

Recommendation Report for Outline Consent

REF NO: BR/139/18/OUT

LOCATION: Rear of 94-100 Hook Lane
Bognor Regis
PO22 8AT

PROPOSAL: Outline application with some matters reserved for the demolition of 1 No. existing dwelling to form access for 6 No. residential dwellings. This application affects the setting of listed buildings & affects the character & appearance of the Upper Bognor Road & Mead Lane Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal seeks outline planning permission for the erection of 6 dwellings. Access is proposed through the demolition of the existing no. 94 Hook Lane and the site area includes the plot of no.94 and parts of the rear gardens of nos. 96.98 and 100 Hook Lane.

All matters are reserved with the exception of access, which is to be determined as part of the outline proposals.

SITE AREA

0.29 hectares

RESIDENTIAL DEVELOPMENT DENSITY 17.4 dwellings per hectare

TOPOGRAPHY

Predominantly flat

TREES

There are mature trees on the southern and eastern boundaries of the applications site. Within the application site are a number of specimens within existing rear gardens but these are not of any significance.

BOUNDARY TREATMENT

The rear boundary to the University of Chichester is a mature landscape boundary. To the east, the University are developing an extended campus away from the historical parts of the campus and this is also a mature landscape boundary. to the west is a typical residential rear garden boundary of fencing and low level planting.

SITE CHARACTERISTICS

Residential gardens.

CHARACTER OF LOCALITY

The area is characterised by detached one and half storey dwellings in a relatively uniform alignment.

None.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

Bognor Regis Town Council - No objection

1 letter of objection on the grounds of the development being extremely sensitive nature of building on a flood plain

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted

CONSULTATIONS

Environment Agency

WSCC Strategic Planning

Engineering Services Manager

Engineers (Drainage)

Environmental Health

Arboriculturist

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

ADC Engineers - Standard conditions. The proposed surface water drainage strategy states that attenuation and discharge at 5l/s will be used. A maximum allowable discharge of 2.5l/s will be permitted, this rate can reasonably be achieved without unacceptable risks of blockage. However, soakaways must be investigated for surface water disposal.

There is a culverted watercourse running to the south of the proposed development. Any plans to discharge into this will require discussions with us, to agree discharge rates and connection. Any plans to alter this culvert will require ordinary watercourse consent. A minimum of 3m easement from the culvert is required to enable any future maintenance.

Environmental Health - No objection in principle to this application. Standard Contaminated Land conditions, and standard CMP condition on any permission given.

Environment Agency - Original objection on grounds of flood risk assessment. However, following the submission of a suitable flood risk assessment we are happy to remove our objection subject to the inclusion of 3 conditions, in any permission granted.

Conservation Officer - The site is located to the immediate north of the University of Chichester, Bognor Regis Campus, which contains a number of buildings, including some listed buildings. The boundary between the site and the university campus consist of fencing and a number of attractive mature trees, which should be retained as part of any proposal.

The closest university buildings to the site are modern in nature, and have a neutral impact upon the character of the area. The presence of these buildings prevents views of other, more important buildings on the site.

As a consequence, it is considered that development of the site will not affect the neighbouring heritage assets in accordance with policy HER DM2 of the adopted Local Plan.

WSCC - There have been no highways collisions or personal injury claims registered at the existing access to 94 Hook Lane, similarly no accident data in this portion of Hook Lane to flag an existing highways safety concern in this location. There is therefore no reason to anticipate that the proposed would exacerbate an existing safety concern.

Vehicular movements in the vicinity of the proposed are anticipated to be low speed and movements associated with visitors or residents of Hook Lane.

The access takes the form of a 4.8m wide shared surface arrangement which is considered suitable to allow for two vehicles to pass one another safely.

Visibility from the point of access onto the highway can be achieved wholly within the highway boundary.

Due to the proximity to Chichester University, the associated sports fields and allotments, the LHA considers that the applicant should provide pedestrian visibility splays at the point of access onto Hook Lane.

The LHA does not consider that the proposal would have a 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 109), and that there are no transport grounds to resist the proposal. Conditions in respect of access, pedestrian visibility and construction are recommended.

COMMENTS ON CONSULTATION RESPONSES:

Noted

POLICY CONTEXT

Designation applicable to site:

Within BUA

DEVELOPMENT PLAN POLICES

DDM1	D DM1 Aspects of form and design quality
ENVDM4	ENV DM4 Protection of trees
HDM1	H DM1 Housing mix
QESP1	QE SP1 Quality of the Environment
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development

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

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 policies in the Bognor Regis Neighbourhood Plan.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no significant adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have any significant 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

The site lies within the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan 2011-2031 provided it is in accordance with other policies of the Local Plan.

Arun Local Plan 2011-2031 policy D DM1 requires that 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."; and

(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".

Furthermore, policy D SP1 "Design" states that:

"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 indicative layout is considered to represent an acceptable density having regard to the mix and size of dwellings shown, the presence of garages, parking spaces and circulation areas and the large gardens. Furthermore, the existing trees to the boundaries are well away from the position of the houses and therefore it should be possible to retain these. It is considered, that the density of the scheme is similar to that of other properties along Hook Lane. It is therefore considered that the proposal complies with policies D DM1 and D SP1 of the Arun Local Plan 2011-2031.

Further, the NPPF generally seeks to promoting effective use of all land (para 117) and gives weight to proposals that develop under-utilised land (para 118(d)).

ACCESS:

Access is a matter to be determined at this time. It is shown as being taken from Hook Lane Carlton Avenue in a position created through the demolition of no. 94 Hook Lane. The gap between nos 92 and 96 is 13 metres.

Policy T SP1 of the Arun Local Plan 2011-2031 seeks to ensure that 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.

The application has been assessed by West Sussex Highways who have raised no objections to the principle of the access and in respect of the safety of its use. WSCC confirm that the access takes the form of a 4.8m wide shared surface arrangement which is considered suitable to allow for two vehicles to pass one another safely and that visibility from the point of access onto the highway can be achieved wholly within the highway boundary.

AMENITY

Policy D DM1 of the Arun Local Plan 2011-2031 states that new development should have a 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.

It is not appropriate to fully consider these issues at the current time as the application is in outline with only access to be approved. As such, there are no details as to lighting, new windows, building designs and heights or landscaping. These matters would be considered on a reserved matters application. However, it is considered that the indicative layout demonstrates that there will be sufficient distances between existing and proposed dwellings to ensure a good standard of privacy and amenity.

The proposed access road will align between numbers 92 and 96 Hook Lane. This will result in vehicle movements to the side and rear of existing properties where there are currently none. This will create a level of additional disturbance to these properties. However, there are only six dwellings proposed, vehicle speeds will be very slow in these areas and there is likely to be space between the access road and the existing properties. It is not considered that any significant impacts on residential amenity will arise as a result.

The indicative layout shows a mixture of bungalows, one and half storey dwellings and a two storey dwelling. These details are not for consideration at this time. However, it can be concluded that, with the exception of the two storey dwelling, the proposed scale would accord with the character of the area.

It is therefore considered that the proposal complies with policy D DM1 of the Arun Local Plan 2011-2031

and with the guidance on amenity within the NPPF.

FLOOD RISK

Following the submission of the application, an amended Flood Risk Assessment was submitted in response to comments made by the Environment Agency during the consultation process. Following the submission of a suitable flood risk assessment the Environment Agency have removed their objection subject to the inclusion of three conditions which are included.

Further, ADC Engineers have assessed the proposals and conclude that an appropriate surface water drainage strategy can be provided by way of a planning condition to show a maximum allowable discharge of 2.5l/s. They conclude that this rate can reasonably be achieved without unacceptable risks of blockage. However, soakaways must be investigated for surface water disposal.

They highlight that there is a culverted watercourse running to the south of the proposed development. Any plans to discharge into this will require discussions with ADC Engineers, to agree discharge rates and connection. Any plans to alter this culvert will require ordinary watercourse consent and a minimum of 3m easement from the culvert is required to enable any future maintenance.

SUMMARY

As a proposals for new residential development within the built up area boundary with no significant adverse impacts identified, the application accords with the development plan and is recommended for approval subject to condition.

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 3 years from the date of this permission, or before expiration of 1 year 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 s92 of the Town and Country Planning Act 1990 (as amended) and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 2 years beginning with the date of this permission:-

- (a) Layout;
- (b) Scale;
- (c) Appearance;
- (d) 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:

Site Location Plan
Feasibility Site Plan

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.

- 4 No development approved by this planning permission shall take place until such time as a floodplain compensation scheme has been submitted to, and approved in writing by, the local planning authority.

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

Reason: To reduce the risk of flooding to the proposed development and future users and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided in accordance with policy W DM2 of the Arun Local Plan.

- 5 No development approved by this planning permission shall take place until such time as information on detailed design and maintenance regime for the proposed voids beneath the buildings (including size, location and appearance) has been submitted to, and approved in writing by, the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future users and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided in accordance with policy W DM2 of the Arun Local Plan.

- 6 The development permitted by this planning permission shall be carried out in accordance

with the approved Flood Risk Assessment (FRA) (WSP, July 2018) and letter dated 28/08/2018, and the following mitigation measures detailed within the FRA:

- Finished floor levels are set no lower than 300mm above 2.19m AOD (above Ordnance Datum).

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

Reason: To reduce the risk of flooding to the proposed development and future users and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided in accordance with policy W DM2 of the Arun Local Plan.

- 7 Development shall not commence, other than works of site survey and investigation, 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, and 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 / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the surface water disposal scheme is agreed before construction commences.

- 8 The development shall not proceed until formal consent has been approved in writing from the Lead Local Flood Authority (WSCC) 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 W DM1 and W DM2 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to protect existing watercourses prior to the construction commencing.

- 9 Development shall not commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner of management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the future maintenance and funding arrangements for the surface water disposal scheme are agreed before construction

commences.

- 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.

Where demolition is required 1. and 2. above should be submitted prior to demolition. Parts 3. and 4. can take place post demolition if necessary.

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 Local Plan policies QE SP1 and QE DM4. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

- 11 The development layout shall not be agreed until such time that arrangements for the future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site has been submitted and approved in writing by the Local Planning Authority. No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent to the site.

Reason : To ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion, in accordance with Policies W DM1, W DM2 and W DM3 of the Arun Local Plan.

- 12 No development shall commence until the vehicular access serving the development has been constructed in accordance with the approved planning drawing.

Reason: In the interests of road safety in accordance with policy TSP1 of the Arun Local Plan.

- 13 No part of the development shall be first occupied until pedestrian visibility splays of 2 metres by 2 metres have been provided either side of the proposed site vehicular access onto Hook Lane in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. These visibility splays shall thereafter be kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety in accordance with policy TSP1 of the Arun Local Plan.

- 14 No development shall be commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details for all temporary contractors buildings, plant and stacks of materials, provision for the temporary parking of contractors vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: To avoid undue congestion of the site and consequent obstruction to access in accordance with policy TSP1 of the Arun Local Plan.

- 15 No development shall be carried out on the site unless and until an effective vehicle wheel-cleaning facility has been installed in accordance with details provided by the Local Planning Authority and such facility shall be retained in working order and throughout the period of work on site to ensure the vehicles do not carry mud and earth on to the public highway, which may cause a hazard to other road users.

Reason: In the interests of road safety and the amenities of the area in accordance with policies T SP1, QE DM3 and D DM1 of the Arun Local Plan 2011-2031. It is considered necessary for this to be a pre-commencement condition as these details must be agreed before the impacts of construction begin.

- 16 INFORMATIVE: Drainage Engineers advise that Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 30% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes are also available on request.

- 17 Informative
Vehicle Crossover - Minor Highway Works
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 licence 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-application-form/>

- 18 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.