Recommendation Report for Planning Permission

REF NO:	BR/201/21/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 (resubmission following BR/176/20/PL). This site is in CIL Zone 4 (Zero Rated) as flats.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Erection of a two and half storey detached building to the south side of Ravenna House comprising three apartments (2 x 2 bed units and 1 x 1 bed unit). The development would involve some alterations to the fenestration of 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. A refuse and cycle store is proposed to the rear of the new property together with external amenity space. Under the current proposal, a parking area for three cars is proposed. No details of vehicular access to Richmond Avenue West have been provided, no changes to access arrangements other than the provision of a pedestrian path linking to the front door of the new apartments block. All flats would be accessible via the entrance door on the rear of northern elevation.
SITE AREA	866.00 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	35 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None of significance affected by the 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/Richmond Avenue West with 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 site is a block of flats in 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/176/20/PL	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.	Refused 23-12-20
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/176/20/PL for a two and half storey detached building to the south side of Ravenna House (almost identical to the proposed with an exception of the provision of 3 parking spaces to the front) was refused on the following grounds:

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.

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.

The 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.

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.

REPRESENTATIONS

Bognor Regis Town Council: Objection.
- Access and Highways safety - specifically access by emergency vehicles;
- The layout and density of the buildings result in over-development and traffic generation;
- The reasons of refusal of BR/176/20/PL have not been addressed;
- The proposed parking spaces do not meet the ADC's requirement.

Cllr Matt Stanley objected due to impact of the proposal on off street parking, access to emergency services in the area and over-development of the site.

Nyewood Estate & Sunnydale Park Estate Residents Association objected on the following grounds:
- The existing building in the form of a dilapidated and poorly managed HMO continues to cause significant issues for the surrounding neighbourhood mainly due to loud music, kerbside vehicle repairs late at night and waste management.
- The new proposal being identical in size and impact as the previous one, the reasons of refusal not addressed ; parking provision at the expense of amenity space; no electric charging points provided.
- The applicant fails to consider the effect of seasonal visitors to the seaside who are all predisposed to park as close to the shore as possible.
- The overflowing bins spilling across the pavement and road surface of Richmond Avenue West - remains of asbestos roof (the applicant is also the owner of Ravenna House).

2 letters of objection:
- Access for the rubbish truck and emergency services is already limited ; cars are often parked up on the bend of the junction.
- Cars / vans already park up on the pavements causing no access for people on foot.

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. Despite a holding objection on BR/176/20/PL no further information or site investigations have been provided.

WSCC, Highways: This proposal would not have unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network subject to suggested conditions and informative.

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

NATURAL ENGLAND: Since this application results 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.

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
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitagation
ENVDM2	ENV DM2 Pagham Harbour
ENVDM5	ENV DM5 Development and biodiversity
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
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.

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 have a materially adverse effect on the visual amenities of the locality, on the residential amenities of the adjoining properties and an adverse impact on the established character of the surrounding area. Due to insufficient space to locate soakaways within the boundaries of the site this proposal unduly prejudices drainage design not allowing for the hierarchy for sustainable drainage to be followed. Therefore contrary to Policies D SP1, D DM1 and W DM3 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, space standards and impact on Pagham Harbour.

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. Key policies are D SP1, D DM1, D DM2, ENV DM2, ENV DM5, T SP1, W DM1, W DM3 and EEC SP2 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 ENV DM2 points out on an impact of new residential development within Zone B on Pagham Harbour and policy ENV DM5 requires new development to have a minimal impact on existing habitat. Policy ECC SP2 expects new development to be energy efficient.

NPPF at paragraph 119 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 124 (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 157 NPPF signifies in determining planning applications, local planning authorities should expect new development to comply with any development plan policies on local requirements for

decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable.

The Council acknowledges it cannot demonstrate a five-year supply of deliverable housing sites. Consequently, Paragraph 11(d)ii of the National Planning Policy Framework (NPPF) is engaged. The proposal delivers 3 flats in a sustainable location, nevertheless, 3 flats make only a minimal contribution to the shortfall in supply.

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

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), is adopted as a material consideration in the determination of applications. 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 semi detached properties of a similar appearance to the north, block of flats in 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 deep gardens of substantial properties lining Aldwick Road.

The proposal fails to address the reasons of refusal of the previous application proposing an almost identical building with small changes to the rear (east elevation) and provision of 3 parking spaces to the front at the expense of residential amenities. The site is not large enough to accommodate another substantial building, albeit of a smaller size, and the development results in an uncomfortable relationship with the existing property at a close proximity of 2m. The building 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 the southern boundary of the site with an open space of private parking area and rear gardens of houses facing to Aldwick Road behind, detracts from the layout of the local area and disturbs the well balanced street scene whilst paragraph 13.2.6 of the Local Plan requires respect, improvement and enhancement of the existing environment.

Notwithstanding the design of the dwelling the proposal results in a visual impression of a dwelling squeezed onto its plot, with inadequate space forcing a variation in established design characteristics (especially those of an existing property on the site); appearing cramped and at odds with surrounding character and appearance of the area. Therefore the development conflicts with those aspects of Policies D DM1 and D SP1 of the Arun Local Plan, relevant paragraphs of the NPPF and the 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 states that developments should provide a high standard of residential amenity for existing and future users.

The stairwell windows at the first/second floor level facing the private area of Canberra Court to the east has been removed, however there are bedroom windows proposed on the east elevation at the first and second floor level with a separation distance of approximately 9m from this private area that results in unacceptable overlooking and loss of privacy of Canberra Court's residents.

The structure given its proximity to Ravenna House has an overbearing impact on residents of this property resulting in significant loss of sunlight and their outlook would be blocked by the building and a wall which would replace existing large windows to give a way the proposed development.

The development would have an significant impact on occupiers of nearby properties resulting in adverse harm on amenity by way of overbearing, and overlooking. 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 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 parking, it states:

"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"

Policy T DM1 requires that development be located within easy access of established non-car transport modes/routes and also seek to contribute to the improvement of such routes & facilities.

Para 110 of the NPPF 2021 affirms "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 111 which stresses: "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."

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.

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. The plan indicates the applicant proposes to formalise the parking arrangements on site to provide 3 parking spaces what would broadly satisfy the requirement of ADC Parking Standards since visitor's parking spaces are not provided.

WSCC observed that no details of vehicular access to Richmond Avenue West have been provided - the applicant should be aware that a formal vehicle crossover will be required. 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 subject to suggested conditions and informative.

Taking into consideration the above the proposal would satisfy policy T SP1 of the Arun Local Plan and Arun Parking Standard and relevant paragraphs of the NPPF.

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 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 (70 square metres for 2 bed/4persons). The second floor apartment relates to gross internal floor space of approximately 55 square metres (50 square metres is required for 1bed/2persons).

Arun Design Guide part H.04 advises on Residential Outdoor Amenity & External Space Standard:
- All development should provide residents with access to outdoor amenity space, whether private or communal. It advises that Residential Communal Shared Spaces should be minimum 40sqm plus 10sqm for each unit. These standards are applicable in the majority of cases, but innovative approaches to more compact building layout may be supported by ADC, where appropriate.
Regard should be had to para 130(f) of the NPPF which requires development has a high standard of amenity for existing and future users.

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

The development does not comply with policies D DM1 and with the NPPF (para. 130).

BIODIVERSITY

Policy ENV DM5 of the Local Plan requires development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. They shall incorporate elements of biodiversity including green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitats (whether designated or not)."

The site is a part of a 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 potential impact of development on protected species with details of measures to be incorporated into the development scheme to avoid loss of the species. The documents do not show any indicative landscaping,

The proposal fails to provides details of biodiversity net gain in biodiversity and protect the habitats on site therefore not in accordance with the ALP policy ENV DM5. However this does not result in a reason for refusal as biodiversity net gain can be conditioned.

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.

Drainage Engineers objected 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 the constraints, I do not see how surface water from the site can be sustainably drained within the remaining space on the site".

For the above reason it is considered that the 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 results in significant harm to the character of the area and to residential amenities of nearby properties and there is insufficient private amenity space allocated to the new and existing property. The site is not large enough to locate soakways on site to prevent and reduce surface water runoff from entering the combined and foul sewer system through the adoption of SuDS techniques.

The adverse impact of the proposal significantly and demonstrably outweighs the benefits when considered against the policies in the Framework as a whole. The development conflicts with the development plan, particularly policies D SP1, D DM1, D DM2, T SP1, W DM3 and QE SP1 of the Arun Local Plan, Arun Design Guide 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 site and a cramped appearance adversely affecting the character of the building occupying the site and the character of the residential area which affects neighbouring amenities and fails 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 building to neighbouring residential properties the proposal creates 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 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.

4 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.