

Recommendation Report for Planning Permission**REF NO:** BR/266/12/**LOCATION:** 28 & 30
Corbishley Road
Bognor Regis**PROPOSAL:** Erection of 2 no. 2 bed dwellings and 1 no. 3 bed dwelling and formation of 3 no. parking spaces.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	This application is to erect 3 new houses adjoining the existing two end of terraces between 28 and 30 Corbishley Road following the refusal of BR/46/09.
SITE AREA	0.09 hectare
RESIDENTIAL DEVELOPMENT DENSITY	22 dwellings per hectare
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Fencing to front and side. Wire fencing and hedging to the rear. Wire fencing between the properties.
SITE CHARACTERISTICS	End of terrace space between 28 and 30 Corbishley Road. The existing door to 26 and 28 is on the side elevation. Brick shed adjacent to 28. Existing dropped curb to the front of the site.
CHARACTER OF LOCALITY	Predominantly residential, terraced housing and semi detached ex Council Estate. To the rear of the site is a school playing field. In front, green sward and car parking. 30 Corbishley Road has first floor and ground floor side windows. 32 has off street parking provision to the front of the dwelling.

RELEVANT SITE HISTORY

BR/345/08/	3 no.new residential units in a terrace formation.	Refused 22-01-2009
BR/46/09/	Re-submission of previous application BR/345/08, for 3 No new residential units in a terrace formation.	Refused 14-05-2009

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

Objection:

Overdevelopment and lack of access to emergency vehicles.

1 letter of objection:

The terrace will now consist of 11 houses and the amount of space has not been considered.

The car parking proposal is for 3 space which is a net gain of 2 spaces. Concerned that boundary fencing will be damaged. Car parking is already a problem. The increase in recycle bins and rubbish sacks on the footpath will mean that there is not enough room on collection day. This will attract vermin. The houses will be out of character with the area.

Comments on Representations received:

Noted. County Highways have not raised an objection concerning parking. Bin storage has been provided for on the plans.

CONSULTATIONS

WSCC Strategic Planning

Engineering Services Manager

Southern Water Planning

Consultations responses received:

District Engineers:

There is a high probability that there is a public foul sewer on this site, if this is the case and the building proposals are over or within 3m of a sewer then a formal agreement will need to be sought with Southern Water. Construction of soakaways will not be allowed within 5m of any sewer/drain. Exact locations of existing surface water and foul water system will be required to discharge the surface water conition.

Southern Water:

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant. The Council's officers should comment on the adequacy of soakaways to dispose of surface water from the proposed development. The sewer records show a public sewer in the access road. The exact position of the sewer must be determined on site by the applicant. No development or new tree planting should be located within 3m either side of the centreline of the public sewer and all existing infrastructure should be protected during the course of construction works. Should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served and potential means of access before any further works commence on site.

County Highways:

The proposal is for 3 new residential units in a terrace formation. For the purposes of this application , the residential use is assumed to have a nil car parking provision. The proposed parking allocation does not meet the latest WSCC car parking standards. No highway safety concerns would be raised to the car parking provision in this location however. The Planning Authority may wish to consider the implications of this proposal upon on street car parking. Secure and covered cycle parking is to be provided at the three dwellings. WSCC most recently available verifeid accident records reveal there have been no personal injury accidents in the vicinity of the existing point of access indicating a low risk of highway safety issues with this proposal.

In terms of sustainability the site is within walking and cycling distance of Bognor Town centre,

the local supermarket is also a short distance away from the site. The nearest bus stop is approximately 100m north west of the site.

Comments on Consultation responses:

Comments noted. There are 3 off street parking spaces proposed.

POLICY CONTEXT

Designation applicable to site:

Within the Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

South East Plan:	SEPH5	Housing Design and Density
Arun District Local Plan:	GEN7	The Form of New Development
	GEN9	Foul and Surface Water Drainage
	GEN12	Parking in New Development

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
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SUPPLEMENTARY POLICY GUIDANCE

XXX6	Interim Affordable Housing Policy
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POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003 and the South East Plan adopted in 2009.

It should be noted that the Arun District Local Plan was adopted in 2003 and the South East Plan in 2009.

In accordance with paragraphs 214 of the National Planning Policy Framework (NPPF), the South East Plan is afforded full weight as part of the development plan. Footnote 41 (page 49) states the Governments clear policy intention to revoke regional strategies.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight but, because it predates 2004, a reduced weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the NPPF. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

The emerging local plan has recently been approved by the Council and is therefore a material consideration in the determination of this planning application. Whilst it has not been formally adopted due weight has been given to its policies in terms of the decision making process at this stage.

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

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

This is a resubmission of a previously refused application (BR/46/09) for three new houses. The 3 new houses are to be built in the gap between 28 and 30 Corbishley Road.

HISTORY OF THE SITE

There have been 2 previous applications for 3 dwellings on this site which have been refused, because they have been out of character with the existing terraces. This application has addressed the issues previously raised which were the layout which previously was unrelated to the terraces, and was therefore out of character with the surrounding area..

NATIONAL PLANNING POLICY FRAMEWORK

The core planning principle is to support sustainable development which is of high quality design with a good standard of amenity. Paragraph 50 seeks to deliver a wide choice of high quality homes which sidestep the opportunity for home ownership and inclusive, mixed communities. It is considered, for the reasons given below that the proposal is in accordance with these principles.

VISUAL AMENITY

The new dwellings are designed to form one continuous terrace and the fenestration will reflect that of the existing terraces. It is therefore considered that the proposal is visually in accordance with the existing character of the surrounding area.

RESIDENTIAL AMENITY

The proposed new houses are designed to join the two existing terraces. Each of the dwellings has sufficient garden space, which is similar in size and scale to neighbouring properties. It is not considered that the proposed residential units would have any adverse impacts upon the residential amenities of neighbouring occupiers.

HIGHWAYS

County Highways are satisfied that as the site is in a sustainable location, close to a bus route and with a car park to the front of the site, the proposal would not result in any highway safety issues. Off street car parking is proposed for 3 spaces. To the front of the site there is a car parking area. Whilst West Sussex County Highways have stated that parking provision is below standard, they have raised no objection on the grounds that 3 car parking spaces are being provided off street and there is a car park available to the front of the site and parking generally available in the locality.

DRAINAGE

Both the Council's Drainage Engineers and Southern Water have highlighted that there is a high probability that a public foul sewer crosses the site. The applicant will need to establish this fact prior to commencement of development. Construction of soakaways will not be permitted within 5m of any sewer. A condition has been imposed concerning details to be submitted of proposed surface water drainage.

AFFORDABLE HOUSING

An Interim Affordable Housing Policy was approved by Full Council on 18th August 2010. The policy states that the Interim policy is in accordance with the National Planning Policy Framework and that for developments of 1-14 units an affordable housing provision of 15% will be sought district wide. Therefore as the proposal is for 3 new units an off site contribution of £5188.00 which has been secured through a signed S106 Affordable Housing Agreement.

SUMMARY

It is considered that this proposal has addressed the previous reasons for refusal with regard to the character of the design and layout on the surrounding area. This proposal is to provide one continuous terrace, designed in keeping with the existing terraces either side and the development will provide sufficient amenity space and is proposing 3 car parking spaces. It is therefore recommended that the application is approved subject to the following conditions.

HUMAN RIGHTS ACT

FOR APPROVAL

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) 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 (negative, Neutral or positive) 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).

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans drawing number 2012/19/02 and 2012/19/01

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN9 of the Arun District Local Plan.

- 3 No development shall be carried out unless and until a schedule of materials and finishes and samples of such 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 by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

- 4 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. Existing surface water system and foul water system must be included with this submission. 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 and the SUDS Manual produced by CIRIA.

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.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

- 5 No development shall take place until there has been submitted to, and approved by, the

Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 6 The building hereby permitted shall not be occupied until provision for car parking and secure cycle storage have been made within the site in accordance with details to be submitted to and approved by the Local Planning Authority and such provision shall thereafter be permanently retained as such.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles clear of adjacent highways in accordance with policy GEN7 of the Arun District Local Plan.

- 7 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order, 1995 (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 GEN7 of the Arun District Local Plan.

- 8 No development or new tree planting should be located within 3 metres either side of the centreline of the public sewer and all existing infrastructure should be protected during the course of the construction works. Furthermore due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the property. Therefore should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its conditions, the number of properties served, and potential means of access before any further works commence on site. The applicant should discuss with Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester SO23 9EH (Tel 01962 858688).

Reason:

To ensure that the development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Local Plan.

- 9 **INFORMATIVE:**

A formal application for connection to the public sewerage system is required in order to service this development, please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (Tel 01962 858688) or www.southernwater.co.uk.

- 10 **INFORMATIVE:** Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY

This planning permission is granted because it complies with the policies listed below in that (the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character)and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN7, GEN9, GEN12, XXX6 Interim Affordable Housing Policy

SOUTH EAST PLAN H5

NATIONAL PLANNING POLICY FRAMEWORK

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.

- 11 **INFORMATIVE:**
Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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