

Recommendation Report for Planning Permission

REF NO: M/84/18/PL

LOCATION: Ohana
24 Alleyne Way
Elmer
PO22 6JZ

PROPOSAL: Variation of condition 7 imposed under M/74/17/PL to change wording to 'Finished Floor levels are set no lower than 4.01 AOD'.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal seeks to amend the finished floor levels from being set no lower than 4.1m above Ordnance Datum (AOD). to 4.01m. The rest of the application for demolition of a 3 bedroom bungalow and its replacement with a 2 storey 5 bedroom dwellinghouse remains unaltered. The dwelling will measure approximately 17.8m in depth, 13m in width, with an eaves height of 5.1m and a maximum ridge height of approximately 7m. The plans also now detail the precise brick details and landscaping has been included as per the previously approved associated Discharge of Condition application.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY (NET)	15 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	0.3m high walling to Alleyne Way. Open to north
SITE CHARACTERISTICS	Detached bungalow with painted rendered elevations and a plain tile roof.
CHARACTER OF LOCALITY	Predominantly residential featuring properties of various designs and styles with mainly detached bungalows and chalet style properties constructed from brick, render and tile. The property to the north is a large 2 storey property which has long elevations to both road frontages

RELEVANT SITE HISTORY

M/61/18/DOC	Application for approval of details reserved by condition imposed under planning permission M/74/17/PL relating to condition 6 - Landscaping scheme including details of hard & soft landscaping	DOC Approved 05-07-18
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M/74/17/PL

Demolition & erection of 1 No. dwelling.

ApproveConditionally
04-12-17

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Middleton Parish Council

No Objection

One Objection - Not certain how this impacts on the finished height of the dwelling. As issues have already been raised about loss of light and privacy to no 24 Alleyne Way and the fact that the street view was never to scale, I would like to be advised as to whether the overall structure will be taller? Other comments also highlighted that this build is out of character to this beach estate.

COMMENTS ON REPRESENTATIONS RECEIVED:

There is no change in the overall height of the dwelling. The impact on residential amenity was considered as part of M/74/17/PL and has not altered.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

Southern Water Planning

Environment Agency

CONSULTATION RESPONSES RECEIVED:

Southern Water - No Objection. Previous comments remain unchanged and valid.

Environment Agency - No Objection. For the avoidance of doubt, the rest of the wording in condition 7, and all other conditions, should remain the same as set out in the Decision Notice.

Drainage Engineer - No Objection. We have no comments on the proposed amendments to finished floor levels. Our previous comments regarding sustainable drainage still apply.

COMMENTS ON CONSULTATION RESPONSES:

- comments noted

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary

Flood Zones 2 and 3

DEVELOPMENT PLAN POLICES

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
SDSP2	SD SP2 Built-up Area Boundary
WDM2	W DM2 Flood Risk

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

MDS	Middleton-on-Sea Village Design Statement by Middleton PC
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011-2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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, form part of the statutory local development plan for the relevant designated neighbourhood area.

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.

Middleton does not have a 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 or flood risk.

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 situated within the built up area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies. The key policy considerations in the determination of this application are D DM1 and D SP1 of the Arun Local Plan and the NPPF.

DESIGN AND VISUAL AMENITY

The existing dwelling is at its closest point to the southern boundary 1.1m from it and the proposal is similarly located in relation to the northern boundary. The proposed dwelling will be located 1.1m from the southern boundary and approximately 0.8m from the northern boundary. It would include the retention of the garage to the rear and would increase the footprint and extent of projection adjacent to the northern boundary.

The proposed dwelling will be clearly visible within the street scene by virtue of its location and increased height but will be similar in height to the adjacent properties to the north and south. It will also extend for some length adjacent to both road frontages, but this would be similar to the property to the south which is in use as a care home. There are a variety of designs to the dwellings on the estate and it is not considered that the proposed L-shaped low pitched design would be inappropriate in this location. The low roof pitch is similar to the adjacent rest home. The height of the existing dwelling is altering from single to 2 storey but it is considered that the proposed two storey dwelling is acceptable on this site and will not give rise to any unacceptably adverse impacts upon the visual amenity of the locality and will be in keeping with the scale of development in the immediate locality.

The ground floor of the dwelling features brickwork to match other properties in Alleyne Way, whilst the first floor would be clad in larch, which is not a material evident in close locality. However, the locality features a mixture of materials including brick, tile, render and cladding and as such the materials are not considered to have an unacceptably adverse impact upon visual amenity or the character of the locality.

The development is considered an improvement over the existing dilapidated bungalow and it is considered that the proposal constitutes an enhancement on the site. Therefore, the development is considered to accord with policy DDM1 of the Local Plan..

RESIDENTIAL AMENITY

The proposed dwelling will be situated 1.1m from the southern boundary of the site and 0.8m from the northern boundary. The proposed two storey dwelling at its closest point will be situated approximately 10m from the existing two storey development to the north and 3m from the dwelling to the south. The depth of the dwelling in relation to the southern boundary is as currently exists, although the height of the dwelling would change from single to two storey and would increase in height from 4.5m to 5.2m adjacent to the boundary. It is not considered that this increase in height has a significant impact on the adjoining dwelling and would not result in material harm to the residential amenities of the adjoining dwelling in terms of adverse overbearing or overshadowing effects.

The dwelling would have no first floor windows in the south side elevation adjacent to the boundary and this portion of the dwelling would not therefore result in a material loss of privacy to the adjoining property. The window in the south side elevation serving bedroom 2 is 7.5m from the boundary and is therefore conditioned to be obscure glazed below 1.7m. The distance between first floor windows in the other side exceeds 10m and is divided by a roadway. No materially adverse overlooking is therefore considered to result. The distance to the rear is 20m. The proposed dwelling will only feature high level windows at first floor windows on the northern, eastern and western elevations and as such will not give rise to any detrimental overlooking in these directions.

The proposed dwelling by virtue of its orientation and location on the site is not considered to give rise to any unacceptably adverse overbearing or overshadowing impacts upon neighbouring properties. Especially when the separation distances to neighbouring properties and the scale of nearby development is considered.

It has been considered necessary to include a condition controlling additional windows at first floor in the south elevation and to obscure glaze the window serving bedroom to be obscure glazed below 1.7m in the interests of residential amenity of the neighbouring property.

The detached garage on the rear boundary is existing and remains unaltered by the proposal. Therefore, subject to the proposed conditions it is considered that the development proposed is in accordance with policy D DM1 of the Arun Local Plan.

The dwelling has a gross internal floor area of approximately 270 sq.m which exceeds the 128sqm specified within the Nationally Described Space Standards. The rear garden depth of 10m is deemed to provide sufficient amenity space to ensure a good standard of amenity for future occupiers in accordance with the NPPF.

FLOOD RISK

The Environment Agency have no objection to the 0.9m difference in floor level. and flood risk is satisfactorily addressed.

SUMMARY

The proposed development is deemed to accord with relevant development plan policies and as such is recommended for approval subject to the below 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:

Existing Site Location Plan PA-248-01 revB
 Proposed Site and Location Plan PA-248-08 rev C
 Proposed Block Plan PA-248-05
 Proposed Elevations PA-248-07
 Proposed Roof Plan PA-248-06
 Indicative Street Scene PA-248-10 revA
 Proposed Drainage Layout PA-248-09 revA
 Proposed Floor Plans PA-248-05 rev a;
 Landscape Plan dated 22-08-2018
 Brick Sample Panel Photo

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM1 of the Arun Local Plan.

- 3 No windows shall be constructed at first floor level in the south elevation of the dwelling hereby permitted without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies DDM1 of the Arun Local Plan.

- 4 The window serving bedroom 2 on the south elevation of the building shall at all times be glazed with obscured glass and fixed to be permanently non-opening below 1.7m finished floor level.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policy DDM1 of the Arun Local Plan.

- 5 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions or alterations (including porches or dormer windows) to the new dwelling house shall be constructed or buildings, enclosure or swimming pools shall be erected within the curtilage of the new dwelling house unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To maintain adequate amenity space, safeguard the cohesive appearance of the development and protect existing trees in accordance with policy DDM1 of the Arun Local Plan.

- 6 The details of landscaping hereby approved shall be carried out in the first planting and seeding season, following the occupation of the building 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 DDM1 of the Arun District Local Plan.

- 7 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (FRA - 24 Alleyne Way REV A) and the following mitigation measure detailed within the FRA:

Finished floor levels are set no lower than 4.01m above Ordnance Datum (AOD).

The mitigation measure shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To ensure the property and its occupants are afforded suitable protection from flooding throughout its lifetime in line with section 9 of the Planning Practice Guidance to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change.

- 8 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.

- 9 INFORMATIVE: 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.

- 10 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.

- 11 INFORMATIVE: The Environment Agency recommend flood resilience measures, as identified within the Flood Risk Assessment (FRA), are incorporated within the finished design and future occupants register with the Environment Agency's flood warning service.