

Recommendation Report for Planning Permission

REF NO: BR/302/18/PL

LOCATION: 71 Hawthorn Road
Bognor Regis
PO21 2BS

PROPOSAL: 1 x 2 bedroom flat and 2 x 1 bedroom flat to the east elevation

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	0.032156 of a hectare.
TOPOGRAPHY	Predominantly flat
TREES	There are a number of trees along the common boundary with the adjoining cemetery. The impact of the proposal on these trees will be assessed in the conclusion section below.
BOUNDARY TREATMENT	The application site is enclosed by a close boarded fence.
SITE CHARACTERISTICS	The application site is a the application site currently forms the amenity space for the adjoining property number 73, which is a 2 storey semi detached dwelling. The application site is sited adjacent to both an electric substation and a pet cemetery.
CHARACTER OF LOCALITY	The site backs onto the rear amenity space (garden) of property number 124 Linden Road. The area is a area pf primarily residential dwelling with a number of schools within the area there are different property styles including terraced and detached dwellings.
None	

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council
No objection

5 letters of neighbour objection have been received and are summarised as follows:

Overdevelopment of the site.

Parking shown is impractical and would lead to parking on the road.

Rise in vehicle numbers will mean that I wont be able to park outside my own home.

Runoff high from concreted area.

Flooding already occurs.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and discussed within the comments section below.

CONSULTATIONS

WSCC Strategic Planning

Engineers (Drainage)

Engineering Services Manager

CONSULTATION RESPONSES RECEIVED:

Drainage Engineer: No objection subject to the imposition of conditions.

Highways Officer:

Follow-up comments (Emails received 10/10/2019 and 25/07/2019): Does not object.

The highways Officer has confirmed it would make sense to widen the existing dropped kerb access to include the area north east of the crossing. Recommends informative.

Agree with applicant that this is a sustainable location and reduced parking provision would be acceptable.

Issues with cycle storage as it would not be accessible and as such may not be attractive option for residents. Could be sited to front of site.

Parking spaces could be reduced in number in order to encourage cycling.

Parking restrictions are in place along parts of Hawthorne Road which deter parking in unsafe locations if overspill parking were to take place.

Cycle route present in proximity of site, making cycling an attractive proposition for shorter journeys.

On balance there are no transport safety concerns with layout as shown.

Could not object to such a provision on highway safety grounds.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and discussed within the comments section below.

POLICY CONTEXT

Designation applicable to site:

Built-up Area Boundary

2km Buffer of SSSI - Bognor Reef
 Padgham Harbour Management Zone B
 WSCC Minerals Consultation

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

SDSP2	SD SP2 Built-up Area Boundary
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems
TSP1	T SP1 Transport and Development
ENVDM2	ENV DM2 Pagham Harbour
TDM1	T DM1 Sustainable Travel and Public Rights of Way
ENVDM4	ENV DM4 Protection of trees
DSP1	D SP1 Design

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011-31, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

There are no Bognor Regis Neighbourhood Development Plan policies that are relevant.

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 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:

The principle of development is acceptable within the built up area boundary in accordance with policy SD SP2 of the Arun Local Plan 2011-2031 subject to consideration against relevant development plan policies. The key Policy considerations in the determination of this application are deemed to be D DM1, D DM2, QE DM1, QE SP1, W DM1, W DM3, T SP1, ENV DM2, ENV DM4 and D SP1 of the Arun Local Plan 2011-2031.

DESIGN AND VISUAL AMENITY:

Permission is sought for the erection of 3 flats adjacent to property number 71. The proposed flats would be attached to number 71, which currently forms 1 half of a pair of semi-detached properties. The proposal would lead to the creation of a terrace. Along Hawthorn Road and within the wider area there are a variety of property styles, including terraces. Therefore the principle of a terrace in this location is considered acceptable. The style of the proposed flats, when viewed from the highway, is one of a 2 storey dwelling with a gable element to the front. This style of dwelling features along Hawthorn Road and would not look out of place.

The proposed external materials would, as stated on the submitted application form, match the existing building. The existing building being property number 71. As such, it is considered that the proposed external materials would be acceptable .

It is considered that as a result of the above assessment the proposed flats would relate to and would be visually integrated with, both adjoining property number 71 and the wider area in siting, massing, design, form, scale and materials.

An amended plan has been submitted which has located the bin/cycle store to the front. From an assesment of the plans it is considered that this would be of a size, scale and massing which is deemed acceptable. It is considered that the bin/cycle store would not have a detrimental impact on the street scene or wider area.

As such, it is considered that the proposal would comply with Policy D DM1 of the Arun Local Plan.

NEIGHBOUR AMENITY:

The proposed single storey element would extend past the rear elevation of adjoining property number 73 by approximately 3.5 metres in depth, with a height of 2.7 metres. Officers note that given the proposed rear extension, when the 45 degree approach is applied, some loss of light would occur to adjoining property number 73 at ground floor. However, given the orientation of the site and that the

proposed rear projecting element would be single storey it is considered that any loss of light would not be detrimental such that the application should be refused.

The proposed flats would also include a 2 storey rear projecting element, which would extend past the rear elevation of adjoining property number 73 by approximately 2.6 metres at its maximum and 1.6 metres at its minimum. It is considered that when the 45 degree approach is applied that no significant loss of light would occur. As such it is considered that the 2 storey rear element would not have a detrimental impact on the occupiers of adjoining property number 71 with regard to loss light or overshadowing.

The proposed flats would allow views out over the rear garden of adjoining property number 71 and 124 Linden Road to the rear. Views out over number 71 would be at an angle and would be to the rear portion of the rear amenity space. Views already occur out toward the rear amenity space of adjoining property number 124 Linden Road from existing property number 71 Hawthorn Road. From an assesment it is considered that the views out toward 71 Hawthorn Road, as a result of the proposed flats, would not be detrimental as to warrant refusal.

The proposed flats are not considered to give rise to any unacceptably adverse impacts on the amenity of neighbouring dwellings with regard to overlooking, overshadowing, overbearing impact or loss of light/sunlight.

As such, Officers consider that the proposal would not have a detrimental impact on the amenity of occupiers of adjoining industrial/commercial/residential units with regard to overlooking, overbearing impact, overshadowing and loss of light/sunlight.

So as to maintain acceptable levels of neighbour amenity from general noise and disturbance a condition is recommended to provide for reasonable working hours.

Therefore, the proposal is considered to accord with policy D DM1 of the Arun Local Plan.

HIGHWAY SAFETY AND PARKING:

Arun Local Plan Policy T SP1 seeks to ensure that development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. In respect of parking, it states that:

"The Council will support transport and development which: incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking"

Regard should also be had to paragraph 109 of the NPPF which states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

Objection has been raised whereby it is considered that the rise in vehicle numbers would mean that residents wont be able to park outside there own houses. Officers note that this is not a material planning matter. The ability to park on the road outside 'your' dwelling is not a right. Therefore the fact that, as a result of proposal, residents may not be able to park on the road outside their dwelling is not considered to be detrimental such that the application should be refused on these grounds.

From an assesment of the Parking Standards the proposed flats would require a total of 4 parking

spaces.

The Highways Officer initially commented that the proposed parking arrangement would work in practice for provisions serving a single dwelling but not for three independent flats. They also commented that space number 4, to the front of the site, should measure 2 x 6 metres to accommodate for the additional maneuvering room required. Comment has also been raised regarding the loss of parking for the host dwelling. Where would this be accommodated?

Additionally it was noted that the dropped crossing would only cover the centre of the site and may need widening. Further comments have been received where the Highways Officer acknowledges that they agree with the applicant that this is a sustainable location and that a reduced parking provision would be acceptable. Parking restrictions are in place along Hawthorne Road which would deter parking in unsafe locations, should overspill parking occur.

On balance, the Highways Officer considers that, while not a particularly desirable parking layout, there would be no transport safety concerns with the layout shown. They therefore state they could not object to such a provision on highway safety grounds.

Officers take onboard the comments given by the Highway Officer and note that the initially proposed parking layout is not ideal. However, the Highways Officer has stated that they agree the site is within a sustainable location. Additionally, it is stated that a reduced parking provision would be acceptable. Therefore, Officers consider that 1 parking space could be provided to the front while 1 could be provided down the side of the proposed flats without the need to move vehicles, potentially owned by occupiers of a different flat.

Following the Highways Officer's comments, amended plans have been received. These plans reduce the parking layout to provide 2 spaces rather than the originally proposed 4 spaces. 1 space has been proposed to serve the proposed flats and 1 space for the existing dwelling number 71. Officers consider that this would be acceptable as it is agreed that the proposal is in a sustainable location, where walking and cycling is more likely to take place for shorter journeys. While it is considered likely that some overspill parking would occur out on the highway, having regard to the Highway Officer's comments they note that there are yellow lines along parts of Hawthorn Road which would restrict any overspill parking on dangerous sections of the highway.

The amended plans have placed the bin storage and the bicycle parking to the front of the property. The cycle parking and bin storage has been moved in order that it is more accessible given that 1 off-road vehicle parking space has been shown to be retained down the side of the proposed flats. As the bicycle storage has been moved to the front of the dwelling rather than the rear, it makes cycling short journeys more attractive.

The Highways Officer has confirmed via e-mail on the 10/10/2019 that it would make sense to widen the existing dropped kerb access to include the area north east of the crossing, and the normal 6.4m maximum width would not apply due to the fact that a prohibition of parking (double yellows) is in place and therefore no on-street parking would be lost. They recommend the imposition of an informative.

It is considered that the proposal would not have an unacceptable impact on highway safety, or that the residual cumulative impacts on the road network would be severe.

As such, it is considered that the proposal would adhere with Policy T SP1 of the Arun Local Plan and paragraph 109 of the NPPF.

BIN STORAGE:

The bin storage was originally proposed to the to the rear of the proposed flats. Amended plans have been received which places the bin storage to the front of the flats in order to enable them to more easily be collected, given that a car parking space is proposed to the side of the flats.

IMPACT ON TREES:

While there are no trees on the application site that would be impacted by the proposal Officers note the trees on the common boundary within the adjacent cemetery. The trees are considered to be of a size and siting that would provide an amenity value, therefore it is paramount that no detrimental harm is caused to them. The roots of the trees could cross into the site where the proposed building is to be constructed. The proposed flats would be constructed on an area that is currently hard standing (concreted area). Officers consider it likely that that the hardstanding would need to be disturbed in order for the foundations of the proposed flats to be constructed. In order to ensure that the trees are not detrimentally impacted, with particular regard to the root protection zone, a condition has been imposed upon this application.

As such it is considered that the proposal would not have a detrimental impact upon the aforementioned trees and would accord with Policy ENV DM4 of the Arun Local Plan.

SPACE STANDARDS:

Policy D DM2 of the ALP states that: "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 therefore necessary to assess the proposal against the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) in order to determine whether the two houses are suitable for residential use.

The ground floor flat:

Bedroom 1 is considered to be a double bedroom as it would have a floor area of approximately 12.98 metres squared (not including space created by bay window), higher than the 11.5 metres squared required with a width of approximately 2.95 metres (the Guidance states that at least 1 double/twin bedroom is at least 2.75 metres wide)

Bedroom 2 is considered to be a double as it would have a floor area of approximately 12.6 metres squared, higher than the 11.5 metres squared required. Additionally the bedroom would have a width of approximately 3.5 metres.

Approximately 2.0 metres squared (internal floor area) of storage would be provided as required.

The flat would have an internal floor area of 64.9 metres squared, while the standards require 70 metres squared for a 1 storey, 2 bedroomed, 4 person flat. However, the applicant has confirmed in an e-mail on the 16/10/19 that the ground floor flat would be intended as a 1 storey, 2 bedroomed, 3 person flat where the standards require 61 metres squared (minimum gross internal floor area) . Therefore, the proposal would comply with the Minimum gross internal floor area as set out in the Technical housing standards - nationally described space standard.

The first floor flat:

The bedroom is considered to be a single as it would have a floor area of approximately 11.4 metres

squared, 0.1 of a metre less than the 11.5 metres squared required for a double/twin bedroom. The bedroom would have a width of approximately 3.0 metres which is 0.85 of a metre than the required width of 2.15 metres for a single bedroom.

The flat would have an internal floor area of 44.4 metres squared, while the standards require 39 metres squared (minimum gross internal floor area)

Approximately 3.0 metres squared (internal floor area) of storage would be provided. This is more than the 1.0 metre squared (minimum gross internal floor area) required.

Based on the above assesment this flat is considered to be 1 storey, 1 bedroomed, 1 bed space(person).

The second floor flat:

The bedroom is considered to be a double it would have a floor area of approximately 13.665 metres squared, 2.165 metres squared more than required by the minimum gross internal floor area as set out in the guidance.

The flat would have an internal floor area of 39.9 metres squared, while the standards require 39 metres squared (minimum gross internal floor area).

Approximately 2.52 metres squared (internal floor area) of storage would be provided. This is more than the 1.0 metre squared (minimum gross internal floor area) required.

While the bedroom meets the gross internal floor area requirements for a double, the applicant has confirmed in an e-mail on the 16/10/19 that the ground floor flat would be intended as a 1 storey, 1 bedroomed, 1 person flat where the standards require 39 metres squared (minimum gross internal floor area). Therefore, the proposal would comply with the Minimum gross internal floor area as set out in the Technical housing standards - nationally described space standard.

From an assesment of the internal space standards it is considered that the proposed flats would broadly comply.

There are no external space standards but Officers consider that as the garden would have a depth of 5.215 metres the provided rear amenity space would be acceptable.

As such, the proposed dwellings would comply with the internal space standards as set out in the 'Technical housing standards - nationally described space standard (2015)' and Policy D DM2 of the Arun Local Plan.

PAGHAM HARBOUR ACCESS MANAGEMENT ZONE:

The application site falls within the Pagham Harbour Access Management Zone B. A section 106 has been submitted and agreed for £1742. it is noted that this is lower than the required £871 per new dwelling. Given the length of time the application has been with the Council/Local Planning Authority, this error is noted.

Therefore it is considered that The proposal would not have a detrimental impact on the Pagham Harbour Access Management Zone.

As such, it is considered that the proposal would adhere with Policy ENV DM2.

SUMMARY:

It is recommended that, having regard to the above assessment, the planning application is granted subject to appropriate and reasonable conditions.

HUMAN RIGHTS ACT**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

A 106 has been submitted with regard to contributions of £1742 toward the cost of delivering measures to avoid or mitigate to an expectable level, harm to the Pagham Harbour Access Management Zone B.

RECOMMENDATION

- 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 plan:

ADS-001-S Existing Plans

Submitted Application Form - with regards to details of materials.

ADS-005-P A received on the 15/10/19

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 In order to ensure that no detrimental harm occurs to the neighbouring trees to the north eastern eastern boundary which are of value, no development shall commence until an Arboricultural Method Statement (AMS) and Tree Protection Plan have been submitted to and agreed in writing by the Local Planning Authority. The Arboricultural Method Statement (AMS) and Tree Protection Plan shall be carried out as agreed by the Local Planning Authority in perpetuity.

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area in accordance with policy D DM1 and ENV DM4 of the Arun Local Plan.

- 4 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. 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 recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 5 No construction activities shall take place, other than between the hours of 8:00am - 18:00 Monday to Friday, 08:00 - 13:00 Saturday and no working activities at any time on Sundays, Bank and public holidays.

Reason: To protect the amenities of nearby residents in accordance with Arun Local Plan policies QE SP1 and QE DM1.

- 6 The dwelling, hereby approved, shall not be occupied until the car parking has been constructed in accordance with the approved site plan. This space shall thereafter be retained at all times for its designated use.

Reason: To provide adequate on-site car parking space for the development in accordance with policy T SP1 of the Arun Local Plan.

- 7 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.

- 8 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The

percolation tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers.

Supplementary guidance notes regarding surface water drainage are located here <https://www.arun.gov.uk/surfacewater> on Arun District Councils website. A surface water drainage checklist is available here <https://www.arun.gov.uk/drainagechecklist> on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.

- 9 INFORMATIVE: The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover license shall be granted. Additional information about the licence application process can be found at the following web page:

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/>

Online applications can be made at the link below, alternatively please call 01243 642105.

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-application-form/>