Recommendation Report for Planning Permission

REF NO: **BR/162/13/**

LOCATION: Land adj to 47 South Way
(Former Caretakers house)
Bognor Regis

PROPOSAL: Demolition of existing caretakers house & outbuildings & provision of 2 No. 2 bed houses & 2 No. 3 bed houses & associated parking/garaging & associated works

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Development comprises demolition of existing caretakers accommodation related to the former school site and the construction of 4No. terraced dwellings. The existing building on the site has already been demolished. The dwellings are to be 2 storeys in height with a traditional appearance. A detached double garage is to be sited forward of the dwellings. The scheme proposes 9 allocated parking spaces with access gained through the development approved under BR/142/12.
SITE AREA	0.12 hectares
RESIDENTIAL DEVELOPMENT DEN	Approximately 33 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Metal pallisade fencing to north and west boundaries to a height of 2 metres. Temporary metal fencing to southern boundary to school and adjacent building site to north and east.
SITE CHARACTERISTICS	The site formerly accomodated the schools caretakers residence, it has recently been cleared with parts of the ground excavated.
CHARACTER OF LOCALITY	Residential area, recently consturcted school buildings and leisure facilities to the south of the site. Bungalows front South Way to west of the site, 2 storey terraced and semi detached properties along Collyer Avenue and Westloats Lane. Recereation ground to north-west beyond Collyers Avenue.

RELEVANT SITE HISTORY

BR/48/09/	Application under Regulation 4 of the Town & Country Planning General Regulations 1992 - Outline application for demolition of existing caretaker's house & outbuildings & the provision of six 2 bedroom flats & 9 parking spaces (This is a dual parish with Bersted)	ApproveConditionally 04-02-2010
BR/120/11/	Application for Outline Planning Permission with some matters reserved for 2No. single dwellings on two separate sites on surplus land at The Regis School.	Approved Cond + S106 08-09-2011
BR/142/12/	Application for approval of reserved matters following outline approval BR/124/08 for residential development comprising 114 houses & flats on two sites including associated access, parking and landscaping.	ApproveConditionally 17-10-2012
BR/298/12/	Application for Approval of Reserved Matters following Outline Application BR/120/11 for 2no single dwellings on two seperate sites	ApproveConditionally 25-02-2013

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Planning and Housing Strategy
Engineering Services Manager
Economic Regeneration
WSCC Strategic Planning

Consultations responses received:

Councils Drainage Engineer:
The applicant states that surface water will be discharged to 'main sewer'. A SuDS system (Sustainable Urban Drainage System) must be investigated for surface water disposal, ie. soakage structures.

Condition requested for details of the proposed means of surface water drainage to be submitted to and approved by the LPA.

WSCC Highways:
WSCC previously provided comment on development on this site under BR/48/09 to which no objection was raised.

No concerns are raised to the current application from a highway safety perspective, subject to

conditions securing parking and turning, cycle parking and the access from the existing development in accordance with the approved drawing.

Comments on Consultation responses:

Noted.

POLICY CONTEXT

Designation applicable to site:
Within the Built Up Area
Class C Road

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN11	Inland Flooding
	GEN12	Parking in New Development
	GEN15	Cycling and Walking
	GEN2	Built-up Area Boundary
	GEN5	Provision of New Residential Development
	GEN7	The Form of New Development
	GEN8	Development and the Provision of Infrastructure
	GEN9	Foul and Surface Water Drainage
	DEV17	Affordable Housing

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 the character and apearance of the area and residential amenity.

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

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 considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

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NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council has recently published the Draft Arun Local Plan and is therefore a material consideration in the determination of this planning application. It remains subject to publication of a pre-submission Plan, formal public consultation, resolution of objections, examination and the formal adoption process as a whole, and it is therefore of very limited weight in terms of the decision making process at this stage.

CONCLUSIONS

PRINCIPLE

The site lies within the built-up area as defined in the Arun District Local Plan where the principle of development is acceptable subject to compliance with relevant development plan policies. Outline Planning Permission has already been granted for development of this site under BR/48/09/ for 6No. 2 bedroom flats. The access for this development would have been via South Way.

CHARACTER AND APPEARANCE

The site is located between existing residential development in South Way, school grounds to the south and a site currently being developed to the east which would provide 82 dwellings; identified as 'Site 2' under BR/142/12. The proposed dwellings are to be accessed via the new road serving Site 2 with the proposed layout reflecting that of the approved scheme.

The proposed dwellings are to be of a traditional design with both end of terrace plots finished in render and the mid terrace plots finished in brick. All houses would include brick plinths and a brick string course over ground floor window heads. The design of the houses would match those approved under BR/142/12 ensuring visual integration with the adjoining scheme.

The proposed layout includes provision for suitable soft landscaped areas breaking up hard landscaped and parking areas. Tree planting is also proposed which will include species of suitable sizes for this residential area. A tree protection scheme has also been submited to ensure existing trees surrounding the site which are of significance are protected during construction and retained thereafter.

It is considered that the scheme demonstrates the sensitive approach to urban design required by Policy GEN7 of the Local Development Plan and paragraph 56, 58 and 65 of the National Planning Policy Framework.

RESIDENTIAL AMENITY

The proposed dwellings would be orientated with the front elevations facing eastward with rear gardens extending to the west. This would mean at first floor level principal windows would face east and west onto the proposed access road and gardens respectively. The only exception is the provision of first floor windows within the north and south flank elevations. These windows would

serve en-suites to 183 and 186 and are to be restricted by way of condition to this approval to be obscure glazed. This would ensure that no loss of privacy would result to occupiers of 47 South Way and the surrounding locality.

The seperation distances between residential properties also prevents any overbearing affect as a result of their siting, ensuring that the scheme does not result in any adverse effect on the residential amenities of adjacent properties due to overlooking or overshadowing.

HIGHWAYS

Vehicluar access to the site will be gained via Site 2 with pedestrain access provided to the north of the dwellings linking with South Way. The proposal also includes 9 allocated parking spaces. WSCC Highways have confirmed that the proposed access is acceptable for the scale of the development proposed and the parking meets the required standards. Highway access and safety for the proposed scheme is therefore acceptable.

AFFORDABLE HOUSING

The proposal seeks permission for 4no. dwellings, therefore in accordance with the Council's Interim Affordable Housing Policy, a Section 106 Agreement has been signed to secure a contribution of £7064.

CONCLUSIONS

It is considered that the proposals would not have an adverse effect on the visual or residential amenities of the area. It is therefore recommended that the application be approved subject to the conditions set out below.

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) 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 none of the following impacts (negative, Neutral or positive) 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).

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2 The development hereby approved shall be carried out in accordance with the following approved plans:

Drawing No.s 48-1756-307; 48-1756-301 Rev. F; 48-1756-302 Rev. A; 48-1756-308; 48-1756-306 Rev. A; 48-1756-304 Rev. B; 48-1756-303 Rev. A; 48-1756-PH3-H-002 Rev. B; 48-1756-PH3-H-001 Rev. B; 48-1756-PH3-GAR-001 Rev. A; 48-1756-305 Rev. B.

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

3 No development shall be carried out unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed buildings have been submitted to and approved by the Local Planning Authority. A 'statement of detail' shall be submitted setting out details of proposed windows and doors, details of the depth of recess/reveal from the brickwork, sills and lintels, brick bonding, brick detailing, eaves detailing and rainwater goods. The materials and 'statement of details' so approved shall be used in the construction of the buildings.

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

4 The trees/bushes/hedges to be retained shall be protected in a manner to be agreed with the Local Planning Authority before the development commences for the duration of the development and shall not be damaged, destroyed, uprooted, felled, lopped or topped during that period without the previous written consent of the Local Planning Authority. Any trees removed without such consent or dying or being seriously damaged or becoming seriously diseased during that period shall be replaced in the following planting season with trees of such size and species as may be agreed with the Local Planning Authority.

Reason: To ensure the retention of vegetation important to the visual amenity, /the ecological quality/and for the environment of the area in accordance with policy GEN7 of the Arun District Local Plan.

5 The burning of materials obtained by site clearance or from any other source shall not take place within 6 metres of the furthest extent of the canopy of any tree or group of trees to be retained on the site or on land adjoining.

Reason: To protect trees and vegetation from fire damage in the interests of the visual amenities of the locality.

6 Landscaping (hard and soft) shall be carried out in accordance with the details shown on plan (Landscape Plan 48-1756-308). All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

7 The dwellings shall not be occupied until the access from the adjacent development, parking spaces, turning facilities and cycle storage shown on the submitted plans have been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than access to the site, the parking and turning vehicles and storage of cycles.

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

8 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.

9 The windows at first floor level on the north elevation of the dwelling at plot 186 and on the southern elevation of 183 shall at all times be glazed with obscured glass.

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

10 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.

11 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement securing a contribution towards Affordable Housing provision in the District.