

Recommendation Report for Planning Permission

REF NO: BR/176/20/PL

LOCATION: Ravenna
Richmond Avenue West
Bognor Regis
PO21 2YG

PROPOSAL: Erection of a new building comprising of 3 No apartments (2 No 2 bed units & 1 No 1 bed unit) including alterations to the fenestration of the existing building. This site is in CIL Zone 4 (Zero Rated) as flats.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Erection of a new two and half storey detached building to the south side of Ravenna House comprising of three apartments (2 X 1 bed units and 1 X 1 bed unit). The proposed development would involve some alterations to the fenestration of the existing Ravenna House. The large bay windows running over both storeys on the southern elevation of Ravenna House would be blocked the way of an extension of the bay by 0.3m resulting in a windowless wall, only side windows would remain. The refuse and cycle storage is proposed to the rear of the new property together with an external amenity space for the future occupiers. No car parking is to be provided and there are no changes to the access arrangements other than the provision of a pedestrian path linking to the front door of the new apartments block. All proposed flats would be accessible via the entrance door on the rear of northern elevation.
SITE AREA	844 square metres
RESIDENTIAL DEVELOPMENT DENSITY (NET)	36 dwellings/hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Low level close boarded fencing to the west facing frontage. High level close boarded fencing to the northern boundary and mature vegetation/landscaping.
SITE CHARACTERISTICS	Parcel of land situated on the junction of Richmond Avenue and Richmond Avenue West with a Ravenna House, HMO, to the north-east of site, accessed from Richmond Avenue West

and garden with overgrown bushes and trees to the south. Ravenna House is a two storey detached property with a habitable roof with two gabled dormers and western and southern gabled projection with bay windows running over both storeys. Hipped roof single storey projection to the north.

CHARACTER OF LOCALITY

Residential. Characterised by 2 - 2.5 storey residential buildings sited close to the highway in a continuous built form. Immediately to the east of the application site is a block of flats within a relatively spacious plot. The intensity of built form does slightly reduce as you travel westwards from the application property. There is an electric substation to the southern boundary of the site.

RELEVANT SITE HISTORY

BR/101/13/	Change of use of existing building from Residential Care Home for Children and Young People (Use Class C2) to House of Multiple Occupation for 18 persons (Sui Generis)	ApproveConditionally 03-09-13
BR/123/03/CLE	Application for a Certificate of Lawfulness for an existing use as residential care home for children and young people - Use class C2	Approve 05-08-03

Application BR/123/03/CLE for a Certificate of Lawfulness for an existing use as residential care home for children and young people - Use class C2.

Application BR/101/13/ for Change of use of existing building from Residential Care Home for Children and Young People (Use Class C2) to House of Multiple Occupation for 18 persons (Sui Generis).

REPRESENTATIONS

Objection:

- Access and Highways safety - specifically access by emergency vehicles;
- The proposed layout and density of the buildings and resulting over development and traffic generation.

Cllr Matt Stanley objected the application due to the lack of parking provision in the area.

Nyewood Estate & Sunnydale Park Estate Residents Association objected the proposed development on the following grounds:

- The existing building currently on the plot already causes significant issues for the surrounding neighbourhood .
- The local area has changed beyond all recognition and unfortunately not for the better.
- The increase in road parking demands will not impede the access for emergency service vehicles to the surrounding roads.
- The proposal fails to provide sufficient outdoor space for the number of intended residents; it detracts from the open space available for the existing HMO for 18 persons; against policy H SP4.

- Would the 23 residents be able to enjoy themselves outside within the total scheme?
- The issues regarding existing waste management on the site.

4 letters of objection received:

- Ravenna House, HMO, is poorly managed; the surrounding area of house looks neglected, fence dilapidated.
- There is already insufficient parking for residents of Ravenna House.
- The access for any emergency vehicles like fire engines has in the past been restricted.
- Vehicles parking on both sides of the road and on the pedestrian pathway to the detriment of pavements users.
- The refuse from the existing premises and adjacent flats is left in a condition that is a health hazard.
- We are frequently blocked in on our own drive even though we have a dropped kerb.
- Our junction is an accident waiting to happen.
- Water pressure at key times have been dropping due to the amount of housing.

COMMENTS ON REPRESENTATIONS RECEIVED:

- WSCC, the raises no concerns over an unacceptable impact on highway safety.
- Other planning issues are addressed below.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

DRAINAGE ENGINEERS Comments Regarding Surface Water Drainage: wish to lodge a holding objection to the application.

NATURAL ENGLAND: Since this application will result 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. Appropriate Assessment required.

WSCC, Highways: Does not consider that 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 National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

PRIVATE SECTOR HOUSING: No objection. Full comments are online. Housing standards, including room sizes and facilities must be complied with.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Within the Built Up Area Boundary;
Pagham Harbour Zone B.

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 mitigation
ENVDM2	ENV DM2 Pagham Harbour
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
HDM1	H DM1 Housing mix
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:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
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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.

Bognor Regis has a "made" Neighbourhood Plan; there is no relevant policy to be taken into account.

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 not considered to comply with relevant development plan policies in that it would affect adversely the residential amenities of nearby properties, it would have a materially adverse effect on the visual amenities of the local area and the local pattern of development. Therefore contrary to Policies D SP1 and D DM1 and of the Arun Local Plan.

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 space standards.

PRINCIPLE

Whilst the area is suitable for residential development in principle, being in the built up area boundary, such development should comply with the policies in the development plan. The key policies considered are D SP1, DDM1, D DM2, T SP1, W DM1 and EEC DM1 of the Arun Local Plan.

Policy D SP1 of the Arun Local Plan requires development to make efficient use of land reflecting the characteristics of the site and local area and policy D DM1 states that a high standard of architectural principles should be demonstrate and new development should have a minimal impact to users and occupiers of nearby properties and land. Policy D DM2 expects internal spaces to meet the requirements of Nationally Described Space Standard. Policy ECC SP2 expects new development to be energy efficient.

NPPF at paragraph 117 highlights that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

In paragraph 122 (d) NPPF states that planning policies and decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an area's prevailing character and setting (including residential gardens).

Paragraph 11 of the Framework confirms the presumption in favour of sustainable development and advocates in section d) that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites) granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

The Council acknowledges that it cannot currently demonstrate a five-year supply of deliverable housing sites (3.3 years). Consequently, Paragraph 11(d) of the National Planning Policy Framework is engaged and the most important policies for determining the proposal are considered to be out of date.

The proposal delivers 3 apartments in a sustainable location. 3 apartments would make a minimal contribution to the shortfall in housing supply. The associated social and economic benefits would be very limited.

The proposal results in significant harm to the character of the area, its pattern of development and residential amenities.

The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. The failure of the proposal to do this is in direct contradiction of paragraph 124 of the NPPF and consequently the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when considered against the policies in the Framework as a whole.

DESIGN AND VISUAL AMENITY:

Policy D SP1 of the Arun Local Plan stresses that successful development should respond to local distinctive pattern of development. Paragraph 13.2.9 of the Local Plan (Design) stresses that new development should ensure that height and massing does not interrupt or debase the rhythm of existing building/roof line or detract from the local and wider area's character. Policy D DM1 (7) expects that all new development will incorporate existing and new tree planting as an integral part of development proposal.

Paragraph 127 of NPPF emphasize that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- f) 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 users; and do not undermine the quality of life or community cohesion and resilience.

The Arun Design Guide Supplementary Planning Document (SPD), a material consideration in the determination of applications, was published under consultation until 21 February 2020. Part P.O1 deals with infill development and requires development to respond positively to the character, appearance and layout of surrounding buildings to provide high quality development which enhances amenity for surrounding and new residents.

The site is garden land to the south of Ravenna House, a substantial rather attractive 2 storey house with habitable roof sitting comfortably within a prominent corner plot within a residential area with detached and semidetached properties of a similar appearance to the north, block of flats within a relatively spacious plot immediately to the east and a salient cottage to the west on the opposite. Richmond Avenue West is characterised by a generous spaces between very well set back properties. To the south is an electrical substation with a private car park and rather deep gardens of substantial properties lining Aldwick Road.

The site is not physically large enough to accommodate another substantial dwelling albeit of a smaller size with a rather awkward relationship with an existing property within a close vicinity of 1.6m. The proposed dwelling would have a detrimental impact on the existing property and on the pattern of surrounding development. Its position in the street scene, squeezed between Ravenna House and boundary with an open space of private parking area and rear gardens of houses facing to Aldwick Road behind would detract from the layout of local area would disbalanced the street scene whilst the paragraph 13.2.6 of Local Plan requires respect, improvement and enhancement of the existing environment.

Notwithstanding the design of the proposed dwelling the proposal results in a visual impression of a dwelling that had been squeezed onto its plot, with inadequate space forcing a variation in established design characteristics (especially those of an existing property on the site); would appear cramped and at odds with surrounding character and appearance of the area. Therefore it is considered that proposed development would conflict with those aspects of Policies D DM1 and D SP1 of the Arun Local Plan, relevant paragraphs of NPPF and Arun Design Guide (SPD).

RESIDENTIAL AMENITY

The Arun Local Plan policy D DM1 requires the Council have regard to certain aspects when considering development including having minimal impact to users and occupiers of nearby property and land. 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". Para 127 of the NPPF which states that developments should provide a high standard of residential amenity for existing and future users.

The proposed bedrooms and stairwell windows at the first and second floor level facing to the private area of Canberra Court to the east within a separation distance of approximately 7m would result in an overlooking and loss of privacy.

The proposed structure in an immediate proximity of Ravenna House would have an overbearing impact on the residents of this property resulting in a significant loss of sunlight and their outlook would not be blocked only by a proposed building but by a wall which would replace existing large windows to give a way the proposed development.

The development would have an impact on occupiers of nearby properties considered to result in adverse harm upon amenity by way of overbearing, and overlooking. Therefore it would not accord with policies D DM1 and QE SP1 of the Arun Local Plan.

HIGHWAYS, TRAFFIC AND PARKING

Arun Local Plan policy T SP1 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. 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, and;

2.13 If parking could reasonably be expected to take place in existing streets, then it will be necessary to demonstrate through a parking capacity survey that there is sufficient capacity to accommodate the expected parking demand.

Parag 108 of the NPPF 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 109 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 Parking Standards 1 parking space for 2 bed flat within Parking Behaviour Zone 4 is required. As such min 3 parking spaces are required for a proposed 3 apartments. Nil parking spaces and no parking capacity survey are provided.

WSCC observed that the proposed dwellings will be provided with a nil parking provision and no vehicular access to the site is proposed. Under the Car Parking Standards, a total of 4 unallocated car parking spaces may be provided for the proposal. Whilst on-street car parking is limited in the immediate vicinity there are comprehensive parking restrictions prohibiting vehicles from parking in places that would be detriment to highway safety. We would not consider that highway safety would be detrimentally affected through the proposed nil car parking provision. In their conclusion stated that the LHA does not consider that 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 National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

Taking into consideration the above the proposal would fail to satisfy policy T SP1 of the Arun Local Plan and Arun Parking Standard.

INTERNAL FLOOR SPACE STANDARDS SPACE STANDARDS:

Policy D DM2 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 proposed ground floor and first floor 2 bed apartments relate to gross internal floor space of approximately 71 square metres which fulfils the requirement for a 2 bed what is 70 square metres for 2 bed/4persons. Second floor apartment relates to gross internal floor space of approximately 55 square metres whilst 50 square metres is required for 1bed/2persons.

Policy D DM1 refers to the need for compliance with the Arun Design Guide. This replaces policy D DM3 "External Space Standards" which was deleted at the request of the Local Plan Inspector. The Arun Design Guide stresses the design of new homes should provide clear delineation of public and private spaces; incorporating a 'public front' and private 'back' to the rear of the site, providing private gardens. Section H.04 deals with Residential Outdoor Amenity: 'Amenity spaces should be of an appropriate size and shape to be usable and enjoyable. Private rear gardens should have a minimum depth of 10.5 metres. Regard should be had to para 127 of the NPPF which requires development has a high standard of amenity for existing and future users.

Submitted drawings do not show any area dedicated to residential outdoor amenity, on the contrary the proposal site would detract from the open space available for the existing HMO for 18 persons. It is considered that the proposal would result in an overdevelopment of the site with no proper outdoor amenity space provided for and existing 18 and prospective 6 residents.

Therefore it is considered that proposed development does not comply with policies D DM1 & D DM2, and with the guidance in the NPPF (para. 127).

IMPACT ON WILDLIFE:

Policy ENV DM5 of the Local Plan requires development scheme shall seek to achieve a net gain in biodiversity and protect existing habitats on site.

The site is a part of residential garden with no areas of hardstanding and the garden is not in an intense use and that could act as refugia for wildlife.

No ecological survey has been submitted to show a potential impact of the development on protected species with details of measures to be incorporated into the development scheme to avoid loss of the species.

Therefore it is considered that the proposal does not accord with the policy above. However given the character of the garden area it is not felt this policy conflict is sufficient to result in a refusal.

SURFACE WATER DRAINAGE:

Policy W DM3 stresses that to increase the levels of water capture and storage and improve water quality, all development must identify opportunities to incorporate a range of Sustainable Urban Drainage System (SUDS), appropriate to the size of development, at early stage of the design process.

Council's Drainage Engineers lodged an objection stating: 'if infiltration is viable on the site then lack of space is not an adequate excuse for not utilising soakaways/infiltration structures. Soakaways must be located a minimum of 5m from any buildings, and 2.5m from the site boundaries. Given these constraints, I do not see how surface water from the site can be sustainably drained within the remaining space on the site. There is also the risk that the proposed building may be located on the site of any drainage features for the existing building. Given constraints, I do not see how surface water from the site can be sustainably drained within the remaining space on the site. There is also the risk that the proposed building may be located on the site of any drainage features for the existing building.

For the above reason it is considered that the proposed development would not comply with policy W DM3.

Pagham Harbour

Following the comments of Natural England it is not necessary to complete an appropriate assessment as the application is recommended for refusal and therefore the scheme can not proceed unless approved on appeal when the Planning Inspectorate would carry out the assessment.

CONCLUSION

The proposal would result in significant harm to the character of the area and to residential amenities of nearby properties and would contribute to generation of parking demands, therefore the adverse impact of the proposal would significantly and demonstrably outweigh the benefits when considered against the policies in the Framework as a whole.

The development is considered to conflict with the development plan, particularly policies D SP1, D DM1, D DM2, T SP1, W DM3 and QE SP1 of the Arun Local Plan and relevant paragraphs of NPPF and consequently is recommended for refusal.

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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

A Section 106 agreement towards providing a financial contribution of £ 2,613.00 towards offsetting recreational impacts upon the Pagham Harbour SPA has been provided by the applicant.

CIL DETAILS

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

RECOMMENDATION

REFUSE

- 1 The development results in an intensification of use of the proposal site that adversely affects the character of an existing building occupying the site and the character of established residential area which would affect neighbouring amenities and would fail to provide an adequate area of amenity space which would demonstrably harm the amenities of future and existing occupants; contrary to Policies D SP1, D DM1 and QE SP1 of the Arun Local Plan and relevant paragraphs of the NPPF.
- 2 Having regard to the proximity and relationship of the dwelling to neighbouring residential properties the proposal would create unacceptable living conditions for the occupants of adjoining properties through overlooking the private area of Canberra Court and being overbearing to Ravenna House, in conflict with policies D DM1, and QE SP1 of the Arun Local Plan.
- 3 The proposed development does not include sufficient residential parking provision to meet the needs of future occupiers in accordance with the residential parking standards in use at the time and this will result in an increase in pressure for on-street parking spaces which will be harmful to the amenity of existing local residents in the area. No evidence has been provided to demonstrate whether or not there is existing spare parking capacity in the surrounding area. The proposal is therefore in conflict with Arun Local Plan policy T SP1, the Councils Parking Standards supplementary planning document (January 2020) and the

National Planning Policy Framework (2019).

- 4 Insufficient information has been provided to enable the Local Planning Authority to determine the area take up required for an infiltrating surface water drainage solution. The proposal fails to accord with Arun Local Plan policy W DM3 and with the National Planning Policy Framework causing harm to surface water drainage issues.
- 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 identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.