

Recommendation Report for Planning Permission

REF NO: BR/134/21/PL

LOCATION: Clayton House
1-3 Elm Grove
Bognor Regis
PO21 2SW

PROPOSAL: Sub-division of existing four-bedroom flat on first and second floors to create 2no. 1-bedroom flats, insertion of three dormer windows at second floor, insertion of rooflights to north and south elevations and removal of window to western elevation. This site is in CIL Zone 4 (Zero Rated) as flats.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Sub-division of four-bedroom flat on first and second floors to create two 1-bedroom flats, insertion of three dormer windows at second floor, insertion of rooflights to north and south elevations and removal of window to western elevation and insertion of two additional windows to the front are proposed.
SITE AREA	0.05 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	80 dwellings per hectare.
BOUNDARY TREATMENT	Dwarf brick wall to the front and to the north side with a close boarded fencing in the area of rear garden.
SITE CHARACTERISTICS	Corner plot on the junction of Elm Grove with Tennyson Road. Chalet style bungalow with gabled roof; a gable end facing to the road with a symmetrically positioned wide porch with hipped roof above. On the ground floor of Clayton House are two existing residential flats.
CHARACTER OF LOCALITY	Residential, mix of three storey chalet bungalows and 2.5 storey detached/semi-detached houses. The proposal property is almost identical with the last two properties on the opposite site of Elm Grove entering Tennyson Road.

RELEVANT SITE HISTORY

BR/321/49	Conversion Into Two Flats	Approve 30-01-50
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Noted.

REPRESENTATIONS

Bognor Regis Town Council: No objection.

1 objection - concern with increased expansion of residency in a road that has limited parking and the potential untenable position of emergency vehicle access.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. WSCC does not anticipate the nil parking provision would result in a highway safety concern or give rise to a parking capacity issue.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ENGINEERS COMMENTS REGARDING SURFACE WATER DRAINAGE:

Due to the scale, location and type of application we have no conditions to request. Any alterations to surface water drainage must be designed and constructed in accordance with Building Regulations.

ENVIRONMENTAL HELATH: No objection subject to suggested conditions.

PRIVATE SECTOR HOUSIG: Full comments online. Fire safety and Housing standards, including room sizes and facilities must be complied with.

WSCC Highways: this proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network

NATURAL ENGLAND: No objection, subject to appropriate financial contribution an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The Appropriate Assessment has been sent to Natural England and approved.

POLICY CONTEXT

Designation applicable to site:

Within built up area;

Within 5km of Pagham Harbour

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
ECCSP2	ECC SP2 Energy and climate change mitagation
ENVDM2	ENV DM2 Pagham Harbour
ENVDM5	ENV DM5 Development and biodiversity

QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

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 policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

There are no policies contained within the Bognor Regis Neighbourhood Plan that implicate upon the determination of this application.

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 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.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

KEY ISSUES:

The key issues are principle, design and visual amenity, residential amenity, highways/traffic and impact on Pagham Harbour.

PRINCIPLE:

The site is within the built up area where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan and provided it is in accordance with other policies of the Local Plan covering such issues as principle of conversion, character, residential amenity, noise, highway safety & parking and space standards.

Regard should be had to policy SD SP1 of the Arun Local Plan which states "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)." Para 120 (d) of the NPPF states that 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 where land supply is constrained and available sites could be used more effectively)".

The site is in a sustainable location in walking distance of a range of shops, facilities and services along Aldwick Road. There are frequent bus services providing access to Chichester, Littlehampton etc. and this includes Chichester and Barnham Railway stations. The development comprises sustainable development when assessed against the three objectives in the NPPF.

The development complies with policies SD SP2 and SD SP1 of the Arun Local Plan and relevant paragraphs of the NPPF.

CHARACTER OF THE AREA:

Policy D DM1 of the Arun Local Plan requires the Council have regard to certain aspects including:

(1) Character - "Make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features.";

(13) Density - "The density of new housing will make efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. Proposals should take into account the density of the site and its surroundings. The density of large sites should be varied to guard against uniformity"; and

(14) Scale - "The scale of development should keep within the general confines of the overall character of a locality unless it can be demonstrated that the contrary would bring a substantial visual improvement."

The extensions or alterations to existing buildings are required by policy D DM4 to be sympathetically related and visually integrated with existing building and subservient to the main building whilst providing a high standard of amenity.

Policy D SP1 "Design" states: "All development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

The Arun Design Guide Supplementary Planning Document (SPD) adopted 25th January 2021 is a material consideration in the determination of applications. Part R.O1 which deals with Apartments, requires development to provide flatted developments which integrate well with and respond sensitively to their setting. Part J.02 requires the appropriate scale for new extensions/alterations to existing forms

that should be determined by their context, their location within the order of streets, and their function and positioning, and should avoid overshadowing of neighbouring properties and to avoid insensitive extensions and alterations which deviate from the general scale and massing of the surrounding area.

Para 130 of the NPPF 2021 states: "Planning policies and decisions should ensure that developments: (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)."

The National Design Guide was published in October 2019. Part C1 maintains that well-designed places are:

- based on a sound understanding of the features of the site and the surrounding context, using baseline studies as a starting point for design;
- integrated into their surroundings so they relate well to them;
- influenced by and influence their context positively; and
- responsive to local history, culture and heritage.

In order to facilitate the conversion, minor internal alterations are proposed with some external changes. Two flat roofed dormer windows and 4 roof lights would be inserted symmetrically in to the northern roof plane and one dormer window and three roof lights to the southern. The window in gable triangle on the west elevation would be removed and new windows, one on each side of the row of existing windows, would be inserted on front elevation matching existing. The dormers are positioned close to the ridge which is not ideal, however due to their scale it would be acceptable. There are examples, albeit better positioned, on 28 Tennyson Road and 4 Elm Grove of roof extensions. The external changes would be subservient to the host property and would not detract from the local and wider area's character. The proposal would be in a general compliance with the Arun Local Plan policies D DM1, D DM4 and D SP1, Arun Design Guide, National Design Guide and with the guidance on character in the NPPF.

NOISE & RESIDENTIAL AMENITY:

Arun Local Plan policy D DM1 requires that the Council have regard to certain aspects when considering new development including: (3) Impact - "Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance."

Policy D DM4(c) expects extension or alteration not having an adverse overshadowing, overlooking or overbearing effect on neighbouring properties.

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, the natural environment or upon leisure and recreational activities enjoyed by residents and visitors to the District."

Policy QE DM1 seeks to protect against the impacts of new noise generating development. It states that: "Developers proposing new noise generating development must seek advice from an early stage to determine the level of noise assessment required." It also emphasises that noise sensitive development will not be permitted if its users would be affected by noise by proposed noise generating uses.

One of the 'core planning principles' of the NPPF is to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience (paragraph 130 f).

It is not considered that a residential use would be a noise generating form of development. The residential use would have similar characteristics to other residential properties in the locality.

The dormer window in the northern roof plane would be facing front elevation of 32 Tennyson Road within a distance of approximately 20m. The dormer in the southern roof plane would overlook the windowless flank wall of Chandos to the south and no window is proposed on the western elevation.

It is not considered the development would result in any refusable amenity impacts to the residents of adjacent properties. As such the proposal complies with Arun Local Plan policies D DM1, D DM4, QE SP1 and QE DM1.

COMPLIANCE WITH INTERNAL FLOOR SPACE STANDARDS:

Policy D DM1 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 requirement for a single storey, 1 bed, 1 person home is 39m² whilst 37m² is proposed (flat 2) which is acceptable as a shower room is proposed instead of a bathroom. The requirement for a two storey 1 bed, 1 person is 58m² and 58m² is proposed (flat 2a). The flats would meet the requirements of Nationally Described Space Standards.

Arun Design Guide part H.04 advises on Residential Outdoor Amenity & External Space Standard:

- All development should provide residents with access to outdoor amenity space, whether private or communal. It advises that Residential Communal Shared Spaces should be minimum 40sqm plus 10sqm for each unit. These standards are applicable in the majority of cases, but innovative approaches to more compact building layout may be supported by ADC, where appropriate.

Regard should be had to paragraph 130(f) of the NPPF(2021) which requires that new development has a high standard of amenity for existing and future users.

Notwithstanding the size of the plot would allow for the required Residential Shared Communal Space, the allocation is provided unequally. In respect of external standards, the submitted drawings show allocated private space for proposed flat 1 of approximately 106 square metres, 93 square metres for flat 3 whilst the allocated private space for flat 2 is up to 30 square metres only. However, as the applicant stated in their correspondence, amenity areas shown on submitted plans are 'for information only'.

The property is in a walking distance of 443m from the closest West Park to the south-west and approximately 700m from the beach. The proposal complies with the relevant internal standards and broadly comply with external standards providing limited private/communal amenity space. It is considered to be acceptable given the vicinity of public open space and a sustainable location with a frequent bus services within a very short distance. Therefore it would broadly comply with policy D DM1, Arun Design Guide and paragraph 139(f) of the NPPF.

PRIVATE SECTOR HOUSING:

In their comments Private Sector Housing pointed out at fire alarm requirements and consultation with a Fire Risk Assessor and WSFRS that should be made to determine the most appropriate level of fire alarm and detection system for this property.

If the access door on the second floor is to be installed, the applicant should be aware of the need for the domestic grade fire alarm and detection system to extend into the lobby on the second floor, in addition to the top of the staircase on the second floor.

CAR PARKING & HIGHWAY SAFETY:

Arun Local Plan policy T SP1 seeks to ensure development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. In respect of highway safety, it states that:

"The Council will support transport and development which: Explains how the development has been designed to: (i) accommodate the efficient delivery of goods and supplies; (ii) give priority to pedestrian and cycle movements and have access to high quality public transport facilities; (iii) create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter."

In respect of parking, it states that:

"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".

Parking Standards Supplementary Planning Document, January 2020 states in Principle 1:

2.12 Parking provision should be sufficient to accommodate demand whilst exploiting the potential for sustainable travel, minimizing adverse effects on road safety and avoiding increased on-street parking demand.

Para 110 of the NPPF (2021) 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 111 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."

According to the requirement of the Arun Parking Standards 1 parking space for 1 or 2 bed flat in Parking Behaviour Zone 4 is required. The site is accessed from Elm Grove and no alterations to the access are proposed. No vehicular parking is associated with this proposal. The proposal is for subdivision of one existing 4bed flat to two 1bed flats as such 1 parking space would be required. In such a circumstances it can be assumed 'that the parking demand of 1 space can be met through existing on-street parking in the area' (officer report for BR/302/19/PL, Chandos, Elm Grove).

Secure and covered cycle storage is proposed in the area of an existing garage which would be removed; this would provide storage for a minimum of three bicycles, in accordance with Arun's parking standards. The site is situated in a sustainable location within walking/cycle distance of local services and amenities. Cycling is a viable option in the area. Regular bus services are available from nearby Aldwick Road. As such the future occupiers would not rely on use of private cars.

WSCC do not consider this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the NPPF (paragraph 111) and that there are no transport grounds to resist the proposal.

It is considered the proposal would satisfy policy T SP1 of the Arun Local Plan, Arun Parking Standard and with the guidance on highways in the NPPF.

SUSTAINABLE CONSTRUCTION:

Tackling climate change is a key government priority for the planning system. policy ECC SP2 of the Arun Local Plan states that all new residential development (including conversions, extensions and changes of use) will be expected to be energy efficient and demonstrate how they will:

- (a) achieve energy efficiency measures that reflect the current standards applicable at the time of submission
- (b) Use design and layout to promote energy efficiency
- (c) incorporate decentralised, renewable and low carbon energy supply systems, for example small scale renewable energy systems such as solar panels

The submitted plans do not show any of the above therefore the condition will be imposed to the decision.

BIODIVERSITY:

Policy ENV DM5 of the Local Plan requires development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. They shall incorporate elements of biodiversity including green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitats (whether designated or not)."

The documents do not show any indicative landscape offer, this would need to be detailed to provide a scheme which will soften the development and add to biodiversity net gain. The impact of the proposals could be lessened in this location and blended into the surrounding residential setting with further thought given to the landscape offer, incorporate elements of biodiversity minimising adverse impacts on existing habitats.

Taking into account the condition and character of site, it is considered the proposal accords with the policy above subject a condition.

IMPACT ON THE PAGHAM HARBOUR SPECIAL PROTECTION AREA:

ALP Policy ENV DM2 requires 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 site lies in designated Zone B and this application results 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.

According to Natural England's advice, an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended), PART 6, Chapter 2 should be carried out. Therefore it should be considered whether the proposed development as a whole, notwithstanding financial measures, is likely to have a significant effect on the Pagham Harbour Special Protection Area.

The application for sub-division of existing flat and proposed roof extension of property results in

recreational disturbance only to Pagham Harbour. Having considered the mitigation and avoidance measures to be provided in-perpetuity through the contribution to the Joint Pagham mitigation scheme, Arun District Council conclude that with mitigation the plan or project will not have an Adverse Effect on the Integrity of the European protected site(s).

The Appropriate Assessment has been sent to Natural England and they state that all mitigation measures are appropriately secured in any planning permission given.

On the basis of a net gain of 1 unit, the applicant has agreed to the £871 contribution and this is secured by the agreed Section 106 agreement. There is no conflict with policy ENV DM2 of the Arun Local Plan.

SUMMARY

The proposed subdivision of the existing 4 bed flat resulting in one additional flat represent an efficient use of urban land without compromising the visual amenities or character of the area, highway safety or the amenities of nearby residential occupiers. The proposal is sustainable development and is in a general compliance with development plan policies. The recommendation to approve is made subject to conditions and informative.

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 £871 towards the cost of delivering measures to avoid or mitigate to an acceptable level, the harm caused to Pagham Harbour by the Development.

CIL DETAILS

This application is not CIL liable as it falls within in Zone 4 and the 'Flats' element is Zero rated.

RECOMMENDATION

- 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:

Dwg No 3995-04 Rev B, Location , Block & Site Plans;
Dwg No 3995-03 Rev B, Floor Plans and Elevations.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.
- 3 The materials and finishes of the external walls and roof of the proposed external alterations hereby permitted shall match in colour and texture those of the existing building.

Reason: In the interests of amenity in accordance with policy D DM1of the Arun Local Plan.
- 4 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with policies T SP1 of the Arun Local Plan.
- 5 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 Plan
- 6 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources (as described in the glossary at Annex 2 of the NPPF) unless it can be demonstrated that a fabric-first approach would achieve an equivalent energy saving. Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority before any development above damp proof course (DPC) level begins. The development shall be implemented in accordance with the approved details and timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to secure on site renewable energy in accordance with national planning policy, and in accordance with Policy ECC SP2 of the Arun Local Plan.
- 7 Prior to the first occupation of flats 2 and 2a details of improvements to secure biodiversity net gain shall be submitted to and approved in writing by the Local Planning Authority. The details

so approved shall be completed on site within 1 month of first occupation and retained thereafter.

Reason: In accordance with Arun Local Plan of policy ENV DM5 and the National Planning Policy Framework.

- 8 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to a contribution of £871 towards the cost of delivering measures to avoid or mitigate to an acceptable level, the harm caused to Pagham Harbour by the Development.
- 9 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.