

Recommendation Report for Planning Permission

REF NO: M/157/18/PL

LOCATION: Communal Garden
Elmer Sands Estate
Adj 18 Manor Way
Middleton on Sea

PROPOSAL: Replacement of existing timber shed

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The replacement of an existing timber boarding shed with a shed of similar dimensions and materials as existing measuring 3.18 metres in width by 3.00 metres in length with an eaves height of 1.73 cm and a ridge height of 2.47 metres.
	The use of this shed to remain the same for the storage of chairs and other paraphernalia for the approx. 6 annual meetings of the Elmer Sands Residents Association.
SITE AREA	755 sq.m.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	2 metre high blockwork wall on the boundary with a neighbouring residential property adjacent to the existing and proposed sheds.
SITE CHARACTERISTICS	A communal park/amenity area located just behind and adjacent to the beachfront owned by the residents association including lawned areas, planted beds, a bandstand/ open sided shelter and a storage shed (subject of this application).
CHARACTER OF LOCALITY	A residential estate adjacent to the beach in Elmer, Middleton.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Middleton Parish Council
No objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Engineering Services Manager
Engineers (Drainage)
Southern Water Planning

CONSULTATION RESPONSES RECEIVED:

ADC Drainage - No comment.

Southern Water - No objection subject to an informative relating to the finding of public sewers during construction work.

COMMENTS ON CONSULTATION RESPONSES:

Noted.

POLICY CONTEXT

Designation applicable to site:
ADOPTED LOC PLN

DEVELOPMENT PLAN POLICES

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

SDSP2	SD SP2 Built-up Area Boundary
DDM1	D DM1 Aspects of form and design quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

PLANNING POLICY GUIDANCE:

NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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.

Middleton does not currently have a Neighbourhood Plan.

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.

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

PRINCIPLE

The principle of development is considered acceptable because the site is located within the built up area of Middleton in accordance with policy SD SP2 of the Arun Local Plan subject to relevant policy regarding the type of development. The relevant policy in this case is considered to be policy D DM1 - Aspects of Form and Design Quality.

DESIGN AND VISUAL AMENITY

The proposed shed is a replacement of an existing service shed for the community park in the same location as the existing shed, would be of a similar size, materials and overall appearance and is not considered to have a significant impact on the character of the area or the street scene.

The proposal is considered to comply with policy D DM1 of the Arun Local Plan with respect to design and appearance.

RESIDENTIAL AMENITY

There are no nearby residential properties significantly affected by the proposal as it of a similar height and location as the existing shed. The shed is located next to the boundary wall of the garden of 18 Manor Way which has a larger wider shed on the other side of the boundary wall to the existing and proposed shed and therefore the shed would have no impact on that residential property.

As such the proposal complies with policy D DM1 of the Arun Local Plan with respect to residential amenity.

DRAINAGE

The proposal is considered to be acceptable in terms of surface water drainage as no significant additional roofspace would be created and the policy therefore complies with policy WDM2 and WDM3 of the Arun Local Plan.

CONCLUSION

The proposed development is considered to be acceptable in principle, of an acceptable design and to comply with the relevant policies of the Arun Local Plan.

For the above reasons the proposal is recommended for approval subject to the following conditions:

HUMAN RIGHTS ACT

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;
Block/Site Plan received on 27/12/2018
Proposed Floor Plan dated 27/12/2018
Proposed North Elevation dated 27/12/2018
Proposed West Elevation dated 27/12/2018
Proposed South Elevation dated 27/12/2018

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 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.

- 4 **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".