

Recommendation Report for Planning Permission

REF NO: M/88/25/PL

LOCATION: Sablard  
2 Ancton Lodge  
Ancton Lane  
Middleton on Sea.  
PO22 6LY

PROPOSAL: Retention of change of use of 3 No. terraced houses into 1 No. semi-detached house. This application is in CIL Zone 4.

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION This application seeks the change of use and conversion of 3 No. terraced houses into 1 No. semi-detached house.

It is noted that the works have already been undertaken and that the works involve minor alterations to the fenestrations.alongside internal works.

SITE AREA 720sqm.

SITE CHARACTERISTICS Two-storey semi-detached residential dwelling with 'Mock Tudor' design, previously 3 No. separate dwellings forming a terrace. The site benefits from a large forward parking area, garages, and a rear amenity space.

CHARACTER OF LOCALITY Primarily residential.

None of direct relevance to this proposal.

**REPRESENTATIONS**

Middleton Parish Council - No objection.

No representations from nearby occupiers.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Noted.

**CONSULTATIONS****CONSULTATION RESPONSES RECEIVED:**

Environmental Health - No objection.

Southern Water:

- Identifying Portsmouth Water as the relevant statutory undertaker for water supply in the area.

- General advice relating to SuDS, Tree Planting, and proposed connections to sewers.

## COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The proposal does not pertain to any new built form or associated sewer connections.

### POLICY CONTEXT

Designation applicable to site:

Built-up Area Boundary.

Lidsey Wastewater Treatment Catchment Area.

Lidsey Local Flood Risk Zone.

Future Flood Zone 2 and 3 + Climate Change (2070-2125).

High potential groundwater flood risk ( $\geq 75\%$ ).

## DEVELOPMENT PLAN POLICIES

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

SDSP2	SD SP2 Built-up Area Boundary
DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions and alter to exist builds (res and non-res)
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk

## 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 complies with relevant Development Plan policies in that it would not result in any harm to the visual amenities of the site, the area, nor the residential amenity of neighbours, flood risk, transport

networks, or the environment.

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

Middleton-on-Sea are in the process of 'making' a Neighbourhood Development Plan. It is not yet 'made' but it has passed Regulation 19 and is nearing completion.

The proposal would result in a net loss of 2 No. residential dwellings during a period of an acute shortfall in housing land supply. However, there are no policies of relevance that would prohibit the loss of residential units despite the demand for additional residential units.

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

## CONCLUSIONS

### PRINCIPLE

The site lies within the Built-up Area Boundary and as such, the principle of development is acceptable subject to consideration of relevant Development Plan policies in accordance with Arun Local Plan (ALP) policy SD SP2.

The site remains within the Built-up Area Boundary outlined within Policy MOS1 of the emerging Middleton-on-Sea Neighbourhood Development Plan (MNDP).

### CHARACTER AND DESIGN

The proposal relates to the conversion of three terraced dwellings into 1 No. semi-detached dwelling. There are minimal external alterations and there would be no significant change to the visual amenity of the building or the wider locality as a result.

In respects of character, both the prior and proposed uses are residential C3 uses, and therefore, there would be no material change in the character of the use, nor would it be discordant with the prevailing character of the area.

The proposal is in accordance with ALP policies D SP1, D DM1, and D DM4.

Policy MOS6 of the emerging MNDP is of note, but does not alter the conclusions of this section.

### RESIDENTIAL AMENITY

The proposal is in excess of the minimum internal space requirements outlined within the Nationally Described Space Standards, and is served by a generous rear private amenity space.

The proposal is in accordance with ALP policy D DM2 and Section H.04 of the Arun Design Guide.

### NEIGHBOURING RESIDENTIAL AMENITY

The proposals would introduce no new built form, nor any new viewpoints above ground-floor level.

There would be no material change in any overbearing, overshadowing, or overlooking impacts on any neighbouring properties that differ from those that were present when the site served as 3 No. separate residential units.

The proposal is in accordance with ALP policies D DM1 and D DM4.

#### **FLOOD RISK**

The site lies in future flood zones 2 and 3 (2070-2125) when accounting for climate change as identified by the latest Environment Agency flood maps. The site is also within the Lidsey Local Flood Risk Zone, and has a high potential to be at risk of groundwater flooding.

It is material that the proposal does not introduce any new built-form, nor does it introduce new residential dwellings, rather it involves the conversion of three existing residential properties into one. The proposal would result in a net reduction in the occupancy of the site by virtue of reducing the number of bedrooms at the site and it would not alter the vulnerability classification of the site, remaining 'more vulnerable'.

The proposal would not increase flood risk on site, nor elsewhere, and whilst it will lie within a relevant flood zone in the future, it is not necessary to require a sequential test.

As a result of not increasing built form, while the proposal is located within the Lidsey Wastewater Treatment Catchment Area, it is not necessary to seek surface water drainage details.

The proposal is in accordance with ALP policy W DM1, W DM2, and the NPPF.

Policies MOS2 and MOS3 of the emerging MNDP are of relevance, but do not alter the conclusions of this section.

#### **BIODIVERSITY**

The proposal is exempt from Statutory Biodiversity Net Gain (BNG) as a result of the de-minimis exemption.

ALP policy ENV DM5 requires the provision of a biodiversity net gain on site irrespective of the above-mentioned exemption. However, given the limited scale of the works, the Local Planning Authority is content that this is not necessary in this instance.

#### **PARKING**

The site makes use of an existing, large forecourt and large garage to provide on-site parking arrangements. The pre-existing arrangement of the building comprised 3 No. dwellings, 2 No. 2-bedroom dwellings and 1 No. 3-bedroom dwelling. The site lies within Parking Zone 2 and would previously have had a demand for 6 No. parking spaces on site. The conversion of the site into 1 No. 5-bedroom unit would result in a requirement of 3 no. parking spaces on site. Overall, the conversion of the units has cut the required parking provisions in half, and this can be accounted for on site.

The proposal does not involve any alteration of the access arrangements.

The proposal does not involve the creation of a new dwelling and as such, there is no requirement for EV Charging points.

The proposal is in accordance with ALP policy T SP1.

#### **SUMMARY**

The proposal is in accordance with relevant Development Plan policies and as such, it 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

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:

- Proposed Roof, Block & Location Plans P03.
- Proposed First Floor Plan & Elevations P02.
- Proposed Ground Floor Plan & Elevations P01.

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 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission is de-minimis as the development does not impact an onsite priority habitat and the development impacts less than 25 square metres of onsite habitat that has a biodiversity value greater than zero and less than then 5 metres in length of onsite linear habitat.

Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

- 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.