

Recommendation Report for Planning Permission

REF NO: BR/232/18/PL

LOCATION: 12A and 12B Ivydale Road
Bognor Regis
PO21 5LY

PROPOSAL: Application for variation of conditions 02 & 07 following grant of planning permission BR/276/16/PL (as amended by BR/38/17/PL) relating to the replacement of the garage with a garden office, new parking layout & cycle storage.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application proposes to amend the previous variation permission by replacing the approved garage and internal cycle store with a garden office and separate cycle store. There are also minor changes to the parking layout. The previously approved garage measured 8.4m wide by 6.2m deep with a height to eaves of 2.3m & ridge of 5.67m. The new garden office will measure 8.36m wide by 6.3m deep with a 2.3m high flat roof. No details are given as to the materials for this building. The new site plan shows the position of a cycle store but no elevations or floor plan is provided.
SITE AREA	Approximately 0.12 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	Approximately 23 dwellings per hectare (no change to previous).
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Predominantly close boarded fencing approximately 1.8m high, supplemented with hedging in part.
SITE CHARACTERISTICS	The site is currently fenced off from 14 Ivydale Road which is itself a detached chalet style property, with rendered elevations and a pitched tiled roof. The site is grassed.
CHARACTER OF LOCALITY	The site is located on a residential road of predominantly chalet dwellings of a similar style. Numerous dwellings within the locality have dormer windows. Ivydale Road also forms part of the Pevensy Homezone. No. 14 Ivydale has a bathroom dormer window on the side of its roof which faces onto the site. It also has a first floor rear principal bedroom window. At ground floor, there is a bedroom window on the flank elevation and a utility room window on the eastern side of the rear elevation. Meanwhile, no. 12 has a rear extension which is not shown on the submitted OS plans but is on the proposed site plan. It has a

principal bedroom window on the ground floor rear elevation and a secondary bedroom window on the ground floor flank. However, the property is set in from the boundary by the width of its garage.

RELEVANT SITE HISTORY

BR/38/17/PL	Application for Variation of Condition 1 imposed under BR/276/16/PL to replace the current approved garage with a similar garage increased in height	ApproveConditionally 16-05-17
BR/16/17/DOC	Application for approval of matters reserved by conditions imposed under BR/273/15/PL relating to Condition Nos 3: Details of screens, walls, fences, 4: Details of waste storage & recycling, 5: Details & samples of external materials & finishes, 7: Cycle storage details.	DOC Approved 28-03-17
BR/329/16/DOC	Application for approval of details reserved by condition imposed underBR/273/15/PL relating to condition No.6 (Surface water drainage)	DOC Approved 18-01-17
BR/276/16/PL	Application for variation of conditions No. 2 & 7 imposed under planning reference BR/273/15/PL relating to amended plans & by substituting existing garage for a larger garage incorporating cycle storage	ApproveConditionally 23-12-16
BR/315/16/NMA	Application for a non-material amendment following a grant of BR/273/15/PL for Plots 1 & 2 - brick cladding amend to render.	Approve 02-12-16
BR/152/16/NMA	Application for Non-Material Amendment following a grant of planning permission BR273/15/PL relating to brick slip cladding to front facade.	Approve 01-07-16
BR/273/15/PL	Erection of 2 No. dwellings with detached garages (revisions to BR/274/13/). Known as 12a & 12b Ivydale Road, Bognor Regis PO21 5LX.	ApproveConditionally 07-04-16

The original planning permission (BR/273/15/PL) was first amended by BR/276/16/PL which replaced the approved garage with a larger garage to incorporate internal cycle storage. The effect of BR/38/17/PL was to replace this garage building with a taller garage building. The first NMA altered the materials on the front elevations from render to brick slips but this was then cancelled by the second NMA. All of the pre-commencement or pre-occupation type planning conditions attached to BR/273/15/PL have already been discharged under BR/329/16/DOC and BR/16/17/DOC.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

No objection.

One letter from a local resident stating that: "You have wrongly advertised this application the site is known as 12A and 12B. Number 14 is a property next door so therefore you need to re-advertise this so we can comment further on this application."

COMMENTS ON REPRESENTATIONS RECEIVED:

The incorrect property address was corrected.

CONSULTATIONS

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS - No objection subject to two conditions to secure cycle storage and car parking as per the approved plans. Comment as follows:

- WSCC as Local Highway Authority (LHA) has been consulted previously on various applications at this site for proposed dwellings and revisions to the proposed garage to which it has raised no highway safety concerns. The LHA was not consulted on the most recent application BR/38/17 to increase the proposed garage roof height;
- The site is located on Ivydale Road an unclassified road subject to a speed limit of 30mph;
- Under BR/276/16, the proposed garage plans were altered to provide a double garage with internal annexed cycle storage. The LHA advised that the applicant increase the internal parking area to 6 x 6m but raised no highway safety concerns to the proposal;
- This proposal seeks to convert the garage to a garden office and provide two external parking spaces to the front of the proposed garden office;
- Under WSCC current parking standards, three parking spaces would be required per dwelling for a development of this size and location;
- There does appear to be sufficient space on site to accommodate any additional parking as result of the loss of the existing garage;
- There appears to be sufficient space on site for vehicles to turn on site and exit onto the publically maintained highway in a forward gear;
- The proposed relocated cycle storage facility appears sufficient for the storage of at least 2 cycles as set out in WSCC Parking Standards; and
- In conclusion, the LHA does not consider that this proposal would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework

(paragraph 109), and that there are no transport grounds to resist the proposal.

COMMENTS ON CONSULTATION RESPONSES:

The comments are noted however as the applicant has not provided any detail of the cycle store, it is necessary to amend the suggested cycle storage condition to seek approval of the appearance of the cycle store.

POLICY CONTEXT

Designations applicable to site:

Within the built-up area boundary;
Pagham Harbour Zone B;
No Public Sewer; and
Permitted Development Restriction.

DEVELOPMENT PLAN POLICES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
HDM1	H DM1 Housing mix
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
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
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water

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 relevant Development Plan policies in that the garden storage building will not have a materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties and will not adversely affect the parking provision.

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 in 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 design/visual amenity, parking and residential amenity.

Policy SD SP1 of the ALP states: "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 (NPPF)." The application concerns an approved site within the settlement of Bognor Regis. 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, medical services and a railway station. The proposal is considered accord with policies SD SP1 and SD SP2 of the Arun Local Plan.

Furthermore, the site benefits from an extant planning permission. The changes proposed by this application concern only the garden office which replaces a garage, the position of the new cycle store and some very minor changes to the parking/turning layout.

VISUAL & RESIDENTIAL AMENITY:

Policy D DM1 of the Arun Local Plan requires that the Council seek to make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area. It also requires the Council to consider scale, massing, aspect, siting, layout, density, building materials, landscaping, and design features. It is also necessary that development demonstrates a high standard of architectural principles, use of building materials and hard and soft landscaping to reflect the local area. The policy also requires that the scale of development keep within the general confines of the overall character of a locality. In respect of residential amenity, the policy 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". Policy D SP1 "Design" requires development to make an efficient use of land and also reflect local character.

In addition, para 127 of the NPPF requires developments to be visually attractive, sympathetic to local character & history and provide a high standard of residential amenity for existing and future users.

The proposed garden office will be marginally larger in footprint (52.67m²) when compared with the previously approved garage (52.08m²) but will also be 3.37m lower in height. As such, it is considered that it will result in a reduction in harm to nearby residents and a reduction in the impact on the character & appearance of the streetscene. The building will be used more intensively (office use compared to storage of cars) but the noise associated with an office use is likely to be less harmful than that associated with a domestic garage. On this basis, the proposal is considered to comply with ALP policies D DM1, D SP1 and QE SP1.

HIGHWAYS AND PARKING:

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"

In addition, 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."

West Sussex Highways have raised no objections to the application and it is considered that despite the loss of the garage, that there is still plenty of space within the layout to accommodate the required number of parking spaces. There is therefore no conflict with policies T DM1 or T SP1 of the Arun Local Plan.

SUMMARY:

The application seeks only to make a relatively minor changes to the approved layout and it is considered that this is acceptable such that permission should be granted subject to the following conditions.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1

of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

SECTION 106 DETAILS

Application BR/273/15/PL was approved subject to a legal agreement concerning the payment of a contribution towards the mitigation of the Pagham Harbour Special Protection Area. The legal agreement contains a clause which means that it automatically applies to subsequent revisions to the proposal.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of the 7th April 2019 (being 3 years from the date of the planning permission granted by BR/273/15/PL).

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 no. 1 - Location Plan;
 14 Ivydale Road - Parking Spaces and Cycle Storage (Site Plan);
 Drawing No. 14 - Proposed Streetscene;
 Drawing No. ARCH 02/8462/2015 - Ground Floor Plan Plot 1;
 Drawing No. ARCH 03/8462/2015 - First Floor Plan Plot 1;
 Drawing No. A3 - Basement Plan Plot 1;
 Drawing No. ARCH 12/8462/2015 - Ground Floor Plan Plot 2;
 Drawing No. ARCH 13/8462/2015 - First Floor Plan Plot 2;
 Drawing no. ARCH 06/8462/2015 Version 10, (14/07/16) "Elevations" (North & East);
 Drawing no. ARCH 05/8462/2015 Version 10, (14/07/16) "Elevations" (South & West);
 Garden Office - Front Elevation - Drawing 01 Rev A;
 Garden Office - Side Elevation - Drawing 02 Rev A; and
 Garden Office - Floor Plan.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in

accordance with policies D DM1, QE SP1, T DM1 and T SP1 of the Arun Local Plan.

- 3 None of the dwellings shall be occupied unless and until the 1.8m high vertically boarded timber screen fencing has been erected in accordance with the details approved by BR/16/17/DOC. The approved fencing shall thereafter be permanently retained.

Reason: In the interests of amenity in accordance with policy D DM1 of the Arun Local Plan.

- 4 None of the dwellings shall be occupied unless and until the bin store location have been provided in accordance with the details approved by BR/16/17/DOC. Thereafter the bins should be permanently stored as per the submitted drawing.

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

- 5 The dwellings shall be constructed in accordance with the materials approved by BR/16/17/DOC which consist of standard white & standard grey render to the house walls and Marley Double Roman smooth grey tiles for the house roofs.

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

- 6 Neither of the dwellings shall be occupied unless and until a schedule of materials and finishes to be used for the external walls of the garden office 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 garden office building.

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

- 7 Neither of the two dwelling houses shall be occupied unless and until the complete surface water drainage system serving the property (as approved by BR/329/16/DOC) has been implemented in accordance with the agreed details. Thereafter, the approved system shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan.

- 8 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and policies T DM1 & T SP1 of the Arun Local Plan.

- 9 No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development in accordance with the National Planning Policy Framework and policies T DM1 & T SP1 of the Arun Local Plan.

- 10 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning

(General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the dwelling houses shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with policy D DM1 of the Arun Local Plan.

- 11 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.
- 12 INFORMATIVE: The applicant is advised to contact the West Sussex Area Highways Officer covering the respective area (01243 642105) to obtain formal approval from the highway authority to carry out the site access works on the public highway.
- 13 INFORMATIVE: Should any protected species or evidence of any protected species be found prior to or during the development, all works must stop immediately and an ecological consultant or Chichester District Council's ecologist contacted for further advice before works can proceed. All contractors working on site should be made aware of this advice and provided with the contact details of a relevant ecological consultant.
- 14 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to contributions of £4,416 towards off-site affordable housing and £2,550 to mitigate the impacts on the Pagham Harbour Special Protection Area. The legal agreement was completed in respect of application BR/273/15/PL but applies to all subsequent variations of condition.