

Recommendation Report for Planning Permission

REF NO: BR/20/16/PL

LOCATION: 17 Lennox Street
Bognor Regis

PROPOSAL: Rear extension to create 1 No. dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. The extension will extend back from the rear wall by 6.4m but will also partially infill the gap created by the existing rear outrigger projection. The extension will have a flat roof 3m high but sloping down to a height of 2.3m to the boundary with 19. The extension has two windows on the very rear and two roof lights. As a result of the extension, it is necessary to extend the existing fire escape (from the upper flats) along the flat roof and down at the end into a separate bin storage area. Each of the flats will have its own small private bin storage area.

SITE AREA

0.015 Hectares.

RESIDENTIAL DEVELOPMENT DENSITY (NET) 67 dwellings per hectare.

TOPOGRAPHY

Predominantly flat.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

The rear open area is currently enclosed with a building to no. 15, a 2m high wall to the rear passageway and a part 2m wall/part building to no. 19.

SITE CHARACTERISTICS

17 Lennox Street is a 3 storey mid terraced building in cream render. It currently comprises of 3 existing flatted dwellings and there is an existing fire escape access to the second floor at the rear.

CHARACTER OF LOCALITY

Part of a terrace of 4 residential properties set in a mixed commercial/residential use street with a car showroom opposite and a separate motor repair garage to the rear. There is a pay & display on-street parking and some pay & display public car parks nearby.

RELEVANT SITE HISTORY

BR/158/13/	Change of use of existing ground floor cafe (A3 Restaurants and Cafes) to form 2 No self contained 1 bedroom flats (C3 Dwelling Houses) (Resubmission following BR/291/12/.)	App Cond with S106 16-10-2013
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The neighbouring property has already had a similar rear extension, also to create a dwelling. The proposals at no. 17 have been designed to match in terms of height and depth with the neighbouring extension.

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Engineering Services Manager

Engineers (Fluvial Flooding)

Environmental Health

Southern Water Planning

Consultations responses received:

Southern Water - request an informative.

ADC Drainage Engineers - "Southern Water should be consulted because a public foul sewer crosses the site. The proposal is for an extension outside of the Lidsey WwTW catchment area, add ENGD2A if considered appropriate"

Comments on Consultation responses:

Comments noted. The Drainage condition is not appropriate in this location.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary; and
Building of Special Character.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

DEV19
GEN2
GEN7
GEN9
GEN12
GEN22
GEN32

- Extensions to existing residential buildings
- Built-up Area Boundary
- The Form of New Development
- Foul and Surface Water Drainage
- Parking in New Development
- Buildings or Structures of Character
- Noise Pollution

Publication Version of the Local
Plan (October 2014):

D DM1 Aspects of Form and Design Quality
D DM3 External Space Standards
D DM4 Extensions and Alterations to

Existing Buildings (residential and non-residential)
D SP1 Design
ECC SP2 Energy and climate change mitigation
ENV DM2 Pagham Harbour
HER DM2 Locally Listed Buildings or Structures of Character
HER SP1 The Historic Environment
QE DM1 Noise Pollution
SD SP2 Built-Up Area Boundary
T SP1 Transport and Development
W DM3 Sustainable Urban Drainage Systems

[Bognor Regis Neighbourhood Plan 2015 Policy 3](#) Old Town Restaurant and Cultural Quarter

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
National Planning Practice Guidance

POLICY COMMENTARY

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

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

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

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

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications.

Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE:

The site lies within the built-up area boundary where the principle of additional residential development is considered to be acceptable providing that the scheme complies with normal development control criteria such as visual amenity, residential amenity, drainage and highway safety.

It is noted that the site is included within the Bognor Neighbourhood Plan Policy 3 "Old Town Restaurant and Cultural Quarter" designation. This policy encourages new Class A3, A4 & D2 uses and provides protection to existing restaurant & cafe uses. However, it would not be appropriate to have such a use as an extension to residential premises and hence it is not considered that the proposal conflicts with this policy.

CHARACTER, DESIGN & RESIDENTIAL AMENITY:

It is noted that 17 Lennox Street is designated as a Building of Character. Therefore, Local Plan policy GEN22 is relevant:

"Planning permission will not be granted for development resulting in the loss of existing buildings or structures of interest and importance which are attractive in their own right or which contribute to the character and appearance of an area. Alterations, extensions or other development which would adversely affect the appearance or setting of such buildings or structures will not be

permitted."

The proposed extension will not result in the loss of any part of the existing building and the extension will only be visible from the rear (and then due to the position of neighbouring buildings & boundary walls), only from the rear passageway. It is therefore not considered that the rear extension will be harmful to the character of this building. It is also noted that no. 19 is also a Building of Character and has had a similar extension approved to its rear.

It is considered that the extension will be visually integrated with and also subservient to the existing building. Furthermore, the extension being single storey and located behind a three storey building will not have an adverse overshadowing, overlooking or overbearing impact to any adjoining property. Neighbouring ground floor windows are all currently screened out by the existing boundary treatments. The proposed extension will not compromise the established spatial character of the street.

The proposed replacement fire escape will be visible from a wider area but then only from Belmont Street to the North. It will be longer and have a larger part at first floor level than the existing but it is not considered that fire escape is out of character with surrounding development or that it will result in any harmful overlooking of neighbouring windows.

INTERNAL & EXTERNAL SPACE STANDARDS:

It is necessary to assess the proposal against internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard). The requirement for the new double bedroom studio flat is 39 square metres. The proposed floor plans indicate a total internal floor area of only 34 square metres. However, although the space is 5 square metres short of the requirement, this is considered to be acceptable given the high density town centre location and the lack of a specific standard in the regulations for a studio flat.

In respect of external standards, it is necessary to have regard to policy D DM3 of the emerging Local Plan (publication version) which has been approved by the Council for development management purposes and has also been subject to testing on appeal. This policy requires that 1 bedroom flats have a private outdoor space of at least 4 square metres. The proposal includes a rear yard/bin storage area of 12.8 square metres.

PARKING PROVISION & SUSTAINABILITY OF LOCATION:

The site is located within a town centre location with easy access to public transport. Whilst there is no parking existing or proposed for the building, given the suitability of the location and proximity to essential services, the lack of parking provision is not considered to be a concern.

PAGHAM HARBOUR SPECIAL PROTECTION AREA:

Policy ENV DM2 of the Emerging Local Plan (Publication Version) requires that all new residential developments within a 400m to 5km distance ('Zone B') of Pagham Harbour make a financial contribution towards the provision of accessible natural open green spaces to serve the area. A contribution of £1,275 per new residential unit was agreed by the Councils Cabinet on 20 July 2015. The report to Cabinet stated that:

"The access management measures identified are referred to as Strategic Access Management and Monitoring (SAMMs). As these do not include the allocation of specific land, they are not classified as physical infrastructure, and are not included under the definition of infrastructure within Section 216 of the Planning Act 2008, meaning the pooling restrictions as set out under Regulation 123 of the CIL Regulations (2010) as amended, do not apply. It is common practice by many other authorities (for example Elmbridge) that contributions towards SAMMs are gathered through S106 planning obligations. This approach has also been confirmed within Counsel advice sought by the Council. As a contribution is required to make the development acceptable in planning terms, it is therefore in compliance with the tests under Regulation 122 of the CIL Regulations (2010) as amended"

Furthermore, this policy has a basis in the current development plan in that Local Plan policy AREA13 "Sites of International Importance for Nature Conservation" states that: "Where development is permitted, the use of conditions or planning obligations will be considered in order to secure any compensatory or mitigation measures and appropriate management that may be required."

This contribution is now required for all new residential developments within Zone B. The applicant has provided a legal agreement in respect of this contribution and the application is therefore considered to comply with the relevant policies.

SUMMARY:

In the absence of any harm to visual or neighbouring amenity, together with the living conditions of future residents being acceptable, the proposed scheme is considered to be acceptable and accordingly the application is recommended for approval subject to the conditions set out below.

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.

SECTION 106 DETAILS

This decision has been granted in conjunction with a Section 106 legal agreement relating to a contribution of £1275 towards the mitigation of the proposals potential impact on the Pagham Harbour Special Protection Area.

RECOMMENDATION

APPROVED CONDITIONALLY WITH A SIGNED SECTION 106 AGREEMENT

- 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:

Dwg. 1315/P02 Rev C "_Proposed Floor Plan & Elevations"; and
Dwg. 1315/P01 "Existing Floor Plans & Elevations".

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed extension have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the extension.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

- 4 The dwellings shall not be occupied until the bin storage areas have been laid out and provided in accordance with Drawing No. 1315/P02 Rev C. The bin storage areas shall thereafter be retained in perpetuity.

Reason: To protect the amenities of nearby residents in accordance with Arun District Local Plan policy GEN7.

- 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 within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an

acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 6 A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.
- 7 **INFORMATIVE:** This decision has been granted in conjunction with a Section 106 legal agreement relating to a contribution of £1275 towards the mitigation of the proposals potential impact on the Pagham Harbour Special Protection Area.