

Recommendation Report for Planning Permission

REF NO: M/119/17/PL

LOCATION: 155 Middleton Road
Middleton On Sea
PO22 6DF

PROPOSAL: Variation of condition No.2 imposed under M/75/17/PL relating to addition of 4 roof lights to approved plans

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposal seeks an amendment to the design of the approved dwellings by adding 4 roof lights in the rear elevation and providing a loft room to each of the semi detached properties. The footprint and height of the development are the same as previously approved. The building is 11.5m long, 8.3m wide and 8.5m high. The design and position of the development are also as approved.
SITE AREA	0.07 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	29 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Close boarded fencing to rear. Hedging /fencing to side boundary to approx. 1.2m /walling to other side boundary to approx. 2m height. Hedging along road frontage to approx. 2m height
SITE CHARACTERISTICS	Premises are currently empty. The building on the frontage is located behind a parking area . It comprises a detached former post office building with plain tiled roof and painted rendered elevations and mock tudor first floor gable which has been extended at ground floor to rear. The area behind has recently been levelled.
CHARACTER OF LOCALITY	Village centre location with retail/commercial uses enclosed by residential properties of varying age and design. Site to West is occupied by 3 storey flats.

RELEVANT SITE HISTORY

M/75/17/PL	1 No. pair semi-detached chalet bungalows (alternative scheme to M/15/17/PL).	ApproveConditionally 10-10-17
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M/15/17/PL

Alterations to existing retail unit & accommodation to form 1 No. retail unit & 2 No. flats with 1 No. detached chalet bungalow to rear.

ApproveConditionally
02-05-17

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Middleton Parish Council

None

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

- none

COMMENTS ON CONSULTATION RESPONSES:

- none

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary

Area of Special Character

Building of Special Character

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

GEN7	The Form of New Development
GEN9	Foul and Surface Water Drainage
GEN22	Buildings or Structures of Character
AREA1	Areas of Special Character

[Publication Version of the Local Plan \(October 2014\):](#)

D SP1 Design
D DM1 Aspects of Form and Design Quality
D DM2 Internal Space Standards
D DM3 External Space Standards

HER DM2 Locally Listed Buildings or Structures of Character
HER DM4 Areas of Special Character
HER SP1 The Historic Environment

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework
NPPG National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD7 Middleton on Sea Village Design Statement
SPD8 Areas of Special Character
SPD9 Buildings or Structures of Character

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old

- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Middleton does not have an adopted 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 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.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

The existing chalet building on the frontage is of architectural merit and makes a positive contribution to the appearance of the street scene. The site also lies within the Middleton on Sea Estate Area of Special Character which is defined by the spaciousness of the layout and the quality of many of its buildings.

The extension of the former post office building to create 2 flats has been approved separately and does not form part of this proposal.

Development to the rear to create one dwelling was previously approved under M/15/17/PL. Application M/75/17/PL was approved and created 2 semi detached units occupying the same footprint and position as the dwelling previously approved. This proposal has the same height and footprint, but includes use of the loft area and the provision of roof lights on the rear elevation. The development would not be readily visible from the site frontage being largely screened by the existing property. The design is consistent with the character of the local area. It has a low ridge and hipped roof which reduces its bulk. The dwellings would have a rear garden length exceeding 10m and an area of 85sqm in accordance with policy DDM3 of the Emerging Local Plan. The gross internal floor area of approx. 100sqm also exceeds the nationally prescribed space standards.

The dwellings would be located 4m from the eastern site boundary, but only roof lights are proposed in these elevations and given the cill to internal floor height relationship no adverse overlooking effects would result subject to imposition of an appropriate obscure glazing condition. The distance to the western boundary is 11.5m and the additional roof lights would also have an internal cill height of no less than 1.7m height and no windows are proposed in the flank elevations. This would preclude any adverse overlooking impacts. Although the dwellings would be close to the eastern boundary much of the area of

land within the neighbouring property is covered in buildings and any overbearing impacts would not therefore result in material harm. The northern elevation of the dwelling would be 1.8m from the northern boundary and 4m from the adjacent rear garden. The building would have a depth of 7m and an eaves height of 4m. It is considered that given the dimensions of the dwelling and the distances to the boundary the proposal would be acceptable in terms of overbearing impacts.

The proposal only relates to the use of the loft area and addition of 4 roof lights. The position of windows in relation to the site boundaries is as previously approved.

The proposal provides 4 spaces for the 2 units. This level of car parking was acceptable to County Highways when considered under M/75/17/PL.

The application 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.

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 DPA11rev02 , Site plan DPA13 rev03, Site Set Up Plan, 0906/SK002 rev02, Floor Plans DPA18 rev03 and Elevations DPA19 rev03.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015, (or any Order revoking or enacting that Order) no windows or other openings (other than those shown on the plans hereby approved) shall be formed at first floor level in the east, south or north walls or roof of the dwellings without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities of adjoining residential properties in accordance with policy GEN7 of the Arun District Local Plan.

- 4 The roof light windows on the east elevation of the dwellings shall at all times be obscure glazed and non opening below 1.7m internal floor height.

Reason: In the interests of the amenities of the occupants of nearby properties in accordance with policy GEN7 of the Arun District Local Plan.

- 5 The materials and finishes to be used for external walls and roofs of the proposed buildings shall be in accordance with those details approved under M/121/17/DOC .

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 policy GEN7 of the Arun District Local Plan.

- 6 Construction of the development shall be in accordance with the details of the proposed means of foul and surface water sewerage disposal approved under M/121/17/DOC.

To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

- 7 Development shall proceed in accordance with the surface water drainage scheme submitted to and approved in writing by the Local Planning Authority under M/121/17/DOC.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

- 8 The residential use shall not commence until the parking spaces and turning facilities shown on the submitted plans have been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than parking and turning of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways in accordance with policies GEN7 and GEN12 of the Arun District Local Plan.

- 9 The dwellings shall not be occupied until the cycle parking shown on the submitted plans has been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than the parking of cycles.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways in accordance with policies GEN7 and GEN12 of the Arun District Local Plan.

- 10 The landscaping scheme including details of hard and soft landscaping approved under M/121/17/PL. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the

development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 11 The development shall proceed in accordance with the details indicated on the submitted site set up plan 0960/SK002 rev02. The approved details shall be retained throughout the period of construction.

Reason: In the interests of residential amenity and highway safety in accordance with policy GEN7 of Arun District Local Plan and the NPPF.

- 12 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.
- 13 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.
- 14 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.
- 15 INFORMATIVE: 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.