

Recommendation Report for Planning Permission**REF NO:** BE/91/13/**LOCATION:** Land north of 258 & 260 Chichester Road
Bognor Regis**PROPOSAL:** Erection of 1 No. four-bedroom detached bungalow**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	This is a full application for one 4 bedroom bungalow dwelling. The dwelling utilises an existing access from Chichester Road (which currently serves both this vacant plot and 254 Chichester road. Two vehicle parking spaces are proposed.
SITE AREA	0.09 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	11 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Approx 1.8m high close boarded fencing to all boundaries.
SITE CHARACTERISTICS	The site is a piece of waste land directly to the rear of 258/260 Chichester Road with an access road which directly passes 252 Chichester Road and which also serves 254.
CHARACTER OF LOCALITY	Mixed residential. Predominantly houses along Chichester Road. Fairlands is predominantly bungalows. 254 is a chalet style house with first floor windows in the gable end only.

RELEVANT SITE HISTORY

BE/102/11/	Outline application with some matters reserved to erect 2 no. dwellings with associated access	Refused 25-10-2011
BE/120/12/	Outline application with some matters reserved for the erection of 9 no. dwellings comprising of bungalows & chalet bungalows	Approved Cond + S106 19-02-2013
BR/172/60	Residential development	Refused 15-11-1960

This site was part of a larger site area which was granted outline planning permission under ref BE/120/12/OUT. That permission was an outline with means of access details only. It is noted that a layout plan was included with that submission and showed two detached dwellings on this plot with access from Renoir Mews.

Prior to this in 2011, outline permission was refused for a pair of semi-detached dwellings on this site. The reasons for refusal included concerns over a loss of character with regard to surrounding bungalows, a loss of privacy to 252 Chichester Road and the unneighbourly increased use of the existing access.

REPRESENTATIONS

Representations received:

Bersted Parish Council

Bersted Parish Council - no objection.

Two letters from neighbouring properties. No. 258 comments that they have no objection to the proposed dwelling itself but do object to the increased use of the shared access if it is blocked or of excessive vibration damages the dwelling or if the surface is damaged. No. 254 also comments on the need for access to be maintained.

Comments on Representations received:

The concerns of neighbours regarding the use of the access are valid but this is a private matter.

CONSULTATIONS

Engineering Services Manager

Parks and Landscapes

Engineers (Fluvial Flooding)

WSCC Strategic Planning

Engineers (structural)

Consultations responses received:

County Highways: No objection subject to conditions. Note that no objections were raised to the previous proposal (BE/102/11). From inspection of the plans, there appears to be no apparent visibility issue at the point of access onto Chichester Road. In terms of parking the proposed development does fall within the latest WSCC car parking standards. From the information submitted and the previous history related to this site, no concerns would be raised from the highway point of view. If the LPA are minded to approve this application a condition securing parking and visibility splays of 2.4 by 43 metres should be included.

District Engineers (Flooding): "A SuDS system (Sustainable Drainage System) must be investigated for surface water disposal. Also, a ditch or culverted system may run along the eastern boundary of the site. This must be investigated and maintained if present. Please apply standard conditions ENGD2A and ENGD4A."

District Engineers (Structural): No comment.

Comments on Consultation responses:

Comments noted. Appropriate conditions will be added. With regard to the highway comment about visibility, it is not considered possible to impose such a condition given that the point of access is outside of the applicant's control. Notwithstanding, according to the ordnance survey plans, there is already 2.4m by 43m visibility in both directions.

POLICY CONTEXT

Designation applicable to site: Within the Built-Up Area Boundary.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN5	Provision of New Residential Development
	GEN7	The Form of New Development
	GEN9	Foul and Surface Water Drainage
	GEN12	Parking in New Development
	GEN20	Provision of Public Open Space within New Development
	DEV17	Affordable Housing

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
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SUPPLEMENTARY POLICY GUIDANCE

SPD1	Open Space & Recreation Standards
XXX6	Interim Affordable Housing Policy

POLICY COMMENTARY

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

Paragraph 214 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 published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process.

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 the development plan 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

PRINCIPLE:

The site lies within the Built-Up Area Boundary where development is acceptable in principle subject to normal development control criteria regarding visual and neighbouring amenity. Furthermore the red edge site formed part of a larger red edge site which received outline planning approval (with means of access details only) in early 2013. This application proposes one less dwelling than was shown on the outline approval but this is likely the result of the equivalent red edge area being smaller. It should be noted that the outline approval proposed access from Renoir Mews and that there was a previous refusal (albeit for two dwellings) for this plot as accessed from Chichester Road.

CHARACTER & AMENITY:

The proposal is for 1 traditional type bungalow with accommodation at ground floor only. As a result, the proposal is considered to be in character with the nearby bungalows of Van Dyck Place and Fairlands and it will not be particularly visible or noticeable from existing views of the site. Furthermore, there will be no privacy issues due to existing boundary fencing providing screening to ground floor windows.

As with the previous refusal on this site, the dwelling will result in an intensification of the existing shared access which already passes the sides of two dwellings and the front of a third. This was previously considered to be unneighbourly but that was on the basis of two dwellings not one. The access has an uneven surface and would be traversed at low speeds thus reducing any disturbance to neighbours. A Construction Management Plan condition is proposed to control the impact on neighbours during the construction stage.

ACCESS AND PARKING:

County Highways had previously raised no objections to the use of this existing access. On this basis and given that one fewer dwelling will now be served from this access, they raise no objection subject to conditions.

AFFORDABLE HOUSING:

An Interim Affordable Housing Policy was approved by Full Council on 18th August 2010. The policy states that the Interim policy is in accordance with the National Planning Policy Framework and for developments of 1-14 units an affordable housing provision of 15% will be sought district wide. Therefore, a contribution of £2,208 will be required for off-site affordable housing provision. This is based on 1x4 bed house within the Bersted parish.

SUMMARY:

It is recommended that the application is approved subject to the following conditions and the satisfactory signing of the S106 Agreement for the provision of an affordable housing payment.

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 SUBJECT TO A SECTION 106 AGREEMENT

- 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:

"The Location Plan";
"Topographical Survey as Existing" Ref 1.01;
"Location and Block Plan" Ref 1.01;
"Location and Block Plan" Ref 1.02; and
"Proposed Plans and Elevations" Ref 2.07 Rev A.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Policies GEN7, GEN9 and GEN12 of the Arun District Local Plan.

- 3 Details for the storage of waste and recycling on each plot within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. This provision shall thereafter be retained for the

storage of waste and recycling.

Reason: To protect the amenities of nearby residents in accordance with Arun District Local Plan Policy GEN7.

- 4 No development 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 and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. 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.

- 5 No development shall be carried out unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the proposed building has been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a development of visual quality in accordance with Policy GEN7 of the Arun District Local Plan.

- 6 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the dwelling house shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with Policy GEN7 of the Arun District Local Plan.

- 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, giving a 1 in 100 year plus 30% for climate change 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. The approved

scheme shall thereafter be retained and regularly maintained.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with Policies GEN7 and GEN9 of the Arun District Council Local Plan.

- 8 The development shall not proceed until formal consent has been approved in writing from the Lead Local Flood Authority (WSSC) or its agent (ADC) for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site.

Any discharge to a watercourse must be at a rate no greater than the pre-development run off values.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with Policies GEN7 and GEN9 of the Arun District Council Local Plan.

- 9 No part of the site shall be first occupied unless and until the vehicle parking and turning space has been constructed within the site in accordance with the approved site plan. This space shall thereafter be retained at all times for vehicle parking and turning purposes.

Reason: In the interests of road safety in accordance with Policy GEN7 of the Arun District Local Plan.

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

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and Policy GEN7 of the Arun District Local Plan.

- 11 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to the payment of £2,208 towards off-site affordable housing provision.

- 12 INFORMATIVE: Should any protected species or evidence of any protected species be found prior to or during the development, all works must stop immediately and an ecological consultant or West Sussex County Council's ecologist contacted for further advice before works can proceed. All contractors working on site should be made aware of this advice and provided with the contact details of a relevant ecological consultant.

- 13 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

- 14 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act

(as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.

- 15 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.