

Recommendation Report for Planning Permission

REF NO: M/21/18/PL

LOCATION: Middleton Court
57 Elmer Road
Middleton on Sea
PO22 6EH

PROPOSAL: Change of use of ground floor solicitors office (A2 Financial & Professional Services) to 1 No. dwelling (C3 Dwelling House) to include demolition of former bank safe at rear & construction of single storey extension to north elevation of main building & alterations to door/windows on front & side elevations.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	It is proposed to form a ground floor apartment at this site. This would have 4 bedrooms, a lounge/kitchen area, utility room and dressing room. Existing side access to the first floor flat would be retained. A rear store would be demolished (this has already occurred). A rear side extension for a bedroom of 4.5m by 3m on the side of the site which adjoins the public house is also proposed, this would have a flat roof. The existing first floor flat would remain. External alterations would include closing up of all but one side opening (doors and windows) facing the public house. Facing the access way to the rear of the parade, existing openings would be revised to be high level windows, with 2 windows closed up and a side door replaced with a high level window. The front elevation would be revised so as to provide for a central door with a separate window serving a room on each side serving 2 of the bedrooms. The rear of the site would be fenced off to provide amenity space to serve the proposed unit.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The front of the site faces onto the front parking area serving this parade of units. To the side the boundary is formed by the side existing building.
SITE CHARACTERISTICS	The site is occupied by an end terrace unit which is two storey. The first floor is a flat and the ground floor is a vacant office premises. The other ground floor units are offices with accommodation above. The access way leads to an area with 3 garages and turning. The subject building is brick and render to the front with first floor horizontal black boarding. The roof is of small plain tiles. The side and rear are rendered.
CHARACTER OF LOCALITY	The overall character of the locality is residential, however in the immediate vicinity the character is mixed commercial, also

with public open space and community facilities opposite.

RELEVANT SITE HISTORY

M/1/57	Use Of Flat No 4 Middleton Court For Business Purposes In Conjunction With Shop No 3 Middleton Court	Approve 18-02-57
M/59/84	Change Of Use From Showroom To Residential	ApproveConditionally 01-08-84
M/52/85	Change Of Use From Shops To Office Space	ApproveConditionally 12-06-85
M/100/90	Change of use from electronics office to estate agents office	ApproveConditionally 26-11-90
M/86/92	Change of use from Class A2 (Financial & Professional Services) to Use Class A3 (Food & Drink)	Refused 05-02-93
M/12/94	Change of use of first floor accommodation from residential flat to office	ApproveConditionally 25-03-94
M/37/00/	Change of use: Ground floor: from offices to making of curtains & ancillary offices. First floor: from offices to beauty salon.	ApproveConditionally 17-05-00
M/6/07/	Change of use from office back to a flat	ApproveConditionally 26-04-07
M/72/09/	Change of use only from B1(Office) to A2 (Professional Services)	ApproveConditionally 30-09-09
M/8/15/PL	Change of use from A2 (Financial & Professional Services) to childrens day nursery (D1 - Non-residential Institutions). Replacement windows to front elevation (south) & additional window to NW elevation of existing	Withdrawn 01-05-15

rear elevation

M/85/15/PD	Application for prior approval under Class M for change of use from solicitors office (Use Class A2) to dwellinghouse (Use Class C3)	No Objection 06-10-15
------------	--	--------------------------

M/85/15/PD was an application for prior approval under Class M for change of use from solicitors office (Use Class A2) to dwellinghouse (Use Class C3). This related to the GF only. As part of the GF has been demolished, this therefore cannot be implemented.

M/6/07/PL appears to have granted PP for a first floor flat. Taken with the proposed development in this application, this would mean that there would be 2 flats at the site.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Middleton Parish Council

Middleton Parish Council raises no objection.

No representations have been received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Southern Water Planning

Engineering Services Manager

Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

Southern Water has commented regarding public sewer connection, potential for sewers crossing the site and Lidsey Treatment Catchment Area.

ADC Engineer has not commented.

COMMENTS ON CONSULTATION RESPONSES:

Southern Water comments can be dealt with by informatives.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area

Lidsey Treatment Catchment Area

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

GEN2	Built-up Area Boundary
GEN7	The Form of New Development
GEN12	Parking in New Development

Publication Version of the Local Plan (October 2014):

SD SP2	Built -Up Area Boundary
D DM1	Aspects of Form and Design Quality
D DM4	Extensions & Alterations to Existing Buildings
D SP1	Design
T SP1	Transport and Development

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 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).

The Main Modifications to the Arun Local Plan (2011-2031) were published for Public Consultation purposes over a six week period from Friday 12 January 2018 until 5pm on Friday 23 February 2018 and

the consultation period is now over. The emerging Arun Local Plan is therefore at a very advanced stage and carries weight.

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;

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).

There is no Made Neighbourhood Plan for Middleton on Sea and the site is also outside of the area covered by the Middleton on Sea Village Design Statement.

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

PRINCIPLE

The site is located with the boundary of the built up area and is not within a defined shopping or commercial area, as such there can be no objection to the principle of development subject to compliance/consistency with the policies and all other material considerations. The proposal does not result in a reduction of retail space, but does result in the loss of office floor space. In this case the office space has been vacant for at least 3 years. There are no Local Plan policies relating to the retention of office floor space in this location.

DESIGN AND VISUAL AMENITY

The proposed works, apart from the alterations to the front of the premises, will not be generally visible. The rear extension and rear/side alterations will result in changes, but these are not unsympathetic and are not harmful to the appearance of the building. The alterations to the front elevation provide for a balanced visual appearance and ground and first floor windows will line up, with the central door being underneath a small central window. Generally, the appearance of the premises will not be harmed. This particular unit is separate to the others in the terrace and as such the changes do not result in an incongruous appearance.

It is therefore considered that the extensions/works are acceptable in visual amenity terms and complies with policy GEN7 of the Arun District Local Plan.

RESIDENTIAL AMENITY

The proposals do not give rise to changes to the existing premises which will result in the potential for increased impact on the privacy or amenity of surrounding properties.

ROOM SIZES & AMENITY SPACE

Technical Housing Standards - Nationally Described Space Standard.

These Standards require that a 4 bed, between 5 to 8 person dwelling has between 90sqm and 117sqm of gross internal floor space. In this case, the gross internal floor space is well in excess of that figure. The unit also provides for in excess of the 3.5sqm of internal storage required and room sizes are such that they are capable of accommodating further storage. Room sizes are also in accord with standards.

AMENITY SPACE

To the rear of the unit would be a fenced off amenity area. The would be between 6.5m and 13m in depth and 8.5m and 3m in width. The area is approximately 94sqm. External Space Standards have been deleted from the Emerging Local Plan, however the area available to meet the needs of the ground floor unit is considered satisfactory. In addition there is the readily accessible open space opposite the site. The first floor unit benefits from the open space opposite and has not historically benefited from any dedicated amenity space.

PARKING

The site enjoy ready access to public transport on Elmer Road and also benefits from parking at the front. Council Standards require 2 car spaces and it would be possible to park 3 cars in front of the unit. Taken with the reduction in office parking demand which would result and also the ready access to public transport and nearby facilities, it is considered that parking to serve the ground and first floor units is acceptable.

CONCLUSION

The proposal is not harmful to amenity and does not result in a new residential environment which would be unacceptable.

It is recommended that planning permission be granted 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

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 drawings:

Site Plan - Received with Application

Proposed Ground Floor & Roof Plans - Dated January 2018

Proposed Elevations - Dated January 2018

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 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes (and if required samples) to be used for external walls, including front elevation, and roofs of the proposed development has been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the development.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity by endeavouring to achieve a building of visual quality in accordance with policy GEN7 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:** Southern Water (SW) has advised that 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 SW's New Connections Services Charging Arrangements documents which has now been published and is available to read on SW's website via the following link:

<https://beta.southernwater.co.uk/infrastructure-charges>

- 6 INFORMATIVE: The Council's Building Control Officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

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: Southern Water advises that 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