

Recommendation Report for Outline Consent

REF NO: BR/283/19/OUT

LOCATION: 30 Devonshire Road  
Bognor Regis  
PO21 2SY

PROPOSAL: Application for outline planning permission for erection of small dwelling following demolition of garaging and workshop

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION      The application proposes outline planning permission for the erection of a small dwelling following demolition of garaging and workshop.

SITE AREA      0.1 hectares.

RESIDENTIAL DEVELOPMENT DENSITY (NET)      10 dph.

TOPOGRAPHY      Predominantly flat.

TREES      None of any significance affected by the proposed development.

BOUNDARY TREATMENT      The western boundary of the site comprises a mix of close boarded timber fencing and vegetation which appears to fall within the ownership of the neighbouring property to the west. To the eastern boundary of the site is the building of 30 Devonshire Road. The northern boundary of the site comprises close boarded timber fencing. The southern boundary of the site comprises the front garden of 30 Devonshire Road.

SITE CHARACTERISTICS      The application site comprises a parcel of land within the plot of 30 Devonshire Road which is currently occupied by a single storey garage building. 30 Devonshire Road comprises a 2 storey residential property which appears to have been converted internally to 2 no. self-contained apartments.

CHARACTER OF LOCALITY      Devonshire Road comprises a residential street close to the amenities of Bognor Regis. Properties along the northern extent of the street are set further back from the road frontage than those to the south which creates a feeling of space. The buildings are set back from Devonshire Road. Buildings have a consistent and coherent layout. This emphasises the detached nature of buildings which establishes the character of Devonshire Road. These features are appreciable from along Devonshire Road.

RELEVANT SITE HISTORY

BR/7/65

Conversion 2 Flats

ApproveConditionally  
03-03-65

None relevant.

**REPRESENTATIONS****REPRESENTATIONS RECEIVED:**

Bognor Regis Town Council

Bognor Regis Town Council

OBJECTION Based on the information available to them, Members were unable to support planning application BR/283/19/OUT in the absence of any proposed elevations/drawings. It has also been reported that there is apparently no site notice displayed in relation to this planning application.

UPDATE: 18 MARCH 2020

Members of the Planning and Licensing Committee considered details of the additional information that had recently been submitted to Arun District Council, by the applicant, in relation to planning application BR/283/19/OUT.

The Town Clerk has noted the views of those Councillors. Under the powers delegated to the Town Clerk (Council Min. 91 of 3rd September 1990 refers) she agrees that the recommendation of Bognor Regis Town Council should be as follows:

'Bognor Regis Town Council wish to withdraw their previous objection to planning application BR/283/19/OUT'.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

A site notice was displayed on 23 January 2020. The application is outline in nature. Reserved matters for appearance and layout requires elevations/drawings as a validation requirement.

**CONSULTATIONS****CONSULTATION RESPONSES RECEIVED:**

None

**COMMENTS ON CONSULTATION RESPONSES:**

N/A

**POLICY CONTEXT**

Designation applicable to site:

- 2km Buffer for Bognor Reef Site of Special Scientific Interest
- 2km Buffer for Felpham Site of Special Scientific Interest

- Pagham Harbour Access Management Zone
- Built-up Area Boundary

## DEVELOPMENT PLAN POLICIES

### Arun Local Plan 2011 - 2031:

|        |                                                              |
|--------|--------------------------------------------------------------|
| DDM1   | D DM1 Aspects of form and design quality                     |
| DDM2   | D DM2 Internal space standards                               |
| 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                                       |
| ENVDM5 | ENV DM5 Development and biodiversity                         |
| 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                               |
| WSP1   | W SP1 Water                                                  |

### Bognor Regis Neighbourhood Plan 2015 Policy 1      Delivery of the Vision

## PLANNING POLICY GUIDANCE:

|      |                                     |
|------|-------------------------------------|
| NPPF | National Planning Policy Framework  |
| NPPG | National Planning Practice Guidance |

## SUPPLEMENTARY POLICY GUIDANCE:

|       |                             |
|-------|-----------------------------|
| SPD11 | Arun Parking Standards 2020 |
|-------|-----------------------------|

## POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Bognor Regis 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 policies contained within the made Bognor Regis Neighbourhood Development Plan that are applicable to this application.

## 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 respect of settlement boundaries, character and appearance and highways, transport and parking.

## OTHER MATERIAL CONSIDERATIONS

Arun District Council are unable to demonstrate a 5 year Housing Land Supply and therefore the policies most relevant to the assessment of the development are considered out-of-date. It therefore follows that the NPPF is a material consideration of significant weight for the purposes of decision taking, under S38(6) of the Planning and Compulsory Purchase Act 2004 (as amended).

## CONCLUSIONS

### PRINCIPLE

The application site falls within the Bognor Regis area and within the made Neighbourhood Plan area. The application proposes 1 no. dwelling. Policies SD SP2, H SP1 and D DM4 support development of this nature as a starting point.

However, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires development proposals to be assessed against the policies contained within the Development Plan comprising the made Bognor Regis Neighbourhood Development Plan and the Arun Local Plan, unless material considerations indicate otherwise.

At the time of this assessment, Arun District Council are unable to demonstrate a 5 year Housing Land Supply which therefore triggers the presumption in favour of sustainable development under footnote 7 and paragraph 11(d)(ii) of the National Planning Policy Framework (2019). Under these circumstances the National Planning Policy Framework is a material consideration of significant weight when applying S38(6) of the 2004 Act.

Footnote 7 (NPPF) makes clear that where Councils are unable to demonstrate a 5 year Housing Land Supply, the policies which are most important for determining the application are out-of-date. In this instance, Policies SD SP2 (Built-up Area Boundary), Policy H SP1 (The Housing Requirement) and Policy D DM4 (Extensions and Alterations to Existing Buildings) of the Arun Local Plan are considered most important for determining the application and are given limited weight. NPPF provisions are given significant material weight.

Decision taking should be undertaken in the context of paragraph 11(d)(ii) of the NPPF. This means granting permission unless:

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole.

Paragraph 7 (NPPF) makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 states that achieving sustainable development comprises three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways.

The development would provide housing in a sustainable location that would provide access to jobs which would support the local economy (economic). The development would provide a range of homes that could meet the needs of present and future generations (social). The development would make an

effective use of land on a previously developed site (environmental).

However, paragraph 11(d)(ii) makes clear that decisions should be taken in accordance with the policies in the Framework unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. A full assessment of all matters and their significance are outlined in the below assessment.

#### **DESIGN AND VISUAL AMENITY**

Policy D SP1 (ALP) requires development proposals to make efficient use of land but reflect the characteristics of the site and local area. Policy D DM1 (ALP) sets out a 15 point criteria against which the design of new development should accord with. Policy D DM4 (ALP) provides a 5 point criteria against which development for extensions to existing buildings shall be assessed. These policies accord with the NPPF and are given full weight.

Paragraph 127 (NPPF) requires planning decisions to ensure developments will add to the overall quality of the area. Developments should be visually attractive as a result of good architecture. Paragraph 130 (NPPF) states permission should be refused for development of poor quality.

Design comprises a matter assessed in full at reserved matters stage under layout and appearance. However, the applicant has confirmed in discussions throughout the application period that a dwelling could comprise c. 58 sqm which would be the minimum size required to meet the internal space standards (as set out below).

To achieve this minimum acceptable level of floor space, the development would need to comprise a two storey extension to the western elevation of the existing building. The applicant entered into discussions with the Local Planning Authority, following concerns raised by the Town Council in their consultation response. To address the concerns raised the applicant has provided 2 no. indicative plans, detailing how the minimum floor space could be accommodated within an appropriate silhouette. The LPA is satisfied that such a silhouette could be design in accordance with the wider locality and reserved matters stage.

Subject to an acceptable design being provided and permitted at reserved matters stage, this general silhouette would accord with the character of Devonshire Road.

Materials and finishing of the building would be assessed in full at reserved matters stage. However, in principle, the development could be accommodated on the site without causing significant and demonstrable harm to the wider character and appearance of the area. Therefore, the development accords with Policies D SP1, D DM1 and D DM4 of the Arun Local Plan and paragraphs 127 and 130 of the National Planning Policy Framework.

#### **INTERNAL SPACE STANDARDS**

Policy D DM2 (ALP) requires internal spaces to be an appropriate size. Paragraph 13.3.4 which supports Policy D DM2 allows Arun District Council to apply internal space standards for conversions on a case-by-case basis. The applicant has confirmed they they would not be converting the existing garage, but removing and replacing it with a new build-extension.

Should the applicant pursue a 1 bedroom 2 person bed space dwelling over two stories, 58 sqm of floor space would be required. In principle, the minimum space standards could be achieved within an acceptable design which has been indicated by the silhouette and footprints provided within the application and subsequent discussions.

The application has been assessed with consideration given to a single storey footprint. However, this

would result in a sprawled form across the site that would result in demonstrable harm to the occupants of the existing ground floor apartment. It would also result in overlooking from the existing first floor apartment to the future occupants of the dwelling.

Therefore, the development could accord with the Nationally Described Space Standards subject to the above design expectations, in accordance with Policy D DM2 of the Arun Local Plan.

#### **RESIDENTIAL AMENITY**

Policy QE SP1 (ALP) requires development to not have a significantly negative impact upon residential amenity. This policy accords with the NPPF and is given full weight.

Paragraph 127(f) (NPPF) requires planning decisions to create places with a high standard of amenity for existing and future users and to create places with a high standard of amenity for existing and future users.

The indicative site plan and footprint details a long linear curtilage that extends to the northernmost point of the site. No. 30 is occupied as 2 no. self-contained units, spread across ground and first floors respectively.

No details have been provided regarding private amenity space; though sufficient shared amenity space would exist to the rear of 30 Devonshire Road which could be addressed by way of private management. Such an arrangement would allow for sufficient amenity space in accordance with national and local planning policy.

Given the location of site site comprising a residential area and given the tight nature of the site, a condition requiring the submission of a Construction Management Plan will be imposed. This will ensure sufficient safeguards are put in place to protect the amenities of neighbouring properties within the immediate vicinity.

Subject to acceptable details being provided at reserved matters stage, the development may be able to achieve an acceptable relationship with neighbouring residents and may be able to provide adequate private amenity space, in accordance with Policy QE SP1 of the Arun Local Plan and paragraph 127 of the National Planning Policy Framework.

#### **HIGHWAYS, TRANSPORT & PARKING**

This application proposes outline consent only with all matters reserved; however, the acceptability of any quantum of development relies on having satisfaction that such a level of development can be accommodated.

Policy T SP1 (ALP) requires development proposals to incorporate appropriate levels of parking in line with West Sussex County Council guidance on parking provision. Arun District Council have adopted its own SPD on parking standards on 15 January 2020. These supersede WSCC standards. This policy accords with the NPPF and is given full weight.

Paragraph 108 (NPPF) states that in assessing specific applications for development it should be ensured that (b) safe and suitable access to the site can be achieved for all users. Paragraph 109 (NPPF) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residential cumulative impacts on the road network would be severe.

ADC standards generate a requirement for 1 parking space per 1 bedroom dwelling. Such parking provision would need to ensure that sufficient parking would be retained for the remainder of the 2 no.

dwelling on the site. This would require parking provision for 3 no. parking spaces in total.

Sufficient room within the application boundary exists for the occupants of the proposed dwelling. Further, sufficient room exists to the front of the property to accommodate off-street parking via separate application for operational development, should requirements necessitate this. Material weight has also been given to the fact that at all site visits parking on-road did not seem stressed and this is further emphasised by the absence of double yellow lines along the road.

The development provides safe and sufficient access and there is unlikely to be any severe cumulative impact upon highway safety. Therefore, the development therefore accords with Policy T SP1 of the Arun Local Plan and paragraphs 108 and 109 of the National Planning Policy Framework (2019).

#### **BIN AND CYCLE STORAGE**

Policy WM DM1 (ALP) accords with paragraph 102 (NPPF) in that it requires new residential development to be designed to ensure that kerbside collection is possible for municipal waste vehicles. Where appropriate, communal recycling bins and safe bin storage areas should be available to residents for flats.

Whilst such matters would be formally approved at reserved matters stage for layout and access, such a principle matter is indicative of whether the quantum of development is capable of being delivered. The illustrative site plan appears to denote sufficient room to allow for safe and secure bin storage for a 1 bedroom dwelling, whilst allowing for municipal kerbside collection of Devonshire Road. However, such matters would need to be formally approved at reserved matters stage.

#### **LANDSCAPING & TREES**

Policies D DM1 and D SP1 (ALP) is consistent with paragraph 127 (NPPF) in that it requires the Council to have regard to hard and soft landscaping when assessing development proposals. Policy D SP1 (ALP) also requires development proposals to reflect the characteristics of the site and local area in their landscaping.

This application seeks consent for outline only, with all matters including landscaping reserved. This would be assessed in full at reserved matters stage.

#### **NATIONALLY DESIGNATED SITES OF IMPORTANCE**

The application site falls within 2km of the Bognor Reef and Felpham SSSIs. Policy ENV DM1 (ALP) states proposed development likely to have an adverse effect on land with the designated features of any Site of Biodiversity or Geological Importance will not normally be permitted.

The proposed development relates to an existing developed footprint within a previously developed built-up area. On this basis, the development is unlikely to have an adverse effect on the designated SSSIs. Therefore, the development accords with Policy ENV DM1 of the Arun Local Plan.

#### **INTERNATIONALLY DESIGNATED SITE OF IMPORTANCE**

The application site falls within the 5km buffer of the Pagham Harbour Special Protection Area. Within Zone B Policy ENV DM2 (ALP) requires all new residential development likely to have an impact on Pagham Harbour to make developer contributions towards the agreed strategic approach to access management at Pagham Harbour.

The applicant has provided a completed S111 agreement to provide for the appropriate mitigation in accordance with Policy ENV DM2 (ALP). Therefore, the development would not result in demonstrable harm to the Pagham Harbour Special Protection Area in accordance with Policy ENV DM2(b)(i) of the Arun Local Plan.

#### WATER SUPPLY AND QUALITY

Policy W DM1(ALP) requires development to provide sufficient water supplies prior to occupation to serve development and for such water supply to not be detrimental to existing water quality.

The development site appears to be served by mains water and appears to allow connections to the existing network. Taking this factor into account, the development would accord with Policy W DM1 of the Arun Local Plan at outline stage. Such a matter would be detailed and secured at reserved matters stage.

#### OTHER NPPF MATERIAL CONSIDERATIONS

Arun District Council are unable to demonstrate a 5 year Housing Land Supply on the date of this assessment. The National Planning Policy Framework (2019) makes clear at paragraph 117 that planning decisions should promote an effective use of land in meeting the need for homes.

Paragraph 118(d) of the NPPF states that planning decisions should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example, converting space above shops).

Paragraph 118(e) of the NPPF states that planning decisions should support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers.

Paragraph 122 of the NPPF states planning decisions should support development that makes efficient use of land taking into account the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it; local market conditions and viability; the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and the importance of securing well-designed, attractive and healthy places.

Paragraph 123 of the NPPF states that where there is an existing shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. Criteria (c) of paragraph 123 states that in this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

These revisions to the NPPF, dated 2019, are given significant weight as a material consideration in the absence of the Council being able to demonstrate a 5 year Housing Land Supply.

#### SUMMARY

This application considers the outline proposal for 1 no. new residential dwelling on a previously developed site in the identified Built-up Area Boundary. All matters are reserved for further consideration.

The principle of development on this site is accordant with the Development Plan policies. These main policies relevant to the assessment of development are given limited weight due to the Council being unable to demonstrate an adequate supply of housing land. The assessment has not identified any

significant and demonstrable harm in respect of the above planning considerations.

It is considered the material considerations set out in this report are in accordance with the Development Plan. Whilst a decision can be taken other than in accordance with the Development Plan, such material considerations are consistent with Development Plan policies. Therefore, planning permission can be approved.

## **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**

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**

A Section 111 agreement has been entered into to facilitate the agreed strategic approach to mitigation of recreational impacts to access management at Pagham Harbour, to the sum of £871, in accordance with Policy ENV DM2(b)(i) of the Arun Local Plan.

## **RECOMMENDATION**

### **APPROVE CONDITIONALLY**

- 1 The permission hereby granted is an outline permission under s92 of the Town and Country Planning Act 1990 (as amended) and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 3 years beginning with the date of this permission:-

- (a) Layout;
- (b) Scale;
- (c) Appearance;
- (d) Access;
- (e) Landscaping.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 3 The development hereby approved shall be carried out in accordance with the following approved plans: Combined Block and Illustrative Site Plan (Rev 1 08/03/2020).

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D SP1, D DM1 and D DM4 of the Arun Local Plan.

- 4 No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.

Reason: This is required to be pre-commencement as material harm could occur without such safeguards being in place before development takes place. The condition is necessary in the interests of highway safety and the amenities of the area in accordance with policy TSP1 of the Arun Local Plan.

- 5 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 6 INFORMATIVE: This decision has been granted in conjunction with a Section 111 agreement relating to a contribution towards £871 to offset recreational impacts on the Pagham Harbour Special Protection Area.
- 7 INFORMATIVE: This permission conveys consent under planning legislation only and contravention with other legislation e.g. protection of wildlife etc. should be considered.
- 8 INFORMATIVE: The Local Planning Authority anticipates that the details provided in the subsequent application for reserved matters shall follow in line with the illustrative plans provided in support of this application.