

Recommendation Report for Planning Permission

REF NO: BR/201/20/PL

LOCATION: 29 Highcroft Crescent
Bognor Regis
PO22 8DH

PROPOSAL: Re-establishment of dwelling to form former pair of semi-detached bungalows (resubmission following BR/139/20/PL).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The bungalow consists of 5 bedrooms and would be sub-divided to form a pair of semi-detached bungalows, one of which would be 2 bedrooms and one of which would be 3 bedrooms. No external alterations are proposed. There are two existing vehicular accesses off Highcroft Crescent which would be utilised. A new 1.8m high timber close board fence would be installed at the rear to separate the garden into 2 gardens. Separate refuse and recycling storage areas are to be re-established.
SITE AREA	0.06 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	Increase from 15.2 dph to 30.3 dph.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The rear boundary has a 2m close boarded timber fence (1.8m solid with 0.2m trellis top). The boundary to no. 31 is a 1.8m close boarded fence reducing to 1m in front of the building line to the application property. There is a fence between the application property and no.25 of between 1.7 and 2m in height. To the front of the property and driveway there is a low-level brick wall with 2 vehicular accesses.
SITE CHARACTERISTICS	Existing brick and render detached bungalow with tiled dual-pitched roof. Front garden area laid to hardstanding with parking spaces, enclosed by low-level brick boundary wall and 2 vehicular accesses. Detached garage in the rear garden. The rear garden is fully enclosed and is a mix of paving slabs and areas of grass.
CHARACTER OF LOCALITY	Residential estate characterised by post-war single-storey bungalows all in the same style. Sub-urban in character. To the west, the railway line runs directly along the boundary of the rear garden, and there are two-storey terraced houses beyond this.

RELEVANT SITE HISTORY

BR/139/20/PL	Sub-division of existing bungalow to form former pair of semi-detached bungalows.	Withdrawn 20-08-20
BR/194/14/PL	Conversion of two semi-detached bungalows into one detached bungalow.	ApproveConditionally 05-12-14

In 2014 planning permission was granted for the amalgamation of two semi-detached bungalows into a single detached bungalow.

REPRESENTATIONS

Bognor Town Council -
No objection.

No letters of objection or support were received.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS:

No objection, recommend conditions to secure car/cycle parking spaces and Electric Vehicle Charging Point (EVCP) provision.

DRAINAGE ENGINEER:

Due to location, scale and type of application no conditions to request. Any alterations to surface water drainage must be designed and constructed in accordance with Building Regulations.

WSCC MINERALS AUTHORITY:

Comment under previous application (BR/139/20/PL): No comment. Would not expect to be consulted on an application of this type as the site is within the Built-Up Area.

ECOLOGY ADVISOR:

Any lighting scheme will need to be designed to protect bats, any works to trees or vegetation clearance on site should only be undertaken outside of wild bird nesting season or if within season checked by a qualified ecologist, bat and bird boxes are required.

PRIVATE SECTOR HOUSING OFFICER:

Comments and advice with regard to room sizes, fire safety, ventilation, facilities etc.

NETWORK RAIL:
No comments received.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and addressed in the Conclusions section of this report.

POLICY CONTEXT

Designation applicable to site:
Within Built-Up Area Boundary
Bognor Regis Neighbourhood Plan Area
CIL Zone 4
Flood Zone 2
Minerals Consultation Area

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)
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
HSP1	HSP1 Housing allocation the housing requirement
QEDM3	QE DM3 Air Pollution
QESP1	QE SP1 Quality of the Environment
SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WDM1	WM DM1 Waste Management
WSP1	W SP1 Water

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.

The policies contained within the Bognor Regis Neighbourhood Plan are of consideration in the determination of this planning application.

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 the site is in the BUAB where the principle of development is considered acceptable, the proposal results in a net gain in 1 dwelling which would be supported by housing supply policy and the proposals would have an acceptable impact on visual and residential amenity, quality of accommodation for future occupants, waste provision, highways and parking, minerals, trees and ecology.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to be weighed in the balance with the Development Plan namely the lack of appropriate tests regarding flooding.

CONCLUSIONS

PRINCIPLE & HOUSING SUPPLY:

The site is located in the Built-Up Area Boundary where new development should be focussed and where it is acceptable in principle in this location, in accordance with policy SD SP2 of the Arun Local Plan (ALP). The proposed sub-division would result in the net increase in 1 dwelling, which would contribute towards the Districts housing supply, in accordance with policy H SP1 of the ALP.

VISUAL AMENITY:

The sub-division of the dwelling and plot would re-establish the former pair of semi-detached bungalows which better reflects plot sizes and pattern of development in Highcroft Crescent, which is characterised by semi-detached bungalows. No external alterations to the building is proposed so there would be no impact on the street scene in this regard. A 1.8m high timber close board fence would be installed at the rear to separate the garden into 2 rear gardens. This would have no impact on the street scene, would reflect other boundary treatments in the area, and in any event would be permitted under Permitted Development Rights and not require planning permission. Any boundary treatment in the front driveway/garden area (including a side boundary between the curtilage of the 2 properties) would need to be no more than 1m in height since it is adjacent to the footway/highway, in order to benefit from PD rights and have an acceptable visual impact on the street scene. An informative will be added accordingly to confirm this restriction.

The proposals would have an acceptable impact on the character and visual amenity of the area, in accordance with the NPPF and policies D SP1 and D DM1 of the ALP.

RESIDENTIAL AMENITY:

The sub-division of the property into two dwellings results in a net increase in 1 dwelling but it is not anticipated that this causes a significant increase in general noise and disturbance from increased activity to the additional dwelling. The residential use is compatible with the area. There are no external alterations or extensions to the building so there would be no impact on the outlook, light or privacy levels of adjacent neighbours.

The proposals would have an acceptable impact on the residential amenity of neighbouring occupants in accordance with the NPPF and policies D DM1 and QE SP1.

INTERNAL & EXTERNAL SPACE STANDARDS:

The 2 bed bungalow has a Gross Internal Area (GIA) of approximately 63sqm. The national internal space standards (set out in the 'Technical Housing Standards - Nationally Described Space Standards') require that a 1 storey 2B4P home have a minimum GIA of 70sqm. The plans show a 2B4P home i.e. with 2 x double bedrooms shown. The 2 bed dwelling falls short of the national internal space standards by around 7sqm. Given it did before it was converted in 2014 to a single dwelling and given it does as an existing dwelling, this shortfall is considered acceptable in this case.

The 3 bed bungalow has a GIA of approximately 103sqm. The national internal space standards for a 1 storey 3B are between 74-95sqm. As such, the 3 bed dwelling would exceed the national internal space standards.

Each property benefits from a private rear garden, which would be of an adequate size and shape to be usable and enjoyable for future occupants of the dwellings.

The proposal provides the dwellings with adequate internal space and external amenity space, as required by ALP policy D DM2, the Technical Housing Standards - Nationally Described Space Standard and the emerging ADC Design SPD.

WASTE PROVISION:

Separate refuse and recycling storage areas are to be re-established. Provision will need to be made for a 240l refuse bin and 240l recycling bin within the curtilage of each property, and should allow for kerbside collection by municipal refuse vehicles on Highcroft Crescent. This is an existing property and the proposal involves the re-establishment to its previous form as two semi-detached dwellings, and the waste storage and collection arrangements (wheelie bins stored to the front/side of the property and collected from Highcroft Crescent) are likely to remain unchanged. However, for the avoidance of doubt, a condition will be added requiring the provision of waste storage/kerbside collection for each property, as required by policy WM DM1 of the ALP.

HIGHWAYS & PARKING:

There are two vehicular accesses off Highcroft Crescent which would be utilised to serve the 2 dwellings. WSCC Highways raised no objection. They confirm there are no apparent visibility issues at the access points, no evidence to suggest the existing accesses are operating unsafely or that the 1 net dwelling would exacerbate an existing highways safety concern. On-site turning does not appear achievable, so vehicles may have to exit the site in a reverse gear. However, this is the existing arrangement, which has operated with no known highway safety issues.

The application proposes to utilise the existing driveway for vehicular parking. ADC Parking Standards SPD require a minimum of 1 on-site car parking space to serve a 2 bed dwelling and 2 on-site car parking spaces to serve a 3 bed dwelling in this type of location (Parking Behaviour Zone 4) so a total of 3 spaces on site. WSCC confirmed an inspection of the plans shows there appears to be sufficient space in the driveway for 3 car parking spaces to be accommodated.

The applicant has not demonstrated cycle parking provision. Cycling is a viable option in the area and the LHA would like to see cycle parking being implemented, in accordance with WSCC and Arun Parking Standards. The ADC Parking SPD requires the provision of a minimum 1 on-site cycle parking space for the 2 bed dwelling and 2 cycle parking spaces for the 3 bed dwelling. The inclusion of secure and covered cycle parking provision helps promote the use of sustainable alternative modes of transport to the private car.

Subject to planning conditions to secure the car/cycle parking spaces and Electric Vehicle Charging Point (EVCP) provision, the proposals would have an acceptable impact on highways and parking and accord with the NPPF, policies T SP1 and T DM1 of the ALP and the Arun Parking SPD.

DRAINAGE:

The site is within Flood Zone 2 (medium risk of flooding). In accordance with the NPPF, a Flood Risk Assessment is required for development on sites within Flood Zones 2 and 3. The previous application for the same scheme was withdrawn on the basis of the lack of a FRA. This application is accompanied by a FRA. This concludes that due to the nature of development, that there would be no increase in built footprint, there is no increase to flood risk to the properties nor elsewhere. The LPA agrees with this assessment and the proposals comply with policy W DM2 and the NPPF in this regard.

However, in line with both ALP policy W DM2 and the NPPF, a Sequential Test also needs to be undertaken.

PPG details exceptions for requirement for a Sequential Test, one of them being a minor development, however it states:

- householder development: For example; sheds, garages, games rooms etc within the curtilage of the existing dwelling, in addition to physical extensions to the existing dwelling itself. This definition excludes any proposed development that would create a separate dwelling within the curtilage of the existing dwelling eg subdivision of houses into flats."

Given the proposed development would create a separate new dwelling in the curtilage of an existing dwelling i.e. is a subdivision the Sequential Test would apply.

If the Sequential Test concludes that there are no alternative sites in the area which are reasonably available and which can deliver the same development but are of lower flood risk, then the Exception Test would then also need to be applied and the application would need to meet both tests of this.

Although a Flood Risk Assessment has been supplied a sufficient and robust Sequential Test and Exception Test has not been supplied. As such, it is considered that insufficient information has been submitted to demonstrate that the application site is sequentially preferable and consequently the proposal is considered to be contrary to ALP W DM2 and the National Planning Policy Framework, specifically the section 'Meeting the challenge of climate change, flooding and coastal change.'

Surface water drainage currently occurs through existing soakaways i.e. soft landscaping/grassy areas. Given the nature of the proposals and that no additional hard standing appears to be proposed, surface water flow would not be increased and the existing drainage arrangements would prevail. The Council's Drainage Engineer has confirmed that given the location, scale and nature of the proposals they have no drainage conditions to request. They have identified that any alterations to the surface water drainage would need to be designed and constructed in accordance with Building Regulations, and an informative

will be added accordingly.

Due to the lack of a Sequential Test and Exception Test having been applied and submitted, the proposals fail to accord with the NPPF and ALP Policy W DM2 with regard to flooding and drainage.

MINERALS:

The site is located within a Mineral Consultation Area. WSCC Minerals team were consulted on the previous withdrawn application for the same scheme and confirmed that as the site is within the BUAB, less than 1 hectare in size, and the proposal is for less than 10 dwellings, the threshold for consultation has not been met. As such, there will be no requirement for prior extraction to be investigated as set out in policy M9 of the Joint Local Minerals Plan.

TREES:

The only part of the proposal that has the potential to affect ground conditions and trees is the installation of a new 1.8m high timber close board fence at the rear to separate the garden into 2 rear gardens. However, the type of footings required for fencing would be unlikely to significantly disrupt tree roots and the proposals are likely to have an acceptable impact on trees, in accordance with policy ENV DM4. In any event, the erection of a fence would be permitted under Permitted Development Rights and not require planning permission, so impact on trees would be given very limited weight in the determination of this application due to the PD rights afforded.

ECOLOGY:

Given the nature of the proposals, to sub-divide an existing building that is already in use, and for no external alterations, it is concluded that the proposals would be unlikely to have any impact on ecology and protected species, in accordance with ALP policy ENV DM5. The Council's Ecology Advisor has advised that any external lighting scheme would need to be designed to protect bats and that any works to trees or vegetation clearance on site should only be undertaken outside of wild bird nesting season or if within season checked by a qualified ecologist. Conditions will be added accordingly.

The Environment Bill and ALP policy ENV DM5 requires all development to provide a net gain in biodiversity. The Council's Ecology Advisor has duly advised that bat and bird boxes should be provided on site. The applicant has submitted a Biodiversity Enhancement Plan which includes biodiversity enhancement measures including bird nesting boxes, a pond, a wildflower area, and a hedgehog box. A condition will be added requiring these measures to be undertaken in addition to a bat box being provided also as requested by the Council's Ecologist.

SUMMARY:

The site is within the BUAB where the principle of development is considered acceptable. The proposals would result in a net gain in 1 dwelling, which would be supported by Local Plan housing supply policy and the NPPF's presumption in favour of sustainable development. The proposals would have an acceptable impact on visual and residential amenity, quality of accommodation for future occupants, waste provision, highways and parking, minerals, trees and ecology.

However due to the lack of appropriate information regarding flooding the application 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) 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 not CIL Liabe since it consists the conversion/sub-division of 1 dwelling into 2 dwellings and proposes no extensions in floor area, which is a type of proposal that is exempt from CIL.

RECOMMENDATION

REFUSE

- 1 The proposal fails to demonstrate that the application site is the most sequentially preferable site for development in flood risk terms, with no Sequential Test undertaken nor Exception Test as required by the NPPF. The proposal is therefore contrary WDM2 of the Arun Local Plan and to the National Planning Policy Framework, specifically section 'Meeting the challenge of climate change, flooding and coastal change.'
- 2 **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.