

Recommendation Report for Planning Permission

REF NO: BR/222/18/PL

LOCATION: Land adjacent to Community Centre
Westloats Lane
Bognor Regis
PO21 5JZ

PROPOSAL: Erection of 4no. 2 bedroom dwellings with associated parking & landscape.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Two storey building with three inter-linked pitched roofs and a gables on the rear/sides comprising two flats at ground floor and two above. Flat no. 4 has a small first floor balcony looking south east whilst flat 2 below, has a small covered patio area under the same balcony. The flats are accessed via a single door on the side (north east elevation). A door on the opposite side provides access to services and meter boxes. There will be 4 parking spaces to the front positioned at right angles to the road. A timber cycle shed is located to the rear and a timber bin store to the front. Communal rear garden. Materials consist of red multi stock brick and grey artificial slate. Existing boundaries to remain. It is necessary to divert a public sewer to facilitate the build.
SITE AREA	0.0758 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	53 dwellings per hectare.
TOPOGRAPHY	Predominantly flat but there is an approx. 1m high bund adjacent to the rear boundary
TREES	1 small tree to the site frontage to be retained. Small trees along the boundary with the community centre/youth club. None of these are considered to be significant.
BOUNDARY TREATMENT	- 1m high timber fence to the front; - 1m high wall to the youth club; - 2m high timber fence to the very rear; and - Mix of hedging & 1.8m high timber fencing to Sudbury.
SITE CHARACTERISTICS	Existing vacant grassed amenity land to the side of a community centre/youth club. Two shipping containers presently on the site.
CHARACTER OF LOCALITY	Residential area but with a community centre adjacent and a large public park opposite. Surrounding housing predominantly semi-detached and two storeys. The neighbouring dwelling, Sudbury, has a ground floor flank door and first floor flank stairs window. It was not possible to see its rear windows due to the hedge along the boundary. It has

a greenhouse and sheds at the end of its long garden.

RELEVANT SITE HISTORY

BR/195/06/	Application under Regulation 3 of the Town & Country Planning General Regulations 1992 for 1no. portable storage unit anti vandal-steel	ApproveConditionally 05-09-06
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Noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

"No objection"

One letter of objection from the neighbouring property raising the following issues:

- (1) Assumption was that the land was going to be a communal garden and this is why have stayed in and invested in the property;
- (2) Overlooking/loss of privacy from the proposed north facing secondary 1st floor lounge window
- (3) Loss of light/overshadowing - the building will block all sunlight to kitchen/hallway windows and to the garden;
- (4) Gable roofs should be replaced with hips to lessen the impact; and
- (5) Loss of the green area.

COMMENTS ON REPRESENTATIONS RECEIVED:

The Town Council comments are noted. The majority of the objections will be considered within the conclusions. In respect of point (1), the objector has supplied a copy of an email to him from Cllr David Biss dated 22/08/10 stating that the land is owned by ADC and cannot be built on due to the sewer and that any changes would need planning permission and this would allow for comments to be made. This does not give rise to an assumption that the land would become a community garden and in any case, this is not a planning consideration.

CONSULTATIONS

Engineers (Drainage)

Engineering Services Manager

Southern Water Planning

Arboriculturist

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

SOUTHERN WATER - no objection. Note that the sewer is to be diverted and request a condition to

ensure the sewer is protected. Also request an informative regarding new connections to the foul sewer.

WSCC HIGHWAYS - no objections subject to conditions to require construction management details, provision of the access, details of visibility and provision of car and cycle parking.

ADC DRAINAGE ENGINEER - no objection subject to a drainage condition. Applicant has submitted preliminary drainage proposals which presume an infiltration rate of 1×10^{-5} . It is suspected the actual rate found during winter testing will be lower than this. Winter groundwater monitoring should also be completed to ensure that the base of infiltrating structures is set above maximum groundwater level.

ADC TREE OFFICER - no response received.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Within the Built Up Area Boundary;
Within 5km of Pagham Harbour Special Protection Area;
Within 2km of Bognor Reef SSSI; and
Public Sewer on Site.

DEVELOPMENT PLAN POLICES

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 mitigation
ENVDM2	ENV DM2 Pagham Harbour
ENVDM5	ENV DM5 Development and biodiversity
HDM1	H DM1 Housing mix
OSRDM1	Protection of open space, outdoor sport, comm& rec facilities
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
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems
WSP1	W SP1 Water
WMDM1	WM DM1 Waste Management

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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 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.

There are no relevant Bognor Regis Neighbourhood Development Plan policies.

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 the Arun Local Plan in that it would not cause demonstrable harm to the character of the area, neighbouring residential amenity and makes appropriate provision for the protection of Pagham Harbour.

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 these are discussed in the conclusions below.

CONCLUSIONS

PRINCIPLE:

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

Regard should also be had to policy SD SP1 of the ALP which states that: "When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework." It is considered that the site is in a sustainable location within walking and cycling distance of a range of shops, facilities and services including bus stops, a large food store, schools and a railway station. It is also considered that the new residents will contribute to the local economy by using local shops, facilities & services and that the local community will be further diversified.

It is also noted that paragraph 118 (d) of the NPPF states that "Planning policies and decisions should:

promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing".

The proposal is considered to accord with policies SD SP1 and SD SP2 of the Arun Local Plan.

LOSS OF OPEN SPACE:

The local resident objects partly on the grounds of the loss of the existing open green area. It is noted that policy OSR DM1 of the Arun Local Plan does not apply as the land is not allocated as open space.

The application seeks to build on currently open grassed land which forms part of the community centre curtilage and is unsecured thus potentially allowing access by members of the public.

CHARACTER & DESIGN:

Policy D DM1 of the Arun Local Plan requires that the Council have regard to certain aspects including:

(1) Character - "Make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features.";

(2) Appearance/attractiveness - "Demonstrate a high standard of architectural principles";

(13) Density - "The density of new housing will make efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations."; and

(14) Scale - "The scale of development should keep within the general confines of the overall character of a locality."

Furthermore, policy D SP1 "Design" requires development to make efficient use of land and reflect local character.

Paragraph 127 of the NPPF requires that developments are visually attractive and are sympathetic to local character and history.

The site is between a two storey low pitched community centre building and a pair of two storey side gabled semi-detached houses. The streetscene shows the new building will be 1.8m higher than the community centre and 0.5m higher than the adjacent dwellings. This difference is not considered to be significant given spacious gaps between neighbouring buildings (4.2m to the community centre & 6.9m to Sudbury).

The building will be 0.4m lower than the next pair of semi-detached dwellings (7 & 8 beyond Sudbury/Maryden). The building will be constructed on a building line which is respectful of the buildings either side and the design of the building as viewed from the front resembles a semi-detached building. The design/appearance and the choice of materials is considered to be acceptable.

The proposal results in a loss of small trees and shrubs on the site. Those to the rear of the are unaffected and the plans show the small tree on the front adjacent to the community centre boundary will be retained. A landscaping scheme will be sought to maintain a green feel to the site after construction.

The proposal complies with Arun Local Plan policies D DM1 & D SP1 and with the guidance on design

within the NPPF.

RESIDENTIAL AMENITY:

The adjacent residential occupier objects to the scheme on the grounds that it will result in overlooking and a loss of privacy due to the proposed north facing secondary 1st floor lounge window and that the building will block all sunlight to kitchen/hallway windows and to the garden. The objector suggests that gable roofs should be replaced with hips to lessen the impact.

Arun Local Plan policy D DM1 requires the Council have regard to certain aspects when considering new development including having minimal impact to users and occupiers of nearby property and land. Arun Local Plan policy QE SP1 states that: "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".

Regard should be had to para 127 of the NPPF which states that developments should provide a high standard of residential amenity for existing and future users.

There are no windows on the main flank wall which faces Sudbury but a lounge window is shown at first floor level on the flank of a rear projection. As this is a secondary window, it is acceptable to impose a requirement that the window is obscure glazed/non opening below 1.7m. This protects the neighbouring property from harm due to overlooking. Due to the presence of recreation land opposite and the community centre adjacent, there are not considered to be any issues with overlooking to the front/side. The interface distance to the nearest dwelling to the rear is more than adequate.

In respect of sunlight, it is accepted that the new building will be to the south of the existing dwelling and could affect the amount of light reaching the neighbours garden and windows. There is to be a wide gap between the neighbour and the new building - and this gap widens to the rear. This ensures that an adequate amount of light still reaches the neighbour and minimises the amount of shading that may occur. The development will not affect light levels when the sun is in the west thus ensuring sunlight in the afternoon and evening hours.

The proposal complies with Arun Local Plan policies D DM1 and QE SP1 as well as the guidance on amenity within the NPPF.

INTERNAL & EXTERNAL SPACE STANDARDS:

Arun Local Plan policy D DM2 states that: "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 the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) in order to determine whether the building is suitable for residential use.

The following is a breakdown of the proposals versus the space standards:

Dwelling - Storeys/Beds/Persons - Requirement - Proposed - Compliance (Y/N)

Flat 1 - 1S/2B/3P - 61m² - 70.6m² - Y

Flat 2 - 1S/2B/3P - 61m² - 70.4m² - Y

Flat 3 - 1S/2B/3P - 61m² - 70.6m² - Y

Flat 4 - 1S/2B/3P - 61m² - 70.4m² - Y

The scheme includes a large communal rear garden plus private spaces for three of the flats (1 balcony & 2 patio's). This provides for a good standard of amenity for future occupiers. There is a public park on the opposite side of the road.

The proposal complies with Local Plan policies D DM1 & D DM2 and guidance within the NPPF.

PARKING PROVISION:

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 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"

Policy T DM1 requires that new 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 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."

WSCC Highways have assessed the application submission and raise no objections. In respect of parking, they state the likely parking demand is 6 spaces. However, on-street parking is present along Westloats Lane and offers alternative means of parking for residents. Also there are comprehensive parking restrictions prohibiting vehicles from parking in places that would be a detriment to highway safety. Therefore, the 2 space shortfall would not be harmful to highway safety.

The increased demand for on-street parking would not be harmful to the amenity of local residents or to the appearance of the streetscene. The proposal is in accordance with policies T DM1 and T SP1 of the ALP and with the guidance on highway safety within the NPPF.

IMPACT ON THE PAGHAM HARBOUR SPECIAL PROTECTION AREA:

Local Plan policy ENV DM2 states 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, does 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"

The Councils Cabinet approved a reduction in the tariff from £1,275 to £871 as of the 10th April 2017.

The site is in Zone B and it is necessary to apply this requirement. The net increase of four dwellings results in a contribution of £3,484. This will be secured by a direct payment from the applicant.

SUMMARY:

This proposal is considered to represent an efficient use of currently under-utilised urban brownfield land and does so without compromising the visual amenity of the area or the amenities of existing neighbouring residential occupiers. The recommendation to approve is therefore made subject to the following conditions and a direct payment from the applicant to cover the Pagham Harbour mitigation requirements.

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

The Council is unable to enter into a Section 106 Agreement with itself and therefore the applicant will instead make a direct payment of £3,484 in order to contribute to the Pagham Harbour Access Management Mitigation Measures.

RECOMMENDATION

APPROVE CONDITIONALLY

- 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

Drawing 2018-D1414-100 "Site Layout, Levels and Drainage";
Drawing 70 Rev B "Street Scene and Site and Location Plans"; and
Drawing 71 Rev B "Plans and Elevations".

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 Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policy W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because it would not be possible to implement a surface water drainage scheme once development had commenced.

- 4 No development shall be commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details for all temporary contractors' buildings, plant and stacks of materials, provision for the temporary parking of contractors vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: To avoid undue congestion of the site and consequent obstruction to access in accordance with policies D DM1 and T SP1 of the Arun Local Plan and the National Planning Policy Framework. This is required to be a pre-commencement condition because it is necessary to have the site set-up agreed prior to access by construction traffic.

- 5 Development shall not commence until full details of the proposed measures to be undertaken to divert the existing public sewers have been submitted and approved in writing by the local planning authority (in conjunction with Southern Water). None of the dwellings shall be occupied until the measures in respect of diverting the sewer have been completed in accordance with the agreed details.

Reason: To ensure that the proposed development does not result in any damage to the existing foul sewer in accordance with policies W DM1 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because new development has the potential to cause damage to any sewer crossing the site.

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

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and the character & appearance of the surroundings by endeavouring to achieve a building of visual quality in accordance with policy D DM1 of the Arun Local Plan.

- 7 No part of the development shall be first occupied until pedestrian visibility splays of 2 metres by 2 metres have been provided either side of the proposed site vehicular access onto Westloats Lane in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These visibility splays shall thereafter be kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety and in accordance with policy T SP1 of the Arun Local Plan.

- 8 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide adequate on-site car parking space for the development in accordance with policy T SP1 of the Arun Local Plan.

- 9 The secure cycle storage shed shall be implemented in accordance with the approved drawings and thereafter 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 current sustainable transport policies and policy T SP1 of the Arun Local Plan.

- 10 The bin store shall be implemented in accordance with the approved drawings and thereafter retained in perpetuity unless otherwise agreed in writing with the local planning authority.

Reason: To protect the amenities of nearby residents in accordance with Arun Local Plan policy WM DM1.

- 11 Prior to occupation of any of the dwellings, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings shall be submitted to the local planning authority for approval and thereafter implemented in accordance with the approved details and the charge points shall thereafter be permanently retained and maintained in good working condition.

Reason: New petrol and diesel cars/vans will not be sold beyond 2040, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun District Council Electric Vehicle Infrastructure Study (November 2017) and the National Planning Policy Framework

- 12 None of the new dwellings shall be occupied unless and until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that the development will

achieve energy efficiency measures. The approved scheme shall thereafter be implemented prior to occupation of any of the dwellings and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

Reason: To ensure that the development is energy efficient and in accordance with policy ECC SP2 of the Arun Local Plan.

- 13 The secondary lounge window on the north eastern elevation of the building at first floor (flat 3) shall at all times be glazed with obscured glass and fixed shut up to 1.7m from the floor level.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policy D DM1 of the Arun Local Plan.

- 14 All four of the southwest facing bathroom windows within the proposed building are to be glazed with obscured glass.

Reason: To protect the amenities and privacy of future occupiers in accordance with policy D DM1 of the Arun Local Plan.

- 15 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.

- 16 INFORMATIVE: 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.

- 17 INFORMATIVE: Drainage Engineers advise that Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 30% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes are also available on request.

- 18 INFORMATIVE: The application is subject to a direct payment of £3484 in order to contribute to the Pagham Harbour Access Management Mitigation Measures.

- 19 INFORMATIVE: The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact the Area Highway Manager (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.