

Recommendation Report for Planning Permission

REF NO: M/75/17/PL

LOCATION: 155 Middleton Road
Middleton on Sea

PROPOSAL: 1 No. pair semi-detached chalet bungalows (alternative scheme to M/15/17/PL).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. The proposal results in a net increase of 1 residential unit of accommodation. The previously approved 4 bedroom dwelling would be replaced by a pair of 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. The only amendment is to the number of openings in the roof area and porches.

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 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. Timber shed behind. Area behind has recently been levelled and works are being undertaken to the former post office.

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/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 02-05-2017
M/29/77	Demolition of existing garage and carport and erection of new carport	ApproveConditionally 06-07-1977

REPRESENTATIONS

Representations received:

Middleton Parish Council

No Objection

Comments on Representations received:

None

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

Southern Water Planning

WSCC Strategic Planning

Consultations responses received:

County Highways - The current proposal is an alternative scheme for 2 x bungalows to the rear of the site. Alterations to the existing retail unit and flat above to form 1 x retail unit with 2 x flats above has been implemented as per approval M/15/17.

The existing access and parking arrangements will be retained as previously approved. The scale and footprint of the property is identical but will become 2 x 2-bedroom chalet bungalows. One allocated car parking space is provided per dwelling and two unallocated. On the basis of a single space being provided per dwelling the WSCC Car Parking Demand Calculator envisions a total demand for three spaces. A visitor and additional unallocated space will be provided also. The LHA are therefore satisfied with the proposed parking arrangements.

As previously commented manoeuvring from some of the car parking spaces appears restrictive and would require a multi-point manoeuvre. Whilst it would be beneficial for the applicant to demonstrate via swept path plans the workability of these arrangements, the LHA do not raise a highway safety concern.

With the possibility of two bungalows and two flats generating traffic movements and the access drive not being wide enough to allow two cars to pass, the LHA appreciate that a chance of conflict may occur requiring a vehicle to wait or reverse. Nevertheless there does appear to be

space within the site to accommodate this without a reverse on to the public highway. On balance the LHA could not substantiate a highway capacity grounds to resist the application.

Refuse collection will be from the roadside and be collected from the bin store point along the driveway. The applicant has not clarified how a fire appliance will serve the site and may be required to clarify these arrangements to meet building regulations; however this is not a planning matter.

If the LPA are minded to approve the application the following conditions should be secured:

Car parking space (details approved)

No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use

Cycle parking

No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

Construction plant and materials

No development shall be commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details for all temporary contractors' buildings, plant and stacks of materials, provision for the temporary parking of contractors vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: To avoid undue congestion of the site and consequent obstruction to access.

Southern Water - Southern Water requires a formal application for a connection to the foul sewer to be made by the applicant or developer.

We request that should this application receive planning approval, the following informative is attached to the consent:

"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".

Our initial investigations indicate that there are no public surface water sewers in the immediate vicinity to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer.

We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

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".

Drainage Engineer - surface water drainage:

Infiltration to be investigated to drain new roof areas.

Please apply standard conditions ENGD2A.

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.

Comments on Consultation responses:

- comments noted

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary
Area of Special Character
Building of Special Character

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) GEN7
GEN9
GEN22
AREA1

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

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

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 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 may also be material consideration to take into account. The examination is due to re-commence in Autumn 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. 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 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. This application has created 2 semi detached units occupying the same footprint and position as the dwelling previously approved. The height is also the same. 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 81sqm 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 this elevation 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 no windows are proposed in the flank elevations. 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 change in dwelling type and fenestration changes. 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 is acceptable to County Highways.

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 , Block plan and bin store DPA12 rev02, Site Plan DPA13 rev02, Floor Plans DPA18 rev02 and Elevations DPA19 rev02.

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

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 not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 7 Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 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 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping. 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 No development shall be commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details for all temporary contractors' buildings, plant and stacks of materials, provision for the temporary parking of contractors vehicles and the loading and unloading of vehicles associated with the implementation of this development and construction hours. Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: To avoid undue congestion of the site and consequent obstruction to access. It is considered necessary for this to be a pre-commencement condition because any works on the site could result in congestion or impede access onto a classified road which could compromise highway safety in accordance with 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.