

M/9/14/

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

REF NO: M/9/14/

LOCATION: Seascape
64 Sea Way
Middleton on Sea

PROPOSAL: Retention of timber lean to construction and new air source heat plant.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The lean-to construction as described measures approximately 8.1m in length, approximately 2m at a maximum width and approximately 2m in height. The application also includes air source heat plant equipment which is contained within the lean-to construction. The application is retrospective in nature.
SITE AREA	Approximately 1760 square metres.
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	To front, hedging and close boarded fencing at over 1m in height. To the rear, close boarded fencing at approximately 1.8m with hedging in places at over 1m in height.
SITE CHARACTERISTICS	A two storey detached property with brick, render and tile elevations. There is a hipped roof with plain brown tiles. A triple garage is situated to the side (west) of the property. The lean-to structure and equipment is situated behind the garage to rear.
CHARACTER OF LOCALITY	Predominantly residential in character, there are similar two storey detached properties situated within spacious plots in the street scene. The property is situated on a private estate with the bulk of its amenity land to the rear.

RELEVANT SITE HISTORY

M/54/13/	Retention of timber lean-to construction and new air source heat plant.	Refused 17-10-2013
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REPRESENTATIONS

Representations received:

report

Middleton Parish Council

No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Environmental Health

Environment Agency

Engineering Services Manager

Engineers (Fluvial Flooding)

Conservation Officer

Consultations responses received:

Environmental Health

No objection.

I refer to my previous comment in respect of M/54/13. Submitted information suggests that the plant complies with Microgeneration Certification Standards (MCS 020) Planning Standards (for permitted development).

Engineers

No comment regarding surface water drainage.

Environment Agency

No objection.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within the Built Up Area Boundary

Area of Special Character

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN2](#)
[GEN7](#)
[DEV19](#)
[AREA1](#)
[AREA2](#)
[GEN32](#)

Built-up Area Boundary
The Form of New Development
Extensions to existing residential buildings
Areas of Special Character
Conservation Areas
Noise Pollution

Publication Version of the
Local Plan - Excluding the
Spatial Portrait, Employment,
Housing Allocations,
Transport, Monitoring and
Implementation sections
(February 2014):

D DM1 Aspects of Form and Quality
D DM4 Extensions & Alterations to Existing Buildings
QE DM1 Noise Pollution

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

MDS

Middleton-on-Sea Village Design Statement by
Middleton PC

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place once the remaining chapters / policies have been published.

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 effects 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 within the built-up area where the principle of development is acceptable, subject to accordance with relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within Arun District Local Plan policies GEN7 and DEV19 which seeks to prevent development that would have an adverse impact upon visual and residential amenities.

DESIGN AND VISUAL AMENITY

This application forms a resubmission of application M/54/13 which was Refused due to insufficient information relating to noise levels from the air source heat plant equipment. This application has specifically addressed this issue and now provided sufficient information for Environmental Health to have no objection.

The lean-to construction is located to the rear of the property where it will not be seen from any public vantage point. The equipment is housed within the lean-to structure which is a timber construction and is considered to be of an appropriate design when set against the wide mix of materials used in the relatively new property.

It is therefore considered to be acceptable in design terms and so complies with policies GEN7(ii) and DEV19(i) of the Arun District Local Plan.

RESIDENTIAL AMENITY

The main issue with this application is the noise emitted from the air source heat plant. The details that have been submitted are now acceptable to Environmental Health and provides sufficient assurance over its noise levels. The lean-to construction will be within close proximity to the southern boundary and at certain points within one metre. However, this boundary treatment comprises of close boarded fencing at 1.8m in height which will shield the majority of the structure and is comfortably set away from nearest neighbouring properties of No. 17 Sea Drive and No. 11 Brigham Way to the west by virtue of their long rear gardens.

The proposal is considered to comply with relevant policies GEN7(iv), DEV19(iii) and GEN32 of the Arun District Local Plan.

It is therefore recommended that the application is approved, 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 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, a neutral impact has 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.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following approved plans: drawing numbers 1 (Location plan) dated 19th July 2013, BR000 (Site block plan), 1 (Location of heat pumps) dated 2nd October 2013, 3 (Floor plan) dated 2nd March 2014, BR006 (Side/West elevation) and BR005 (Rear/South elevation).

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 of the Arun District Local Plan.

- 2 The air source heat plant equipment hereby permitted shall operate, at all times, in accordance with the noise details submitted as part of this application with the title 'MCS Planning Standard' and dated 19-08-2011.

Reason: In the interests of the amenity of nearby properties in accordance with Arun District Local Plan policies GEN7 and GEN32 and QE DM1 of the Emerging Local Plan.

- 3 **INFORMATIVE:** Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.