Recommendation Report for Planning Permission

REF NO: BR/264/22/PL

LOCATION: 98-100 Chichester Road
Bognor Regis
PO21 5AA

PROPOSAL: Variation of condition imposed on BR/315/19/PL relating to Condition 2 - approved plans.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	BR/315/19/PL approved the conversion of the existing first floor office space (B1 Business) into 1 No. two bedroom flat (C3 dwelling house) including rear access, amenity space & general storage facilities. This proposal seeks changes to BR/315/19/PL by varying Condition 2 (specifying the approved plans). The changes this permission seeks are:- - Approved minor alterations (raising marginally the ridge and rear eaves) to the lower section of pitched roof above 100 Chichester Road have been omitted to allow retention of the existing roof structure. - The introduction of a dormer window feature into the rear of the existing roof to accommodate floor space with sufficient headroom.
SITE AREA	66 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	303 dwellings per hectare.
BOUNDARY TREATMENT	2m part wall & part fence to the side boundary of 92's garden. No other boundaries.
SITE CHARACTERISTICS	Two storey terraced building in brick and tiles. Glazed shop front to Chichester Road. The building is in Class E use at ground floor (Financial Planners) with ancillary offices above. There is a small rear courtyard accessed by a side passage . Air Conditioning units attached to the first floor rear wall. On-street parking layby to the front restricted to Mon-Sat 8am to 6pm 1 hour.
CHARACTER OF LOCALITY	Part of a short parade of commercial uses with flats or offices above. Single storey retail premises to the west and adjoining end terraced building to the east with takeaway & flat above. Two dwellings to the north.

RELEVANT SITE HISTORY

BR/315/19/PL	Conversion of the existing first floor office space (B1 Business) into 1 No. two bedroom flat (C3 Dweliing house) including rear access, amenity space & general storage facilities.	App Cond with S106 17-06-20
BR/238/21/DOC	Approval of details reserved by condition imposed under ref BR/315/19/PL relating to Condition No 5 - odour mitigation measures.	DOC Approved 01-11-21

REPRESENTATIONS

Bognor Regis Town Council: No objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

N/A.

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary;
Class A Road;
Public Sewer on Site; and
Pagham Harbour Zone B.

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitagation
ENVDM2	ENV DM2 Pagham Harbour
HDM1	H DM1 Housing mix
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development

SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
TDM1	T DM1 Sustainable Travel and Public Rights of Way
WDM1	W DM1 Water supply and quality
WMDM1	WM DM1 Waste Management

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan 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.

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

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -
(a) the provisions of the development plan, so far as material to the application,
(aza) a post examination draft neighbourhood development plan, so far as material to the application,
(b) any local finance considerations, so far as material to the application, and
(c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The principle of development was approved by BR/315/19/PL - this application seeks amendments to the approved plans.

VISUAL IMPACT

Policy D SP1 of the Arun Local Plan (ALP) states development should reflect the characteristics of the site and local area, including in respect of scale, character, materials, finish. ALP policy D DM1 looks at aspects of form and design quality, including character, appearance, landscaping and scale.

Part R.O1 of The Arun Design Guide Supplementary Planning Document (SPD) deals with Apartments, requires development to provide flatted developments which integrate well with and respond sensitively to their setting. Well-designed apartment buildings will make a valuable contribution to meeting housing.

Paragraph 130 of the NPPF expects developments to be visually attractive as a result of good architecture and sympathetic to local character and history.

The original permission was acceptable in form, character and design. The changes are related to the lower section of pitched roof above 100 Chichester Road which was approved with a raised ridge and rear eaves. No changes to the shape and height of this section of the roof are proposed but one small rooflight to the front roof plane and one flat roof dormer to the rear roof plane are included. Minor internal changes are modest and would not have any demonstrably harmful impact on the character of the area.

The proposal complies with Arun Local Plan policies D DM1, D SP1, the Arun Design Guide and with the guidance on character in the NPPF.

RESIDENTIAL AMENITY:

The Arun Local Plan policy D DM1 requires the Council have regard to certain aspects when considering development including having minimal impact to users and occupiers of nearby property and land. In policy QE SP1 the Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity. Para 130 of the NPPF stresses that developments should provide a high standard of residential amenity for existing and future users.

The dormer would face to the windowless wall of No 92 Chichester Road and already approved and conditioned balcony guarding on the side facing to the private garden of No92 (1.8m high obscure glazed side screening) would overcome overlooking issues.

Three air source heat pumps are shown on the northern elevation which could produce some noise therefore the condition which requires submission of the scheme which includes technical specifications for the heat pump and any sound mitigation measures required.

The proposed changes would not have an unacceptable impact to users and occupiers of nearby properties in terms of loss of sunlight, privacy and outlook. The proposed development would comply with policies D DM1 and QE DM1 and para 130 of the NPPF.

INTERNAL & EXTERNAL SPACE STANDARDS:

Policy D DM2 states: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards

will provide guidance". It is necessary to assess the proposal against internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if the building is suitable for residential use.

The first floor 2 bed/3 person flat would have an internal space area of 67sqm, whilst the requirement according to the space standards is 61sqm. The floor space area exceeds the minimal space standard required by the Nationally Described Space Standards.

Arun Local Plan policy D DM1 refers to the need for compliance with the Arun Design Guide. This is to part replace D DM3 "External Space Standards" which was deleted at the request of the Local Plan Inspector. Para 130 of the NPPF states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

There are no changes to provision of amenity space. The proposal complies with policies D DM1 & D DM2 of the ALP and with the guidance in the NPPF (para. 130).

PAGHAM HARBOUR SPECIAL PROTECTION AREA:

ALP policy ENV DM2 requires residential developments in 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 £871 per new unit was agreed by the Council's Cabinet on 10 April 2017. The site lies in the designated Zone B and this application results in a net increase in a slight intensification in occupancy.

The site is in Zone B and it is necessary to apply this requirement. The net increase of one residential unit results in a contribution of £871. This is secured by the signed Section 106 legal agreement. There is no conflict with ALP policy ENV DM2 of the Arun Local Plan.

BIODIVERSITY

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

In line with Policy ENV DM5 of the Arun Local Plan information on Biodiversity Net Gain will need to be provided. A condition will be imposed to ensure this takes place.

CLIMATE CHANGE:

ALP policy ECC SP2 requires residential development be energy efficient and incorporate decentralised, renewable, and low carbon energy supply systems.

As there are no decentralised, renewable and low carbon energy supply systems proposed, a condition would be necessary to secure compliance with the policy.

OTHER MATTERS;

Matters such as external space standard, parking, etc were considered under BR/315/19/PL The minor changes proposed through this application are minor in nature and acceptable.

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 will be granted with a S106 legal agreement relating to a contribution of £871 towards the cost of delivering measures to avoid or mitigate to an acceptable level, the harm cased to Pagham Harbour by the Development.

CIL DETAILS

This application is not CIL liable as it falls within in Zone 4 and the 'Flats' element is Zero rated.

RECOMMENDATION

1 The development hereby permitted shall be begun before the expiration of 3 years from the date of the previous permission BR/315/19, namely 17/06/2020.

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 No P14, Location and Block Plan
Dwg No P01, Site Location Plan
Dwg No 2.002 Rev C1

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 The materials and finishes of the external walls and roof of the extension hereby permitted shall match in colour and texture those of the existing building.

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

4 The glazed screen of the proposed terrace on the north/west elevation of the building shall be erected prior to the flat first being used. It shall at all times be glazed with obscured glass and be 1.8m high on the sides facing to the north and to the west.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policy D DM1(3) of the Arun Local Plan.

5 A scheme shall be submitted for approval by the Local Planning Authority to demonstrate that the sound pressure level from the heat pump will not be greater than 42dBA at the facade of the nearest sensitive receptor. The scheme shall include technical specifications and a plan illustrating the location for the proposed heat pump and any sound mitigation measures required to achieve 42dBA at the facade of the nearest sensitive receptor. The approved scheme shall be implemented and maintained thereafter.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of the Arun Local Plan.

6 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources (as described in the glossary at Annex 2 of the NPPF) unless it can be demonstrated that a fabric-first approach would achieve an equivalent energy saving. Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority before any development above damp proof course (DPC) level begins. The development shall be implemented in accordance with the approved details and timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to secure on site renewable energy in accordance with national planning policy, and in accordance with Policy ECC SP2 of the Arun Local Plan.

7 Within 3 months of commencement of development details of improvements to secure biodiversity net gain shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be completed within a month of 1st occupation of hereby approved flats and retained thereafter.

Reason: In accordance with Arun Local Plan policy ENV DM5 and the National Planning Policy Framework.

8 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to a contribution of £871 towards the cost of delivering measures to avoid or mitigate to an acceptable level, the harm caused to Pagham Harbour by the Development.