

Recommendation Report for Planning Permission

REF NO: BR/114/20/PL

LOCATION: 13-17 Abbeyfield
Richmond Avenue
Bognor Regis
PO21 2YE

PROPOSAL: Conversion of existing vacant residential care home into 10 No. flats. This application is not CIL Liable as flats in Zone (Zero Rated).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The ten flats are a mix of 1, 2 and 3 bedrooms (7 x 1bed, 2 x2 bed and 1 x3 bed). 12 parking spaces are to be provided and 10 cycle spaces. External alterations are limited to the changes to fenestration by blocking up windows and doors. Each flat has either a direct access from a garden entrance or is accessed via a new central stairwell within the property.
SITE AREA	920 sq m
RESIDENTIAL DEVELOPMENT DENSITY (NET)	108 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	- Low wall and hedge to the front; - 1.7m high wall & 0.3m trellis addition (2m total height) to the rear boundary; - 1.7m high wall with hedging to the side/rear boundary to no. 7. There is currently no boundary to the rear of 13-17 Richmond Avenue.
SITE CHARACTERISTICS	The property was previously part of the Abbeyfields Care Home (9-17 Richmond Avenue) which was housed within a group of interconnected 2.5 storey buildings. To the rear there is a single storey storage building, garage and beyond the rear boundary an informal parking area open to the back street. There is unrestricted on-street parking on Richmond Avenue.
CHARACTER OF LOCALITY	The site is located within the built-up area on a residential road which is characterised by a high density arrangement of buildings either in residential use or as care homes. A service road passes directly to the rear of the site. The adjoining property to the west is a former care home and was at the time of the site visit, advertised for sale. The property on the other side is in residential use although it is not

clear as to whether occupied as a HMO or by flats.

RELEVANT SITE HISTORY

BR/145/19/PL	Conversion of existing vacant residential care home into 8no. flats	App Cond with S106 25-11-19
BR/318/13/	Placement of Biomass cabin and pellet store to rear garden including pipework.	ApproveConditionally 03-03-14
BR/27/05/	Conservatory extension to residential dwelling.	ApproveConditionally 18-02-05
BR/199/96	Construction of electric vehicle garage and an arts and crafts building	ApproveConditionally 10-10-96
BR/100/90	Extension to existing Residential Care Home	ApproveConditionally 09-04-90
BR/204/88	Extension to 13 Richmond Avenue, Alterations to 13 & 15 Richmond Avenue, First floor link between 15 & 17 Richmond Avenue.	ApproveConditionally 03-05-88

REPRESENTATIONS

Bognor Regis Town Council
No Objection

2 Objections

- Congestion already on adjacent roads and on pavements causing safety issues at junctions.
- Not enough parking already for residents, let alone for any more. Tensions are already high because of limited parking.

COMMENTS ON REPRESENTATIONS RECEIVED:

The parking provided is up to standard and the site is sustainably located. It is not anticipated that all residents would have a car.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

County Highways - No Objection

12 car parking spaces are provided to the rear, in line with WSCC car parking standards, and will be accessible from Nyewood Lane Access Road to the rear.

The car park will have a 6m wide access; and create 12 spaces each at 2.4m x 4.8, as per manual for streets guidance. Ideally 1 space should be provided for disabled use in line with MFS. The access into the carpark will allow a car to enter and exit simultaneously. On-street parking within walking distance is also available in Richmond Avenue and the surrounding roads. Cycle parking should be conditioned.

Greenspace - Contributions required for sport and play and open space

Drainage Engineer - No Comment

Environmental Health - No Objection. Request condition is imposed re Construction Management Plan.

Natural England - No Objection

Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance. Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s).

Natural England advises that it is a matter for Arun to decide whether an appropriate assessment of this proposal is necessary in light of the People Over Wind Ruling in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended), Natural England must be consulted on any appropriate assessment your Authority may decide to make.

Sussex Police - No Objection

COMMENTS ON CONSULTATION RESPONSES:

- comments noted.

With regard to Natural England's comments it is not considered that an AA assessment is required since the application relates to conversion of an existing property already in residential use, albeit of a different type., therefore there would be no loss of land to residential development or loss of supporting habitats for relevant bird species. Mitigation from the recreational disturbance from increased population/visitors would be by the payment of the SAMM tariff. In this respect, with such mitigation, the development, in combination with other plans and projects, would not have an adverse Impact on the integrity of the European protected sites which would require further assessment.

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary;
Within 2km of Bognor Reef SSSI; and
Pagham Harbour Zone B.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitagation
HWBSP1	HWB SP1 Health and Wellbeing
ENVDM2	ENV DM2 Pagham Harbour
HSP1	HSP1 Housing allocation the housing requirement
QESP1	QE SP1 Quality of the Environment
QEDM1	QE DM1 Noise Pollution
QEDM3	QE DM3 Air Pollution
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WMDM1	WM DM1 Waste Management

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

There are no relevant Bognor Regis Neighbourhood Plan policies.

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 Arun Local Plan in that it would not cause demonstrable harm to the character of the area, to the amenity of neighbouring residents, or result in a severe impact

on the local highway. The proposal makes appropriate provision for the protection of Pagham Harbour.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE:

Development is acceptable provided it is in accordance with other policies of the Local Plan covering such issues as character/design, residential amenity, space standards and highway safety/parking.

Regard should also be had to policy SD SP1 of the ALP which states that: "When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF)."

This proposed development will support the local economy and community by providing new flats to help meet future needs, increase Council tax receipts, create/maintain construction jobs and result in additional spending in the local area by future residents. The site is also considered to be in a sustainable location and new residents will not need to own a car to access basic facilities, shops and services.

NPPF para 118(d) states "Planning policies and decisions should: promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing". Furthermore, paragraph 123 states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. In particular, higher densities will be encouraged for city/town centres and other locations that are well served by public transport.

The Council cannot currently demonstrate an NPPF compliant 5 year supply of housing land and therefore it is important to boost housing numbers within the district. The proposal will accord with policies SD SP1 and SD SP2 of the Arun Local Plan.

DESIGN & CHARACTER:

ALP policy D DM1 requires that the Council seek to make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area. It requires the Council to consider scale, massing, aspect, siting, layout, density, building materials, landscaping, and design features. It is also necessary that development demonstrates a high standard of architectural principles, use of building materials and hard and soft landscaping to reflect the local area.

In terms of density, D DM1 requires that new housing makes efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. However, higher densities will be more appropriate in the most accessible locations. The policy also requires that the scale of development keep within the general confines of the overall character of a locality. ALP policy D SP1 "Design" requires development to make efficient use of land and reflect local character.

It is not proposed to make any material changes to the appearance of the building with windows and doors being the only alterations. The proposal will result in the subdivision of what is currently a large

plot (Abbeyfield Care Home, 9-17 Richmond Avenue) but as Richmond Avenue is not itself characterised by very large plots, this change will not harm the local character. The proposal necessitates an increase in the waste storage facilities and all bin stores are located to the rear and hidden from the streetscene to the sides and rear of the building.

The proposed conversion will result in a density of 108 dwellings per hectare and this is appropriate given this sustainable location and noting the presence of flats and HMO use elsewhere in the street. It is therefore considered that the proposed alterations are such that there is no conflict with ALP policies D DM1 & D SP1.

RESIDENTIAL AMENITY:

ALP policy D DM1 requires the Council have regard to certain aspects when considering development including having minimal impact to users and occupiers of nearby property and land. Policy QE SP1 states: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity". Para 127 of the NPPF which states that developments should provide a high standard of residential amenity for existing and future users.

It is not considered that this proposal will result in any harm to the amenities of existing nearby residents. This being because there are no extensions/material alterations to the building (so no change in existing levels of shade to adjacent properties) and because the building was previously in a form of residential use. It is noted that the proposal seeks to extend the parking area to the rear but this is acceptable given that there is a similar arrangement to the rear of 5/7. A condition will be imposed to ensure that all bathroom windows are obscure glazed to protect the amenities of future occupiers.

The proposal will increase activity in and around the building such as the use of bin and cycle stores plus the increased parking facilities and this does have the potential to affect neighbours in terms of noise and disturbance. However, this is a high density residential area and with existing flatted buildings/HMO's nearby, it is not considered that will change the character of the area or that such noise will be unexpected in this area.

It is not considered there will be any adverse residential amenity impacts to neighbouring properties or to the occupiers of the proposed new flats and that therefore, the proposal complies with ALP policies D DM1 and QE SP1.

INTERNAL & EXTERNAL SPACE STANDARDS:

Policy D DM2 states: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance". It is necessary to assess the proposal against internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if the building is suitable for residential use. The following is a breakdown of the proposed homes:

Flat	Unit Type	Internal Space (m2)	National Standard (m2)
1	2 Bed, 4 Person	65	70
2	2 Bed, 4 Person	89	70
3	1 Bed, 2 Person	53	50
4	1 Bed, 2 Person	50	50
5	1 Bed, 2 Person	50	50
6	1 Bed, 2 person	50	60
7	1 Bed, 2 person	56	50

8	1 Bed, 2 person	53	50
9	1 Bed, 2 person	51	50
10	3 Bed,6 person	100	95

The above shows that all flats comply with policy D DM2 and the Nationally Described Space Standards

Policy D DM1 refers to the need for compliance with the Arun Design Guide. This is to part replace D DM3 "External Space Standards" which was deleted at the request of the Local Plan Inspector. Until this Design Guide is published, there is no policy within the ALP regarding private gardens sizes. Para 127 of the NPPF states that planning decisions should ensure that developments have a high standard of amenity for existing and future users. The emerging Arun Design Guide proposes the following standards for flats.

- Balconies: max. 2m beyond the building frontage, subject to minimum balcony to balcony distances of 17m. At least 3sqm of useable space;
- Communal Shared Spaces: minimum 40sqm plus 10sqm for each unit if not provided as balcony space.

The proposal includes external spaces for two of the ground floor flats (2 and 3) and then a communal area for the other 8 flats. None of these spaces are private as they are located to the side/front of the building and will therefore be overlooked by parts of the building and by any neighbouring windows. The communal space does not meet the size requirements but this is acceptable given the space constraints associated with the site and the fact that the site is reasonably close to two local parks and the sea.

The proposal therefore complies with policies D DM1 & D DM2 and with the guidance in the NPPF (para. 127).

HIGHWAY SAFETY & PARKING:

ALP policy T SP1 seeks to ensure development: provides safe access on to the highway network; contribute to highway improvements & promote sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. In respect of parking, it states:

"The Council will support transport and development which: incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide, taking into consideration the impact of development upon on-street parking".

Policy T DM1 requires that new development be located within easy access of established non-car transport modes/routes and also seek to contribute to the improvement of such routes & facilities.

Para 108 of the NPPF states: "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Regard should be had to para 109 which states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

The proposal meets the West Sussex Parking Demand Calculator provision and the recently adopted Arun parking standards which require 11 spaces. 12 spaces are proposed. WSCC Highways raise no objections to the parking provision, parking layout or the access arrangements.

It is therefore considered that the proposal is acceptable in terms of highway safety and is therefore in accordance with policies T SP1 and T DM1 of the Arun Local Plan.

PAGHAM HARBOUR:

ALP policy ENV DM2 requires that new residential developments within a 400m to 5km distance ('Zone B') of Pagham Harbour make a financial contribution towards the provision of accessible natural open green spaces to serve the area. A contribution of £1,275 per new residential unit was agreed by the Councils Cabinet on 20 July 2015. The Councils Cabinet subsequently approved a reduction in the tariff from £1,275 to £871 as of the 10th April 2017.

The application site lies within the designated Zone B and accordingly it was necessary to apply this requirement. The applicant has agreed to the £6,968 contribution and it is this that is secured by the signed legal agreement.

SUMMARY:

The proposed development is considered to represent an efficient use of a currently under-utilised urban brownfield site and there is no objection in principle to the development. It is considered that the proposal complies with development control criteria concerning highway safety/parking, space standards, design/character and residential amenity. It is therefore considered that this application is acceptable in all regards and should be approved subject to the following conditions and the signed S.106 legal agreement

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.

SECTION 106 DETAILS

This decision will be granted with a S106 legal agreement relating to a contribution of £6,968 towards the

provision of accessible natural open green spaces to offset the impact of the development on the Pagham Harbour Special Protection Area.

Sports halls/flexible activity space - £3,767 towards the community sports hub to be provided at West of Bersted

Health & Fitness - £1,400 towards the community sports hub to be provided at West of Bersted

Swimming pools - £4,052 towards wet side shower provision at a new leisure centre for the district

10 x £1971.20 = £19,710.00 for offsite POS

10 x £1730.30 = £17,303.00 for offsite Play

RECOMMENDATION	
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| 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). |

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| 2 | The development hereby approved shall be carried out in accordance with the following approved plans:
Proposed Floor Plans 313/03
Existing Floor Plans 313/02
Location and Block Plans 313/01
Construction Plan 313/07
Bin Store and Cycle Stores
Floor Plans and Elevations 313/06
Proposed Elevations 313/05
Existing Elevations 313/04 |
| | Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy of the Arun Local Plan. |

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| 3 | 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 in accordance with policy TSP1 of Arun Local Plan. |

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| 4 | The conversion of the building/all development works shall be carried out in full accordance with the approved Construction Plan 313/07. There shall be no deviation from this plan other than with the written agreement of the Local Planning Authority. |
| | Reason: To avoid undue congestion of the site and consequent obstruction to access in accordance with policy T SP1 of the Arun Local Plan and the National Planning Policy Framework. |

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| 5 | No development above damp proof course (DPC) level shall take place until details of the proposed screen walls/fences including the new boundary to nos.13-17 have been submitted to and approved by the Local Planning Authority and none of the new flats shall be occupied until such screen walls/fences associated with them have been erected. |
| | Reason: In the interests of amenity and privacy in accordance with policy D DM1 of the Arun |

Local Plan.

- 6 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved details on drawings 313/06 "Bin and Cycle Stores". The approved cycle stores shall thereafter be permanently retained.

Reason: To ensure that adequate and satisfactory provision is made for the parking of bicycles in accordance with policies T SP1 & T DM1 of the Arun Local Plan and paragraphs 108-110 of the NPPF.

- 7 No part of the development shall be first occupied until the bin stores have been provided in accordance with the approved details on drawings 313/06 "Bin and Cycle Stores". The approved bin storage enclosures shall thereafter be permanently retained.

Reason: To ensure sufficient refuse facilities and to safeguard the appearance of the development & the amenities of the area in accordance with policies D DM1 and WM DM1 of the Arun Local Plan.

- 8 No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved drawing 288/03 Rev A "Proposed Plans". These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development in accordance with policy T SP1 of the Arun Local Plan and the National Planning Policy Framework.

- 9 Prior to the occupation of any of the flats, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings shall be submitted to the local planning authority for approval and thereafter implemented in accordance with the approved details and the charge points shall thereafter be permanently retained and maintained in good working condition.

Reason: New petrol and diesel cars/vans will not be sold beyond 2040, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun District Council Electric Vehicle Infrastructure Study (November 2017) and the National Planning Policy Framework.

- 10 None of the new flats shall be occupied unless and until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that the development will incorporate decentralised, renewable and low carbon energy supply systems. The approved scheme shall thereafter be implemented prior to occupation of the dwelling and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

Reason: To ensure that the development is energy efficient and in accordance with policy ECC SP2 of the Arun Local Plan.

- 11 No construction / demolition activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no works taking place on Sunday or Bank Holidays unless they are not audible outside of the application site.

Reason: To protect the amenity of local residents in accordance with policies QE SP1 and QE DM1 of the Arun Local

- 12 All of the proposed bathroom windows in the proposed accommodation shall be permanently obscure glazed.

Reason: To protect the amenities and privacy of existing adjacent and future occupiers in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

- 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 14 INFORMATIVE: The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover license shall be granted. Additional information about the licence application process can be found at the following web page:

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/>

Online applications can be made at the link below, alternatively please call 01243 642105.

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-applicationform/>

- 15 INFORMATIVE: This decision has been granted with a s106 legal agreement relating to a contribution of £6,968 towards the provision of accessible natural open green spaces to serve the Pagham area, £3,767 towards the community sports hub to be provided at West of Bersted, £1,400 towards the community sports hub to be provided at West of Bersted and £4,052 towards wet side shower provision at a new leisure centre for the district, £19,710.00 for offsite POS and £17,303.00 for offsite Play.