is advised to adopt, where appropriate, the measures in the table "Practical measures to reduce the potential impacts of development".

Developer should look to protect the public sewerage system from inundation and infiltration, which contribute to flooding in unfavourable conditions.

- 7 INFORMATIVE: Drainage Engineers advise that 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 BRE 365, 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 30% 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 are also

available on request.

- 8 INFORMATIVE: Should the permission need renewing again in the future the appellant is invited to consider submitting a revised design for the property which reflects the objective in the NPPF 2018 for high quality designs.
- 9 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.