

Recommendation Report for Planning Permission

REF NO: BR/1/22/PL

LOCATION: Deal House
11-15 Sturges Road
Bognor Regis
PO21 2AH

PROPOSAL: Demolition of existing garage and replacement with 1 No 1-bedroom self contained unit. Additional cycle store and bin storage amendments (resubmission following BR/236/21/PL). This site is in CIL Zone 4 and is CIL Liable as new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to demolish an existing garage and replace with a 1 bedroom dwelling.
BOUNDARY TREATMENT	The site has fencing to a height of 1.8m to the east boundary which reduces to approximately 1m along the south western boundary. The building fronts a parking/courtyard area to the north.
SITE CHARACTERISTICS	The site is occupied by 2 buildings which are attached via a first floor link which serve 14 flats. There is a single storey building which runs along the south western boundary forming 2 self contained units.
CHARACTER OF LOCALITY	The area is predominantly residential with properties of varied style and design. The site is in relatively close proximity to Bognor Regis town centre.

RELEVANT SITE HISTORY

BR/236/21/PL	Demolition of existing garage and replacement with 1 No. Refused 1 bedroom self contained unit. Additional cycle store and 24-12-21 bin storage amendments. This application is in CIL Zone 4 and is CIL liable as new dwelling.
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An application was refused for the same proposal in December 2021 due to the absence of a Pagham Harbour agreement.

REPRESENTATIONS

Bognor Regis Town Council provided no objection.

2 letters of objection received from nearby occupiers

- Concerns that there will be a loss of parking and changes to the bin storage area.
- There are very few space available in the street.
- It would devalue our property and raise car insurance costs.
- Will the bungalow decrease the water pressure.
- Locating bins to the rear will to blow over the car park
- There will be nowhere for contractors to park.
- Cottage 2 will lose light from their front window.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted/addressed in the conclusion. House value is not a material planning consideration.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ADC DRAINAGE

Due to the scale, type and location there are no conditions to request.

NATURAL ENGLAND

No objection subject to securing the appropriate mitigation.

WSCC HIGHWAYS

Under Arun Parking Standards would expect a parking provision for at least 1 car parking space for a dwelling of this size. The site benefits from parking provision of three spaces to the front and twelve spaces to the rear, which is anticipated to be suitable for a site of this size. On-site turning appears achievable, allowing cars to exit the site in a forward gear. If overspill parking resulting from the loss of the garage and provision of additional dwelling were to be accommodated on-street, there are comprehensive parking restrictions in place prohibiting vehicles from parking in places that would be a detriment to highway safety. The applicant has demonstrated secure cycle storage in the plans, in accordance with Arun Parking Standards. Cycle parking provision will help promote the use of sustainable transport methods. Does not consider this proposal would have an unacceptable impact on highway safety.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built up area boundary
Pagham Harbour Zone B
CIL Zone 4

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change

ENVDM5	ENV DM5 Development and biodiversity
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WMDM1	WM DM1 Waste Management
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

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.

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 not have a materially adverse impact on the residential amenities of nearby properties nor would it have a significant adverse impact upon the established character of the surrounding area.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications should be determined in accordance with the plan unless material considerations indicate otherwise. The development plan comprises the Arun Local Plan (ALP). Bognor Regis has a made Neighbourhood Plan although none of the policies are relevant to this application.

The site lies in the built up area boundary where development is acceptable in principle as per policy SD SP2 of the Arun Local Plan (ALP) provided it is in accordance with other policies covering such issues as character/design, highway safety/parking, residential amenity and space standards.

The policies most relevant in the determination are up-to-date.

DESIGN AND VISUAL AMENITY

Arun Local Plan policy D DM1 looks at aspects of form and design quality, including character, attractiveness, innovation, residential amenity impact, adaptability, density, scale, trees, crime prevention. New buildings should be harmonious with their surroundings and successfully integrate with the existing surrounding environment.

Policy D SP1 of the Arun Local Plan requires that development proposals 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 proposal is set back from the road, to the rear of existing flats and is not visible from the street scene. The structure forms a garage to the south east corner of the plot, joined with 'The Cottage' which serves 2 self contained units. The garage will be demolished and replaced although will increase slightly in size to form a 1 bed dwelling. It will extend north east by 2.4m and 4.5m along the front elevation of 'The Cottage', meeting with a ramp which enables access to the existing unit. This sits forward of the principal elevation of the existing building by around 1m. It extends 1m and 0.7m to the side and rear elevations which meets with the boundaries.

Due to the siting to the corner of the plot, it does not appear unduly dominant upon the street scene or upon the rear courtyard and integrates with the existing units on site which the proposal joins with.

The Arun Design Guide states 'Development should emulate the established pattern of building height, scale, plot width'. 'Responds to the existing scale and massing of the surrounding built environment, emulating this scale in the majority of cases'. The proposal complies with this, being appropriate in scale and massing to the site and surrounding development.

The walls will be rendered to match the building and ensures the dwelling appears well integrated with development on site.

To the principal elevation of the main dwelling on site, there is a small open porch area. Part of this will be converted to serve as a cycle storage. This encloses the north west side with a width of 1.8m. This retains the existing footprint and its alteration will not adversely impact the appearance of the building.

The proposal as a result of the siting, with no viewpoints from the wider area is not deemed to appear significantly out of character and accords with the relevant policies.

RESIDENTIAL AMENITY

ALP policy D DM1 requires there be minimal impact to users/occupiers of nearby property and land. ALP policy QE SP1 requires all development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity.

The height of the building will increase by around 0.10m to 2.8m total height which is modest and due to the siting, the proposal does not intersect any windows at the neighbouring property and will not result in adverse overbearing or overshadowing.

To the front, the dwelling will extend approximately 4.5m north west along the principal elevation of 'The Cottage'. A window from the neighbouring property will be removed and replaced with one that serves the proposed dwelling. This will overlook the parking area/courtyard which serve the flats and not result in adverse overlooking.

The window that was removed at 'The Cottage' will be replaced with a door to its rear elevation and an additional window will also be constructed to the rear of the proposed dwelling. This may lead to overlooking of amenity/parking space located to the rear which serves a separate housing unit. There are three existing windows to this elevation and views are already possible and it is unlikely an additional opening will lead to a significant increase in overlooking to this elevation.

The property sits to the rear gardens of Ockley Road. This will provide some overbearing as it is sited closer against the boundary, however with the structure remaining at single storey, the impacts are not considered to increase from that which are already achievable from the existing garage. There is also a large bush which helps to screen views upon the rear.

There is a ramp which enables access to the neighbouring dwelling. Access to the proposed unit would be via this ramp with a door to the north western side. The proximity of the ramp to the parking area is slightly cramped however this is how the arrangement operates now and it is not anticipated that the addition of a dwelling would give rise to a material intensification of use of the existing access therefore the proposal will not result in adverse harm upon amenity. Due to the size of the building, noise and light pollution would not significantly increase from the addition of 1 single storey dwelling.

The proposed dwelling will not result in adverse impacts upon neighbouring amenity by way of overbearing, overshadowing or overlooking in accordance with D DM1, QE SP1, QE DM1 and QE DM2 of the Arun Local Plan.

SPACE STANDARDS

The national guidance advises that for a single storey, 1 bedroom property the following minimum Gross Internal Area (GIA) standards apply:

1B1P = 39

1B2P- 50

The proposal provides 41sqm and complies with the 1B1P guidance.

With regards to external amenity space, Policy H.04 of the Arun Design Guide SPD advises that outdoor amenity spaces should be of an appropriate size and shape and be usable and enjoyable. It states that rear gardens should have a minimum depth of 10.5 metres and buildings should be set back by 2m from the plot boundary to mark defensible space.

Regard should be had to paragraph 127 of the NPPF which states that "Planning policies and decisions should ensure that developments (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.

The proposal includes a small amount of external space located to the north eastern corner of the site. This is minor in size and not particularly located in a safe or usable area, located to the corner of the parking area. This is not compliant with the Arun Design Guide. However given the nature of the site which is in relatively close proximity to the seafront and with there being no provision at the neighbouring properties either, this is considered acceptable.

PARKING

Regard should be had to paragraph 111 of the NPPF which states: "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".

Policy T SP1 of the ALP supports development which incorporates appropriate levels of parking in line with the West Sussex County Council guidance on parking provision. Arun District Council adopted its own Parking Standards SPD (Jan 2020).

There are 12 parking spaces in the rear courtyard and 3 spaces to the front serving existing flats. There have been concerns from nearby occupiers that will be a loss of parking spaces which is not the case. The number of spaces will remain the same at 15. The ADC Parking Standards for a 1 bedroom property in this type of location (Parking Behaviour Zone 4) requires a minimum of 1 car parking space on site. The proposal does not provide an on site space and does not comply with the Parking Standards SPD.

It is however noted that the site falls within a sustainable location and is well served by public transport so that residents can walk, cycle or take a bus to access shops, services, employment sources etc, being located a 2 minute walk to the nearest bus stops and 4 minutes to Bognor Regis Railway Station.

An condition securing electric car charging point will be conditioned which contributes to providing sustainable measures on site.

A new cycle storage is proposed to the front of the site which will be constructed by enclosing an existing disused porch. This will store around 4 bikes and will be secured by condition to encourage residents to use bicycles. As such, there is no conflict with policy T SP1.

BIN STORAGE

Policy WM DM1 of the Arun Local Plan advises that all new residential development, including flat conversions, will be permitted provided that:

(a) it is designed to ensure that kerbside collection is possible for municipal waste vehicles

Development proposals must show bin storage/collection provision as follows:-

Each unit should be provided with the equivalent of 240 litres of residual waste storage/bins. Alternatively one 240 litre wheelie bin for each property can be provided. The same amount of storage space/bins for recyclable materials is required to be provided.

The plan shows the provision of bin storage to the rear of the parking/courtyard area which serve the existing properties. The existing arrangement will be continued and the proposal would make adequate waste provision, in accordance with policy WM DM1.

PAGHAM HARBOUR

ALP policies ENV DM1 and ENV DM2 require residential developments in a 400m to 5km distance ('Zone B') of Pagham Harbour make a financial contribution towards provision of accessible natural open

green spaces to serve the area. A contribution of £871 per new unit was agreed by the Council's Cabinet on 10 April 2017. The site lies in designated Zone B and the proposal results in a net increase of 1 dwelling. This requires a contribution of £871. This has been received and with the legal agreement in place, the proposal complies with ENVDM2.

SUMMARY

This proposal represents appropriate development of a dwelling without compromising the visual amenity of the area or amenities of existing neighbouring residential occupiers. All other relevant development plan policies have been complied with. As there are relevant development plan policies which are not out of date, the proposal is in accordance with the NPPF para 11(c) which states that development proposals that accord with an up-to-date development plan should be approved without delay. It is recommended the application be approved in accordance with 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.

CIL DETAILS

This application is CIL Liabe therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply)

RECOMMENDATION

- 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 - PL01
 - Proposed Site and Block Plan - PL-02
 - Proposed Floor and Roof Plan - PL-03
 - Proposed Elevations - PL-04

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.

- 3 The dwelling shall:-

- a) achieve energy efficiency measures that reflect standards at the time of submission;
- b) incorporate decentralised, renewable and low carbon energy supply systems.

Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority before any development above damp proof course (DPC) level begins. The development shall be implemented in accordance with the approved details and timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to secure on site renewable energy in accordance with national planning policy, and in accordance with Policy ECC SP2 of the Arun Local Plan.

- 4 No demolition/construction activities shall take place other than from 08:00 hours until 18:00 hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no noisy work on Sunday or Bank/Public Holidays.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of the Adopted Arun Local Plan.

- 5 Prior to occupation of the dwelling, a scheme for the provision of facilities to enable the charging of an electric vehicle within the site shall be submitted to the Local Planning Authority for approval and thereafter implemented in accordance with the approved details and the charge point shall thereafter be retained and maintained in good working condition.

Reason: New petrol and diesel cars/vans will not be sold beyond 2030, to mitigate against any potential adverse impact of the development on local air quality and to provide sustainable travel options in accordance with policies T SP1, T DM1 & QE DM3 (c) of the Arun Local Plan, the Arun District Council Electric Vehicle Infrastructure Study (November 2017) and the National Planning Policy Framework (NPPF).

- 6 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the submitted plans PL-03 and PL-04. These shall be retained in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with TSP1 of the Arun Local Plan.

- 7 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to a financial contribution of £871 towards the Pagham Harbour Access Management Mitigation Measures.

- 8 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.