

Recommendation Report for Planning Permission for Works or Extension to a Dwelling

REF NO: M/18/17/HH

LOCATION: 104 Elmer Road
Middleton on Sea

PROPOSAL: Vehicular access.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	N/a
TOPOGRAPHY	Predominantly flat
TREES	There is a palm tree located at the front of the property which is to be retained.
BOUNDARY TREATMENT	Low wall at 60 cm with concrete topping.
SITE CHARACTERISTICS	The site is occupied by a small detached chalet bungalow 2 storey with brick elevations and a tiled roof. It is located on the main thoroughfare through Elmer toward the sea.
CHARACTER OF LOCALITY	The character of the locality is residential comprising residential dwellings of a variety of designs and styles.

RELEVANT SITE HISTORY

None relevant.

REPRESENTATIONS

Representations received:

Middleton Parish Council

No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

WSCC Strategic Planning

Consultations responses received:

WSCC Highways

WSCC as the Local Highway Authority raise no objection to the above proposal. Outside 104 Elmer Road the existing pavement terminates. There is already a dropped kerb here and other properties along this road have in and out driveways therefore this proposal would not be out of place. Additionally there are no obstructions in the road to prevent the construction of this. As

such
the appropriate license may be required to undertake the works; most likely a minor works
license
and this should be progressed via the Local Area Office.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:
ADOPTED LOC PLN
CLASS C ROAD

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) GEN7

The Form of New Development

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

D DM1 Aspects of Form and Design
Quality

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
National Planning Practice Guidance

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 may be 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. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

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 is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. 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 may also be material consideration to take into account.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used are material considerations in the determination of this planning

application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. 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.

Middleton does not currently have a neighbourhood plan and no policies in the Middleton Design Statement relate to this application.

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.

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 site is situated within the built-up area boundary where the principle of development is acceptable, subject to accordance with relevant planning policies. The main criteria against which

this application will be assessed is contained within the Arun District Local Plan which in this case would be policy GEN7.

VISUAL AMENITY

This application seeks permission for the creation of a second vehicular access allowing in and out access forward of the primary elevation of 104 Elmer Road, Middleton.

The proposed vehicular access due to its position and the presence of similar in and out crossovers at several properties along Elmer Way is not considered to compromise the established spatial character of the area. Therefore, the proposal is not considered to have an unacceptably adverse impact upon the visual amenity of the area.

Therefore, the proposal is considered to be in accordance with policy GEN7 of the Arun District Local Plan.

HIGHWAY SAFETY

West Sussex County Council have been consulted in relation to the proposed vehicular access and have raised no objection to the proposal. An informative has been requested and included in accordance with their consultation response.

CONCLUSION

It is recommended that planning permission is granted for the proposed vehicular crossover subject to the below 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;

Block Plan received on 16th May 2017
Plan C - received on 16th May 2017

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy Gen 7 of the Arun District Local Plan.

- 3 The proposed new hardsurfacing is to be either made of porous materials, or provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

Reason: To prevent adverse surface water drainage onto the highway in accordance with policy GEN 9 of the Arun District Local Plan

- 4 **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.

- 5 **INFORMATIVE:**The applicant is advised to contact the Highway Licensing team (01243 642105) to obtain formal approval from the highway authority to carry out the site access works on the public highway.