

Recommendation Report for Planning Permission

REF NO: M/55/25/PL

LOCATION: 1-22 Greenfields
Penn Close
Middleton-on-sea
PO22 7SS

PROPOSAL: Creation of 4 No. parking spaces in existing site area. This application is in CIL zone 4 (zero rated).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks the creation of 4 No. parking spaces.
SITE CHARACTERISTICS	The site is a modern flatted development. The flats are arranged in two blocks, with parking and grassed areas around them.
CHARACTER OF LOCALITY	The site is located in a residential area.

RELEVANT SITE HISTORY

M/41/25/CLP	Lawful development certificate for the creation of 5 parking spaces within the site to be formed with SUDS block paving surfacing.	PP Required 08-07-25
M/12/00/	Erection of 22 apartments in two blocks following demolition of existing building, garage and associated outbuildings. Amended layout/elevations dated 19th April 2000.	ApproveConditionally 24-05-00

Planning history noted.

REPRESENTATIONS

Middleton Parish Council - No objection.

One objection was received from a nearby resident, raising concerns that:

- The planning application has not been discussed or reviewed with the 22 Freeholders in terms of intent, purpose or cost.
- The notice should refer to Greenfields #1 to #23.
- It is unclear if the additional parking spaces will as it currently stands, allow all residents the 'right to a first come first serve basis' to use for the parking of a private motor vehicle.
- The application mis-states the number of current parking spaces. Three properties have dedicated

parking, without a garage and the remainder have garages. All residences have the right to park on a first come first serve basis.

- There may be a lease breach.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. Matters relating to leases and responsibilities towards freeholders are not planning considerations, and are not addressed by this consent. The address for the application is that provided on the application form.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC Highways - No objection.

Biodiversity Net Gain Consultee - No objection, subject to condition.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted, a condition securing the biodiversity net gain has been attached.

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
TSP1	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 Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan 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.

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 does not harm the character or visual amenity of the area.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

(a) the provisions of the development plan, so far as material to the application,

(aza) a post examination draft neighbourhood development plan, so far as material to the application,

(b) any local finance considerations, so far as material to the application, and

(c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

BIODIVERSITY NET GAIN

This application is liable for Biodiversity Net Gain (BNG). The proposed development would provide an onsite biodiversity net gain of 76% through the provision of two small trees.

CONCLUSIONS

PRINCIPLE

The application relates to the provision of additional parking spaces associated with dwellings within the built up area boundary. The proposal is acceptable in principle, subject to compliance with relevant development plan policies.

CHARACTER AND VISUAL AMENITY

The application proposes three car parking spaces which are arranged in a linear formation for parallel parking alongside the vehicular access to 2 Elmer Road. The area which would be occupied by the car parking spaces is currently a grassed verge area. The proposed car parking spaces would be finished with non-porous heather pavements, which match the finish of the existing parking spaces and roads within the apartment complex.

The fourth parking space would be located to the front of the block which contains flats 11-23, and would be located adjacent to the western entrance. Again, this area is currently a grass verge and would be finished with pavements to match the existing hard surfacing.

The proposed parking spaces would not have a significant impact on the appearance of the area, and would not harm its character on accordance with Arun Local Plan (ALP) policy D DM1.

RESIDENTIAL AMENITY

The three linear car spaces would be situated to the side of an existing garage block and would not impact neighbouring residential amenity. The single space which would be to the front of the flats at the western end of the site, and would be positioned in front of a window. The proposals may result in some loss of outlook from this window, as cars park outside it. There could be some noise and impact from vehicle lights. However, the proposal would not result in unacceptable impacts on neighbouring amenity, in accordance with ALP policy D DM1.

TRANSPORT AND PARKING

Although sufficient parking for the flats appears to have been provided as part of the original development, the proposed spaces increase this provision. The three spaces to the side of the garages meet the minimum requirements for parking space size set out in the Arun Parking Standards, however, the space to the front of flats 11-23 falls slightly short in terms of width. Given that the flats already have sufficient parking, the fact that this additional space does not conform to the standard is acceptable.

WSCC Highways have no objection to the application, in that it will not negatively impact highways safety.

The proposal complies with ALP policy T SP1 and the NPPF.

SUMMARY

The proposals comply with relevant development plan policies and is recommended for approval subject to the following conditions and informatives.

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.

CIL DETAILS

This application is not CIL liable.

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 Plan
- Block Plan (showing proposed spaces 1-3)
- Block Plan (showing proposed scape 4)
- Planning Statement rev B
- Biodiversity Net Gain Statement

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policy D DM1.

- 3 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition (the biodiversity gain condition) that development may not begin unless:

1. A Biodiversity Gain Plan has been submitted to the planning authority, and
2. The planning authority has approved the plan.

This permission will require the submission and approval of a Biodiversity Gain Plan before development is begun.

For guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the Council prior to the commencement of the consented development please see the link: <https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan>

- 4 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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 NPPF.