

Recommendation Report for Planning Permission

REF NO: BR/255/19/PL

LOCATION: 34 & 36 Southdown Road
Bognor Regis
PO21 2JR

PROPOSAL: Change of use of houses in multiple occupation (Sui Generis) to create 2 No 1 bed, 2 No 2 bed self contained flats & single storey rear extension to form 2 No studio flats (C3 Dwelling House).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The application proposes the change of use of 2 no. houses in multiple occupation (Sui Generis) and single storey rear extension to create 6 no. self-contained residential units. The units comprise a mix of 2 x 1 bedroom dwellings, 2 x 2 bedroom dwellings and 2 x studio dwellings.

SITE AREA Nos. 34 and 36 Southdown Road comprise a site area of 666 square metres.

RESIDENTIAL DEVELOPMENT DENSITY (NET) 90 dph (proposed)

TOPOGRAPHY Predominantly flat.

TREES No Tree Preservation Orders or other significant trees are affected by the proposed development.

BOUNDARY TREATMENT Boundary treatments to the front of properties comprise a mixture of low level planting and c. 1m timber closeboard fencing. Boundary treatments to the rear comprise timber closeboard fencing.

SITE CHARACTERISTICS The site comprises a set of semi-detached dwellings 34 and 36 Southdown Road, Bognor Regis. Both properties are occupied as Houses of Multiple Occupations (HMOs) under permitted development rights. Each HMO comprises a total of 6 bedrooms which result in 12 bedspaces. Cumulatively, both properties provide a total of 12 bedrooms and 24 bedspaces.

CHARACTER OF LOCALITY The Southdown Road area of Bognor Regis is characterised by sets of semi-detached set back in their plots. To the front of their plots is off-road parking which comprises tandem parking. There are some front gardens; however, there is more recent evidence of gardens having been removed to facilitate off-road parking. Properties are all two storeys in nature.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

No objection.

Two letters of objection have been received which detail the following concerns:

- 1) Studio dwellings do not fit into the neighbourhood back garden landscape
- 2) View from adjacent kitchen window would be obstructed by the proposed roof design
- 3) Cycle sheds are to be erected against adjacent garage wall which will prevent access to garage for maintenance and gutter clearance
- 4) Use of building would allow possibility of increase noise pollution, car parking, attraction of dubious characters, possibility of casual drug and alcohol use, noisy late night parties
- 5) Devonshire Place is a private estate which is quiet and pleasant and development would considerably erode the pleasant and relatively quiet location

COMMENTS ON REPRESENTATIONS RECEIVED:

These matters are assessed in further detail in the following Officer assessment.

CONSULTATIONS

Natural England

Environmental Health

Engineering Services Manager

Engineers (Drainage)

Southern Water Planning

CONSULTATION RESPONSES RECEIVED:

BOGNOR REGIS TOWN COUNCIL

- No objection

ARUN DISTRICT COUNCIL SURFACE WATER DRAINAGE

- Recommend consultation with Southern Water owing to presence of foul water sewer on the site

SOUTHERN WATER

- Imposition of condition requiring 'the developer must agree with Southern Water, prior to commencement of the development, the measures to be undertaken to protect the public sewer.'

NATURAL ENGLAND

- Since this application will result 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. Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound

- Natural England advises that it is a matter for your Authority to decide whether an appropriate assessment of this proposal is necessary in light of the People Over Wind Ruling. In accordance with the Conservation of Habitats & Species Regulations 2017, Natural England must be consulted on any appropriate assessment your Authority may decide to make.

COMMENTS ON CONSULTATION RESPONSES:

These matters are assessed in further detail in the following Officer assessment.

POLICY CONTEXT

Designation applicable to site:

- Built up Area Boundary
- 2km Buffer of Bognor Reef & Felpham SSSIs
- Pagham Harbour Access Management 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
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
ECCDM1	ECC DM1 Renewable Energy
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVDM2	ENV DM2 Pagham Harbour
ENVSP1	ENV SP1 Natural Environment
HDM1	H DM1 Housing mix
HSP4	H SP4 Houses in multiple occupation
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
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
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WDM1	WM DM1 Waste Management
WSP1	W SP1 Water

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's

Waste and Minerals Plans and the Bognor Regis (2015-2030) Neighbourhood Development Plan August 2015.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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 development accords with the policies contained within the Development Plan. The relevant material considerations are not of such significance to outweigh the accordance with the Development Plan policies.

OTHER MATERIAL CONSIDERATIONS

EXISTING HMO (C3) USE OF APPLICATION BUILDINGS

The current use of the buildings as lawful HMOs falling within the C3 use class comprise a material consideration. Both Nos. 34 and 36 Southdown Road are in lawful use as a HMO featuring 6 bedrooms (2 persons each). Cumulatively, as existing, this site supports 24 bedspaces. This nature of use results in a corresponding nature of usage including parking, noise etc. This comprises a material consideration of significant weight in assessing the acceptability of the proposed development.

CLASS A PERMITTED DEVELOPMENT RIGHTS

Class A, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) would allow an outwards extension of up to 6 metres with a maximum height of four metres, subject to a neighbour consultation scheme. This application comprised a public consultation scheme for a development of a similar size and scale to that which could be achieved under permitted development rights. It therefore follows that any assessment in relation to the design and operational development of the rear extensions should give material weight. This permitted fall-back position is given significant weight as a material consideration in assessing the acceptability of the proposed development.

CONCLUSIONS

PRINCIPLE

Policy SD SP1a of the Arun Local Plan supports development proposals that provide the housing needs of the community by delivering 20,000 homes of an appropriate scale and tenure. Policy SD SP1 encourages the effective use of previously developed land in accordance with the strategy.

The development would utilise an existing site which currently provides 2 no. residential dwellings in HMOs use and deliver a total of 6 no. residential dwellings towards the Council's annualised housing targets. The development would deliver these additional dwellings on a previously developed site which is sustainably located. Such an approach is supported by Policies SD SP1a.

However, all development is assessed against the Development Plan when taken as a whole, whilst being balanced against other material considerations.

DESIGN

Policies D SP1, D DM1 and D DM4 requires development to accord with the character of the area and to have minimal impact upon occupiers of nearby properties.

The proposed extension comprise depths of 8m. The extension comprises a valley roof which gives the appearance of two individual extensions. The extensions would fall within the overall silhouette of the host building and would not appear as a dominant feature. Owing to the single storey nature, and lesser outer dimensions, the extension would retain the overall hierarchy of development on the site.

The sole visibility of the extensions would be to the rear of the properties; however, neighbouring views/outlook are not protected under the Planning system. The applicant's permitted fall-back position, which permits single storey extensions of up to 6m in locations such as these, are given significant weight in the assessment of this application. The proposed extension would be 2m deeper in length than the PD fall-back position; however, this, additional depth would not result in any additional or greater harm than the permitted 6m depth.

Further, this also needs to be balanced against NPPF provisions and the Council's inability to demonstrate a 5 Year Housing Land Supply at the time of writing. The Government seeks to support the development of previously developed land and achieve appropriate densities to meet identified housing needs. Given the limited impacts that the additional size would result in, coupled with the significant benefits that would arise from the provision of additional housing units, means the minimal design impacts are not sufficient enough to outweigh conformity with the NPPF.

An indicative materials palette has been provided which would be considered broadly acceptable. However, to ensure a high quality design as required by the Arun Local Plan, a condition requiring a definitive materials schedule and samples will be attached.

Taking the design of development, permitted fall-back position and NPPF provisions, the development is considered acceptable and would accord with Policies D SP1, D DM1 and D DM4 of the Arun Local Plan.

RESIDENTIAL AMENITY

Policy QE SP1 of the Arun Local Plan requires development to contribute positively to the quality of the environment and ensure that development does not have a significantly negative impact upon residential amenity.

The application proposes a rear single storey extension to provide 2 no. studio flats to the rear. The extension measures 8m in length into the rear garden and comprises dual pitched roofs. Outward opening patio doors to the western elevations are featured with high level velux's in the roof pitches.

The dimensions of the development are comparable to those which could be achieved under the applicant's permitted fall-back position which would allow for extensions of 6m in depth. Whilst the proposed extensions would extend to 8m, the additional length would not be materially discernible from any public viewpoints or vantages. It is acknowledged that the outlook from neighbouring properties will change; however, the rear extensions would not result in any material impacts upon neighbouring amenity.

This outlook could be equally changed under utilisation of the applicant's permitted development rights. The increased size over and above the applicant's permitted fall-back position is not considered to result in any additional or greater material harm that would not already be permitted by the applicant's PD fall-back position.

Whilst concerns relating to neighbouring outlook have been raised in the consultation period, the development would not result in any significant loss of sunlight, privacy and outlook to neighbouring properties. No neighbouring habitable rooms would be implicated by the development when using the 45 degree rule. The policies contained within the Arun Local Plan allows for change in outlook, subject to this change not resulting in material planning harm.

Concerns were also raised relating to noise generation from an intensification of use. However, the applicant's existing position is a 2 no. HMOs comprising a total of 12 bedrooms and 24 bedspaces. The number of bed spaces would reduce from 24 over the two properties to 14 bedspaces. With the potential reduction of 10 persons at these addresses, it is anticipated that a reduction in overall noise would result.

For the reasons set out in this section of the assessment, combined with weight given to the applicant's permitted fall-back position, balanced against the requirement to provide additional residential accommodation on previously developed sites, the design of the extensions would not result in adverse impacts upon neighbouring amenity in accordance with Policy QE SP1 of the Arun Local Plan and Policy 8a of the Bognor Regis Neighbourhood Plan.

INTERNAL SPACE STANDARDS

Policy D DM2 of the Arun Local Plan requires internal spaces to be an appropriate size to meet the requirements of all occupants and their changing needs.

Of the 6 proposed apartments, Apts. 1 and 2 exceed the space standards. Apts 3 and 4 are 2 sq/m less than the Nationally Described Space Standards and Studio Apts. 5 and 6 are 1.5 sq/m less than the NDSS.

Paragraph 13.3.4, which supports Policy D DM2, allows for occasions such as the conversion of an existing building, where space standards cannot be met. However, the proposed apartments still achieve a sufficiently large enough space that would meet the requirements of all occupants and their changing needs, in accordance with the spirit of Policy D DM2 of the Arun Local Plan.

HIGHWAYS, TRANSPORT & PARKING

The application proposes the retention of 6 no. off-street parking spaces to serve the development. The parking arrangement and total number of spaces is retained as existing. The retention of the existing arrangement ensures no severe highways impact would result. The 6 no. off-street parking spaces would now serve 14 bedspaces in comparison 24 bed spaces as existing.

West Sussex County Council: Guidance on Parking at New Developments SPG (March 2019) requires 5.4 spaces for a 6 bedroomed development in Parking Behaviour Zone 4. On this basis, the proposed parking provision meets with the standards.

Furthermore, weight is given to the nature of the vehicle movements associated with self-contained dwellings in comparison to the existing short term tenured HMO use, combined with the commensurate reduction in bedspaces.

Taking these factors into account the development would accord with the Policy T SP1 of the Arun Local Plan, paragraph 109 of the NPPF.

BIN AND CYCLE STORAGE

The submitted plans detail provision of both bin and cycle storage; though no definitive capacities have been provided. A condition will be attached to any consent to agree formal details prior to the occupation of the development.

Cycle storage has been detailed providing 6 cycle spaces for 6 apartments. Such provision accords with WSCC SPG guidelines. A condition will be attached to agree formal details and provision ahead of occupation of the development.

Concern was raised within the public consultation period regarding the location of bin and cycle storage provision. The imposition of the above conditions will allow for sufficient scope to address such matters subsequently.

Taking the above factors into account the development would accord with Policies T SP1 and WM DM1 of the Arun Local Plan.

LANDSCAPING

Policy D SP1 of the Arun Local Plan requires all development proposals to make efficient use of land and reflect the characteristics of the site and local area in their landscaping. Local Plan Policy D DM1 requires improving the character of the site and surrounding area in terms of landscaping.

The development would result in shared amenity space and therefore high quality amenity space should be incorporated within the development.

No details regarding landscaping have been provided however given that this would be in the back garden area a landscaping condition is not necessary.

The development would accord with this aspect of Policies D SP1 and D DM1 of the Arun Local Plan.

NATIONALLY DESIGNATED SITES OF IMPORTANCE

The application site falls within 2km of the Bognor Reef and Felpham SSSIs. Local Plan Policy ENV DM1 requires proposed development likely to have an adverse effect on the Bognor Reef and Felpham SSSIs will not normally be permitted.

Given the proposed development would result in a cumulative reduction in bed spaces from 24 to 14, the development would unlikely have an adverse effect on the Bognor Reef and Felpham SSSIs. Therefore, the development would accord with the contents of Policy ENV DM1 of the Arun Local Plan and paragraph 175 of the National Planning Policy Framework (July 2019).

INTERNALLY DESIGNATED SITES OF IMPORTANCE

The application site falls within the Pagham Harbour Access Management Zone B and is therefore subject to Policy ENV DM2 which requires mitigation, solely where development is likely to have an impact on Pagham Harbour.

Following consultation with the Council's Legal Team, and owing the reduction in bed spaces which would result from the proposed development, no additional recreational impacts would result.

Whilst Natural England's response outlined a financial contribution should be sought, this advice was given on the basis of a net increase in residential properties.

EU legislation governing the protection of Special Protection Areas requires the impacts of recreational impacts to be mitigated. In this instance, the development would not result in additional recreational impacts owing to the reduction in bedspaces. Therefore, no mitigation is required.

WATER SUPPLY AND QUALITY

Policy W DM1 of the Arun Local Plan requires all new development of two or more dwellings to include measures that meet the optional standards of 110 l/person/day. A condition will be imposed requiring

details of water efficiency measures to be agreed with the Local Planning Authority and implemented prior to the occupation of the development.

Concern was raised by Southern Water within their consultation period regarding developing land in close proximity to a Southern Water owned sewer. A condition preventing occupation of the development until a formal application has been submitted and approved to Southern Water would not comply with paragraph 56 NPPF tests, as such a matter is outside of the scope of the planning system. However, an informative will be added to the consent to draw the applicant's attention to this separate requirement.

Subject to the above conditions and informatives the development would comply with the contents of Policy W DM1 of the Arun Local Plan.

ENERGY:

Policy ECC SP2 requires energy efficiency measures in buildings. It is therefore necessary to impose conditions relating to this and electric vehicle charging points.

Conclusion:

Based on the above it is considered the scheme is acceptable subject to conditions over.

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.

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 1926 02 Location and Block Plan, 1926 06 Proposed Floorplans, 1926 07 Proposed Roof Plan and Site Layout, 1926 08 Proposed East and North Elevations as Proposed and 1926 09 Proposed West and South Elevations.
- Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D SP1, D DM1 and D DM4 of the Arun Local Plan.
- 3 Prior to the application of materials on the external facings of the development hereby permitted, a schedule of materials and finishes to be used for external walls and roofs of the proposed development have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the development.
- Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and character by endeavouring to achieve a building of visual quality in accordance with policies D SP1, D DM1 and D DM4 of the Arun Local Plan.
- 4 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 submitted to and approved by the Local Planning Authority. The approved details shall be retained in perpetuity.
- Reason: To provide alternative travel options to the use of the car in accordance with policy T SP1 of the Arun Local Plan.
- 5 Prior to the commencement of development, details showing compliance with Part G2 of the Building Regulations 2010 (or any subsequent legislation that supersedes it) shall be submitted to the Local Planning Authority for approval. The details shall include measures to restrict the consumption of wholesale water by 110 litres per person today. Once agreed, these efficiency measures shall be installed prior to occupation of the dwellings hereby approved and retained as such in perpetuity, unless otherwise agreed in writing with the Local Planning Authority.
- REASON: To ensure the water efficiency of the dwellings and reduce pressure on water abstraction sites in accordance with policy W DM1 of the Arun Local Plan.
- 6 Prior to the occupation 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.
- 7 The new dwellings shall not be occupied unless and until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that the dwellings will incorporate decentralised, renewable and low carbon energy supply systems. The approved scheme shall thereafter be implemented prior to occupation 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

- 8 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.
- 9 INFORMATIVE: Surface water drainage should be designed and constructed to comply with building regulation requirements. Infiltration should be fully investigated, if however it is found that infiltration does not work controlled discharge to ordinary watercourse will be required. The applicant should be aware that any proposals to discharge flows to a watercourse require Ordinary Watercourse Land Drainage Consent prior to works.
- Arun District Council requires 3m clearance between any structure and the bank of an ordinary watercourse and 3m clearance between any structure and a culverted ordinary watercourse. This is to ensure that no construction will occur that will limit the current or future landowners ability to conduct maintenance to the watercourse in line with their responsibilities under the Land Drainage Act 1991.
- 10 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.
- 11 INFORMATIVE: This permission conveys consent under planning legislation only and contravention with other legislation e.g. protection of wildlife etc. should be considered.