

Recommendation Report for Planning Permission**REF NO:** BR/176/15/PL**LOCATION:** 57 Victoria Drive
Bognor Regis**PROPOSAL:** Retention of existing house at 57 Victoria Drive & replacement of approved rear double garage with new single garage following BR/313/14/PL.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above. The garage measures 3.2m wide by 5.6m deep with an eaves height of 2.265m and a pitch of 3.785m.
SITE AREA	322 m2.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	No change.
SITE CHARACTERISTICS	No. 55 is a two storey detached house with red brick walls and a tiled roof. The land to the rear of 57 is grassed and includes the foundations of a previous approval.
CHARACTER OF LOCALITY	Predominantly residential. Hambledon Place to the south has a large residential flatted building which borders with the site.

RELEVANT SITE HISTORY

BR/217/07/	Residential development - one detached with a garage, six semi-detached and six flats	ApproveConditionally 26-09-2007
BR/389/07/	Minor amendments to layout and repositioning of units 1 & 2 and units 3 & 4 as previously approved under BR/217/07	ApproveConditionally 07-02-2008
BR/346/10/DOC	Application for approval of details reserved by condition No.2, 5 and 8 imposed under BR/389/07.	DOC Approved 17-01-2011
BR/248/13/PO	Application to discharge the planning obligation dated 19th September 2007 under planning reference BR/217/07 and replace it	Approve 11-02-2014

with an amended obligation.

BR/313/14/PL	Create two apartments above garage blocks & to retain the existing house at 55 Victoria Drive to form part of the development approved under BR/217/07 & amended under BR/389/07.	ApproveConditionally 09-03-2015
BR/143/15/PL	3 No.3 bed cottages and 4 No.3 bed chalet bungalows with access, parking and landscaping.	Withdrawn 05-08-2015
BR/181/15/PL	1No. 2 storey 3 bed cottage with private garden & single storey detached carport. Resubmission of BR/313/14/PL	ApproveConditionally 02-11-2015

This permission seeks to amend previous consents BR/217/07 as amended by BR/389/07 and then by BR/313/14/PL.

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

Bognor Regis Town Council - no objection.

No local resident objections.

Comments on Representations received:

Noted.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

N/A.

POLICY CONTEXT

Designations applicable to site:

Within Built Up Area Boundary;

TPO BR/1/84; and

No Public Sewer.

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) GEN2
GEN7
GEN9
GEN12

[Publication Version of the Local Plan \(October 2014\):](#)

Built-up Area Boundary
The Form of New Development
Foul and Surface Water Drainage
Parking in New Development
D DM1 Aspects of Form and Design Quality
D DM3 External Space Standards
D SP1 Design
ECC SP2 Energy and climate change mitigation

H DM1 Housing Mix
SD SP2 Built-Up Area Boundary
T SP1 Transport and Development
W DM3 Sustainable Urban Drainage
Systems

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 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.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton. A post examination Bognor Regis Neighbourhood Plan has been published.

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.

CONCLUSIONS

PRINCIPLE:

The site is within the built up area boundary where development is acceptable in principle subject to normal development control criteria being satisfied such as visual amenity, highway safety and residential amenity. Furthermore, the proposal part concerns the retention of an existing dwelling and part concerns a site which already has an extant permission for residential development. Indeed, it is not considered relevant to assess the retention of the existing dwelling and therefore these conclusions focus on the amended garage design.

DESIGN & AMENITY:

The proposed single garage is to replace a previously approved double garage and will therefore have less impact than the previous proposal. Materials will be conditioned in order to ensure that it is of an acceptable appearance.

HIGHWAYS & PARKING:

WSCC Highways have not been consulted on this application as there are no changes to the point of access or the vehicular layout. It is noted that the scheme approved by BR/389/07 was for 7 dwellings & 6 flats and proposed 20 parking spaces. The scheme approved by BR/313/14/PL had 8 dwellings, 2 flats and proposed 18 parking spaces. This new proposal is for 6 houses, the retention of 2 existing houses, a new cottage (the subject of BR/181/15/PL) - so 9 houses in total - and proposes a total of 20 parking spaces. It is therefore considered that the parking provision is acceptable.

SUMMARY:

This application proposes an alteration to a previously approved and extant residential scheme. It is not considered that the changes result in any adverse impacts to the highway or to nearby residential properties. Accordingly, it is recommended that permission be granted subject to the following conditions.

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 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:

Location Plan, Parking & Access Plan 08 Rev C;
No. 57 Garage Layout & Elevations 09 Rev A; and
Location Plan & Site Plan 01 Rev F.

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.

- 3 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 roof of the proposed garage building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

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.

- 4 The proposed single garage shall not be used for any purpose other than the garaging of vehicles.

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.

- 5 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.