Recommendation Report for Planning Permission

REF NO: **BR/313/14/PL**

LOCATION: 55 Victoria Drive
Bognor Regis

PROPOSAL: Create two apartments above garage blocks & to retain the existing house at 55 Victoria Drive to form part of the development approved under BR/217/07 & amended under BR/389/07.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. This application amends the two previous consents by: (1) Retaining no 55 as 1 dwelling instead or replacing with 6 flats and maintaining 55's front access & parking area as existing; (2) Shortening 55's rear garden; (3) Erecting 2 new carport buildings with 1 flat per building above in place of an approved carport and a row of parking spaces; and (4) Rotating the two approved parking spaces adjacent to Unit 2 so as to be parallel to the wall of the dwelling.
SITE AREA	Approximately 0.3 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	33 dph.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development. Fir trees within the rear garden which are not considered to be of any merit.
BOUNDARY TREATMENT	1.8m high close boarded fence to the boundary with Hambledon Place and around 55's garden.
SITE CHARACTERISTICS	No. 55 is a two storey detached house with brown brick walls and a brown tiled gable roof. Single storey, attached flat roof garage on the south side. A couple of lean to type single storey extensions on the rear. 55 has a front access with space for 3-4 cars in addition to the garage. The land to the rear is grassed and includes the foundations of a previous approval.

CHARACTER OF LOCALITY	Predominantly residential. Hambledon Place to the south has a large residential flatted building which borders with the site.

RELEVANT SITE HISTORY

BR/730/88	Outline Application for the erection of 21 single bed sheltered housing units plus 1 warden unit.	Approved Cond + S106 10-08-1990
BR/118/93	Renewal of unimplemented outline planning permission BR/730/88 for the erection of 21 single bed sheltered housing units plus 1 warden unit.	Approved Cond + S106 08-10-1993
BR/223/96	Renewal of unimplemented outline planning permission BR/118/93 for the erection of 21 single bed sheltered housing units plus 1 warden unit.	Approved Cond + S106 26-11-1996
BR/263/00/	Renewal of unimplemented outline planning permission BR/223/96 for the erection of 21 single bed sheltered housing units plus 1 warden unit.	Approved Cond + S106 12-12-2001
BR/417/04/	Renewal of unimplemented outline planning permission BR/263/00/ for the erection of 21 single bed sheltered housing units plus one warden unit.	Approved Cond + S106 19-01-2005
BR/303/05/	Demolition of two existing dwellings and construction of 24 two bedroom flats together with car parking and associated works.	Withdrawn 24-10-2005
BR/442/05/	Demolition of two existing dwellings and construction of 24 No. two bedroom flats together with car parking and associated works. (Resubmission following BR/303/05)	Refused 15-03-2006 *Appealed* **Appeal: Dismissed 02 11 2006**
BR/164/06/	Demolition of two existing dwellings and construction of 20 two bedroom flats split between two blocks together with car parking and associated works	Refused 02-08-2006
BR/217/07/	Residential development - one detached with a garage, six semi-detached and six flats	ApproveConditionally 26-09-2007
BR/389/07/	Minor amendments to layout and repositioning of units 1 & 2 and units 3 & 4 as previously approved under BR/217/07	ApproveConditionally 07-02-2008

BR/346/10/DOC	Application for approval of details reserved by condition No.2, 5 and 8 imposed under BR/389/07.	DOC Approved 17-01-2011
BR/248/13/PO	Application to discharge the planning obligation dated 19th September 2007 under planning reference BR/217/07 and replace it with an amended obligation.	Approve 11-02-2014

This permissions seeks to amend previous consents BR/389/07/ and BR/217/07.

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

Bognor Regis Town Council - no objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Economic Regeneration
Engineering Services Manager
Engineers (structural)

Consultations responses received:

Arun DC Structural Engineers - no comments made.

Arun DC Economic Regeneration - no comments received.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Within Built Up Area Boundary;
TPO BR/1/84; and
No Public Sewer.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	GEN12	Parking in New Development
Publication Version of the Local Plan (October 2014):		D DM1 Aspects of Form and Design Quality
		D DM2 Internal Space Standards
		D DM3 External Space Standards
		ECC SP2 Energy and Climate Change Mitigation
		H DM1 Housing Mix
		SD SP2 Built-Up Area Boundary
		T SP1 Transport and Development

PLANNING POLICY GUIDANCE

NPPF National Planning Policy Framework

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry 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 National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Arundel; Barnham & Eastergate; Bersted; Felpham; Littlehampton; Ferring and Yapton.

The Bognor Regis Neighbourhood Plan has recently been out to consultation (12th November to 24th December 2014) and will now be reviewed prior to submission to Arun District Council.

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 site is within the built up area boundary where development is acceptable in principle subject to normal development control criteria being satisfied such as visual amenity, highway safety and residential amenity. Furthermore, the proposal concerns a site which already has an extant permission for residential development.

CHARACTER & DESIGN

Local Plan Policy GEN7 (ii) requires that new developments respond positively to the identified characteristics of a particular site to create developments which respect local characteristics. Central Government Advice further indicates that more intensive development is not always appropriate and that design which is inappropriate in its context should not be accepted.

This site has an approved and extant planning permission for residential development consisting of new dwellings and flats. This application amends that by retaining no. 55 as a dwelling instead of as a block of (6) flats and siting two car ports along the southern boundary with flats above. Both of the new buildings have been designed to be 1.5 storeys high with a single storey element on one side. Both building mirror each other and include a small side garden in the space between the two buildings. Both buildings have a relatively simple form but with weatherboarding at first floor to add interest value. It is considered that the proposed buildings are in character with the existing approved development.

RESIDENTIAL AMENITY

It is not considered that the proposed new dwellings will result in a loss of privacy to the residents of Hambledon Close. The rear of the flatted building within that site has only secondary (landing & bathroom) windows at first floor and above. Ground floor windows are screened by the existing boundary treatment. It is noted that two velux windows are proposed in the roof on the rear of the new buildings. These are high level and will likely not allow views out but it is still considered prudent to require them to be obscure glazed. Given the changes to the rear garden of no. 55, it is considered that a condition will be required in respect of approving the new boundary treatment. This is in the interest of both privacy and the new streetscene.

HIGHWAYS & PARKING

WSCC Highways have not been consulted on this application as there are no changes to the point of access or the vehicular layout. It is noted that the previous approved scheme was for 7

dwellings & 6 flats and proposed 20 parking spaces. The new scheme has 8 dwellings & only 2 flats and provides 18 parking spaces. The reduction on 2 spaces is considered to be acceptable given the overall reduction in density.

INTERNAL & EXTERNAL SPACE STANDARDS (Policies DM2 and DM3)

Certain policies within the emerging local plan (Publication Local Plan - Oct 2014) have been approved for development management purposes. These include policies which seek to ensure that future residential occupants are provided with a satisfactory amount of indoor living and outdoor garden space. Following a thorough analysis of the proposal versus the internal and external space standards policies, it is considered that:

* Both of the new flats comply with the internal space standard. 1 bedroom 2 person flats require 50m2 but the proposal offers around 70m2 for each flat; and

* The two flats each have a private side garden of 3m by 2.6m. This exceeds the 5m2 requirement. In addition, although no. 55 will have its garden area reduced, the remaining area still exceeds the 100m2 requirement and is still at least 10m deep.

SUMMARY

This application proposes an alteration to a previously approved and extant residential scheme. It s considered that the changes complement the approved scheme and that they do not result in any adverse impacts to the highway or to nearby residential properties. Accordingly, it is recommended that permission be granted subject to the following conditions.

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 previous Section 106 Agreement was discharged under Ref BR/248/13/PO in February 2014. There are no requirements for contributions on this application as the proposal falls below the 10 unit threshold.

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

2 The development hereby approved shall be carried out in accordance with the following approved plans:

Location and (Proposed) Site Plan Ref 01 Rev B;
Elevations and Floor Plans Ref 07; and
Hambledon Place Elevation & Section Ref 08.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Policy GEN7 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 buildings 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 The two velux windows on the rear (southern) elevation of the building shall at all times be glazed with obscured glass and retained as such.

Reason: To protect the amenities and privacy of the adjacent property in accordance with policy GEN7 of the Arun District Local Plan.

5 No development shall take place until details of the proposed boundary treatment to the rear garden of 55 Victoria Drive and to the garden areas between the two car ports have been submitted to and approved by the Local Planning Authority and no buildings shall be occupied until such screen walls/fences associated with them have been erected.

Reason: In the interests of amenity in accordance with Policy GEN7 of the Arun District Local Plan.

6 The new flats shall not be occupied until the turning facilities and car ports shown on the submitted plans have been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than the parking/turning/garaging of vehicles.

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

7 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.