

Recommendation Report for Planning Permission

REF NO: BR/135/13/

LOCATION: Land to rear of 6 Ockley Road
Ockley Road
Bognor Regis

PROPOSAL: Application for Outline Planning Permission with Some Matters Reserved for the demolition of existing buildings and the construction of 7 No. three bedroom houses, including 3 No. terraced houses and 4 No. semi-detached houses plus ancillary works (resubmission following BR/288/12/)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION This outline application (with only landscaping a reserved matter) seeks permission to demolish the existing workshops and office and to erect 7 no. three bedroom houses, including 3 no. terraced houses and 2 pairs of semi-detached houses plus ancillary works. This is a resubmission of a previously withdrawn application Ref BR/288/12/.

All of the proposed dwellings are to be 2.5 storeys high (i.e. with accommodation in the pitched roof above the second storey). This is achieved through a front facing dormer on each house and a single velux roof light on the rear of each. All of the dwellings have three bedrooms.

With respect to parking, 1 space is provided for each house and in addition plots 5 and 7 are provided with a single garage. Each dwelling is also shown to have a cycle store in the rear garden and a temporary storage area is shown outside of the main site for waste bins to be placed on bin day.

SITE AREA 0.146 hectares.

RESIDENTIAL DEVELOPMENT DEN 48 dwellings per hectare.

TOPOGRAPHY Predominantly flat.

TREES None of any significance affected by the proposed development.

BOUNDARY TREATMENT There is a 2m high wall to the front and side boundaries of the site. To the rear, there is an existing fence.

SITE CHARACTERISTICS Rear enclosed area used for car sales. The site is accessed by an access road between a dwelling house (8 Ockley Road) and an office (6 Ockley Road) which has an extant consent for demolition and replacement with 8

apartments (BR/19/13). The area is tarmacked.

CHARACTER OF LOCALITY

The area is mixed commercial and residential. The site is surrounded by residential properties on all sides. Those to the North, west and east are two storeys. There is a 4 storey block of residential flats to the south.

RELEVANT SITE HISTORY

BR/421/87	Single storey portakabin office accommodation	ApproveConditionally 05-10-1987
BR/196/96	Retention of single storey portakabin office accommodation	ApproveConditionally 03-10-1996
BR/81/98	Change of use from workshop repair depot to include MOT Bay (Class B2)	ApproveConditionally 26-06-1998
BR/208/08/	Outline application to demolish old warehouse and erect 6 new one bedroom flats.	ApproveConditionally 02-09-2008
BR/288/12/	Application for outline planning for demolition of existing buildings and construction of 8 no. three bedroom houses, including 6 no. terraced and 2 no. semi-detached houses, plus ancillary works.	Withdrawn 01-02-2013
BR/19/13/	Outline application for demolition of warehouse and erection of 8no. apartments	Approved Cond + S106 03-05-2013

Application Ref BR/288/12 was previously submitted for a scheme of 8 dwellings. It was proposed to refuse the application on the grounds that the layout and scale of the proposed development would be an overdevelopment of the site and would result in a pattern of development that would be out of character with the surrounding area. However, the applicant withdrew the application before a decision was made.

Application Ref BR/19/13 concerns the adjacent office building (6 Ockley Road) and allowed for its demolition and replacement with a building of 8 apartments. This permission remains extant; however, it included 4 car parking spaces within the access road between 6 and 8 Ockley Road. However, there is dispute between the owners of the current application site and 6 Ockley Road as to who owns this land. The current application shows a temporary bin storage area within the land shown as car parking on BR/19/13. However, the applicant for the current application has confirmed (and provided land registry ownership plans to support) that whilst the office building has a right of access, they do not hold any parking rights on this land. It may therefore be the case that BR/19/13 cannot be implemented but that is a legal matter to be considered outside of the planning process.

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

Bognor Regis Town Council: no objection.

Two letters have been received from neighbours. The first from the owner of Ockley House (6 Ockley Road) raises concern over the proposed bin store, however, it is stated that there is no objection if this area is only to be used on bin collection day. The second letter is from a residential property on Southdown Road (to the west) and raises concern over the dated and times of day associated with the demolition and construction phases. There is also concern over loss of light.

Comments on Representations received:

A bin storage condition is to be imposed and this will also require details of the use of the temporary bin collection day storage area.

It is not possible to predict or even control the time of the year when demolition/construction will take place. Thought has been given to controlling the hours of construction operation but this would only duplicate environmental health controls and so it is not appropriate to do so.

The proposed dwellings (units 1-5) will interfere with sunlight to the rear of the properties on Southdown Road during the first part of the day. However, the new buildings are not considerably higher than neighbouring buildings and there is a large distance (36m) between the rear of the new houses and the rear of the affected properties on Southdown Road, such that no significant over shadowing will occur.

CONSULTATIONS

Engineers (Fluvial Flooding)
Planning and Housing Strategy
Engineering Services Manager
Environmental Health
WSCC Strategic Planning

Consultations responses received:

District Engineers:

The application states that surface water is to be discharged to 'main sewer'. This option would not be acceptable at this stage, as a SuDS system (Sustainable Urban Drainage System) must be investigated for surface water disposal, which must consider the use of onsite soakage. Please apply standard conditions ENGD2A.

County Highways:

The latest proposal incorporates modifications to address previous planning related issues. Access to the site will take place via an existing private access drive which adjoins the public highway at a junction with Ockley Road, which is unclassified and subject to a 30 mph speed limit. The point of access is located on the outside of a bend in Ockley Road and it was observed on site that visibility to the north is acceptable. Visibility to the south can potentially be restricted due to on street car parking however the alignment of the carriageway is favourable as the road bends towards the east allowing for an appropriate level of vehicular visibility.

The access drive at the point of access with Ockley Drive scales to approximately 7 metres which is wide enough for two vehicles to pass and re-pass without waiting occurring on the public highway. The access drive narrows to 3.0 metres approximately 32 metres away from the public highway with the access drive itself scaling at 4.5 metres in-between. It would be recommended that the width of the drive itself is increased to 5 metres where achievable to

allow for safer passing of vehicles at slow speed.

The site already generates a level of vehicular movements with its existing use as a car sales and repair facility. The site was previously used as a vehicle maintenance yard in association with the Gas Board, which again would have had the potential to generate a number of vehicular movements. No details have been provided as to the level of vehicular movements that this site currently has the potential to generate. However a proposal for of this type of development dwellings on the site would not be considered to give rise to a highway capacity issue when considering the existing use of the site and the character of the surrounding area.

In terms of servicing of the new development, the constraints of the site do not permit the formation of a standard dimensioned turning head arrangement; hence a refuse or delivery vehicle may have to reverse either into or out of the site. Advice within Manual for Streets does suggest that a refuse vehicle should reverse no more than 12 metres, but longer distance may be considered providing the route is straight and free from obstructions. The proposed access way would seem to meet this requirement, although it would seem appropriate for the waste collection authority to comment directly on this matter. It is noted that the waster carry distance for plot 6 to the bin storage area is approximately 40 metres; this is 10 metres more than the recommended guidance in Manual for Streets.

From the information supplied there would be no concerns raised to this application from the Highways Authority. If the LPA are minded to grant planning consent the previous conditions from BR/288/12 should be applied.

District Affordable Housing:

The applicants have stated on the Design and Access Statement that they will meet their planning obligation in respect of affordable housing by way of a commuted sum lieu of on-site affordable housing; this would be an acceptable outcome for the Council.

District Environmental Health:

Environmental Health comments are the same as made on BR/288/12. Thank you for submitting the Desk Study Appraisal (Ref CCL02229.BP32). Section 6 details the need for intrusive site investigation with ground gas monitoring. Please apply the conditions ENV 3, 5 and 6 to any approval to deal with the potential risks associated with the adjacent former gasworks, above ground storage tanks and infilled/made ground.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Within the Built Up Area Boundary.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

[GEN7](#)
[GEN9](#)
[GEN12](#)
[GEN20](#)

The Form of New Development
Foul and Surface Water Drainage
Parking in New Development
Provision of Public Open Space within New Development

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

XXX6

Interim Affordable Housing Policy

POLICY COMMENTARY

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

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

Paragraph 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 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.

OTHER MATERIAL CONSIDERATIONS

It is not considered that there are any other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE:

The site is within a built up area boundary where development is acceptable in principle, subject to normal development control criteria such as visual and residential amenity. This application is in outline to consider access, layout, scale and external appearance.

VISUAL AMENITY:

It is proposed to provide 7 new, 2.5 storey dwellings. Whilst the proposed scale and layout of the previous development for 8 houses was considered to be cramped and out of scale with the existing pattern of development, the new scheme is much improved. Notwithstanding that

previous advice recommended a reduction in the number of units by 2 from 8 to 6 (and the current scheme is for 7), the layout has been amended in several ways to tackle the previous concerns. Firstly, the previous 6 dwelling terrace on the western side of the site has been broken into a 3 dwelling terrace and a pair of semis. This now results in there being space both on the north and south sides of the dwellings but also between. Furthermore, the footprint has been reduced care of the proposed attached garage elements which are in place of what was formerly proposed as part of the 2.5 storey dwellings.

Whilst the form of the proposed development does not match up with the form of those to the west, the plot widths are similar to the terraced properties to the north. The changes to the scheme have also broken up the parking layout and overall have lessened the sense of rigidity and uniformity.

RESIDENTIAL AMENITY:

It is not considered that the proposed dwellings result in any loss of residential amenity to neighbouring properties. As reported above, the proposed dwellings 1-5 will interfere with sunlight to the rear of the properties on Southdown Road during the first part of the day. However, the new buildings are not considerably higher than neighbouring buildings and there is a large distance (36m) between the rear of the new houses and the rear of the affected properties on Southdown Road, such that no significant overshadowing will occur. Conditions will be attached in order to obscure glaze any bathroom windows and control any future extensions, alterations or new windows.

HIGHWAY MATTERS:

County Highways have raised no objections. The access is existing and it is not proposed to alter it. The proposals offer a similar level of car parking to the previous scheme.

CONTAMINATION:

Due to the current and previous uses (as a gas board maintenance yard and with the potential for there to be underground tanks) a desk study appraisal has been submitted with the application to consider potential contamination. The study confirms that it will be necessary to undertake ground investigation works to confirm conditions beneath the site. Piled foundations may be required and trial boreholes may therefore be required. The district environmental health officers have raised no objections subject to the imposition of conditions concerning potential contamination.

ECOLOGY:

A walk over study was undertaken in June 2012 by Stephanie Murphy and this study has been submitted with the application. The study confirms that there was no evidence of badgers, or of bats roosting in the buildings. The site is such that there is no potential habitat for biodiversity action plan species and no further study required. There is no suitable water body on the site or near the site boundaries, nor is there any habitat suitable for reptiles therefore no further studies are required. Informatives are included with respect to bird nests and any bat roosts which may have been created since the survey.

AFFORDABLE HOUSING & PUBLIC OPEN SPACE:

Under the Interim Affordable Housing policy there is a requirement for units of 1-14 units for the provision of affordable housing of 15% off site provision which will be sought district wide. As the proposal is for 7 houses, a contribution is required via a S106 Agreement. The applicant has

agreed to provide a commuted sum payment of £13,132. This is to be secured by a S106 Agreement, along with contributions for public open space and play facilities at £7,000. The agreement subject to this application has been signed and completed.

SUMMARY:

The layout and scale of the proposed development is now considered to be acceptable and subject to the attached conditions, the application is recommended for approval.

HUMAN RIGHTS ACT

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 either before the expiration of 5 years from the date of this permission, or before expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 2 The permission hereby granted is an outline permission under Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995 and an application for the approval of the Local Planning Authority to the following matters must be made

not later than the expiration of 3 years beginning with the date of this permission:-

(e) Landscaping.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 3 The development hereby approved shall be carried out in accordance with the following approved plans: Drawing 42/01 Site Location Plan; Drawing 42/02A Proposed Site Plan; Drawing 42/06 Topographical Site Plan; 42/09A Units 1-3 Floor Plans; 42/07A Units 4-5 Floor & Roof Plans; 42/03A Units 6-7 Floor & Roof Plans; 42/10A Units 1-3 Elevations; 42/08A Units 4-5 Elevations; 42/04A Units 6-7 Elevations; and 42/05A Site Section.

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

- 4 No development shall take place until details of the proposed boundary treatments including those around individual plots and any changes to the site boundaries have been submitted to and approved by the Local Planning Authority and no dwellings shall be occupied until such screen walls/fences associated with them have been erected.

Reason: In the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

- 5 All of the proposed first floor rear facing bathroom windows and the ground floor front facing WC windows in the development hereby permitted shall at all times be glazed with obscured glass and retained so thereafter.

Reason: To protect the amenities and privacy of neighbouring residents in accordance with policy GEN7 of the Arun District Local Plan.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no windows or other openings (other than those shown on the plans hereby approved) shall be formed in the flank walls of the dwellings hereby permitted without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities of adjoining residential properties in accordance with policy GEN7 of the Arun District Local Plan.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, none of the dwellings within this residential development hereby permitted shall be extended or altered in any way unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of the amenities of adjoining residential occupiers and the locality in general in accordance with policy GEN7 of the Arun District Local Plan.

- 8 Details for the storage of domestic refuse and recycling materials on the site including arrangements for the temporary siting of bins on bin day in the area shown on the approved plan shall be submitted to and approved in writing by the Local Planning

Authority prior to the commencement of development. The arrangements shall thereafter be retained as approved.

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

- 9 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 the external walls and roofs of the proposed buildings have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the buildings.

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

- 10 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:

all previous uses
potential contaminants associated with those uses
a conceptual model of the site indicating sources, pathways and receptors
potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun District Local Plan policy GEN7.

- 11 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation

strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun District Plan policy GEN7.

- 12 Prior to [commencement of development]/ [occupation of any part of the permitted development], a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Reason: To protect the environment and prevent harm to human health by ensuring that the remediated site has been reclaimed in an appropriate standard in accordance with Arun District Local Plan policy GEN7.

- 13 No part of the development shall be first occupied until covered and secure cycle parking has been provided in accordance in accordance with plans and details submitted to and approved by the Local Planning Authority and such space shall not thereafter be used for any purpose other than the parking of cycles.

Reason: To ensure that adequate and satisfactory provision is made for the storage of cycles in accordance with policy GEN7 of the Arun District Local Plan.

- 14 No part of the development shall be first occupied until the vehicle parking spaces and turning areas have been constructed in accordance with the approved plan. Thereafter, these spaces shall be retained for their designated use.

Reason: To provide adequate on site car parking and turning space for the designated use and in accordance with policies GEN7 and GEN12 of the Arun District Local Plan.

- 15 No work shall be carried out on the site unless and until an effective vehicle wheel-cleaning facility has been installed in accordance with details approved by the Local Planning Authority and such facility shall be retained in working order and operated throughout the period of work on the site to ensure that vehicles do not leave the site carrying earth and mud on their wheels in a quantity which causes a nuisance or hazard on the road system in the locality.

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

- 16 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, 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.

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

- 17 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.
- 18 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 trees 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.
- 19 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.