

REPORT UPDATE

Application No: BR/341/10/

Reason for the Update / Changes

Reason for Update/Changes:

An additional informative is required to note the fact that the submitted indicative elevational plans show insufficient detail and information and that it is expected that adequate plans are submitted when a further application on scale and appearance is made.

Officers Comment:

Note: The changes to conditions are attached on the amended replacement recommendation sheet.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report/Recommendation.

BR/341/10/

PLANNING APPLICATION REPORT

REF NO: BR/341/10/

LOCATION: Formerly Westside Supplies
17/18 Durban Road
Bognor Regis

PROPOSAL: Outline application with some matters reserved for the demolition of derelict 2 storey office building & erection of 8 no. 2 bed flats & 6 no. 1 bed flats with ground floor parking, bin & cycle storage & childrens play area

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal involves the demolition of the existing, vacant, two storey detached commercial building and its replacement with a three storey triangular shaped block of flats comprising 6 one bed and 8 two bed flats.

The ground floor comprises 9 garage bays, storage space for 30 bicycles, general storage space, a children's play area, a bin store and a front door leading to a stairwell to provide access onto the habitable accommodation on the first and second floors.

The building will be approximately 9.3 metres to ridge

height and 7.8 metres to eaves height.

Whilst the application is in outline form and further approval is required for its appearance and landscaping, the indicative drawings and Design and Access statement depict a building with a shallow roof to complement those in the immediate locality and an appearance to match the residential block of flats opposite the site in Durban Road.

Soft landscaping is proposed for the front, side and rear of the building with a vehicular access onto Durban Road located to the south side of the site. An additional 5 open car spaces and turning area is provided in this location.

SITE AREA	1150 sq.metres
RESIDENTIAL DEVELOPMENT DENSITY	122 dwellings per hectare.
TOPOGRAPHY	The site is below highway level by approximately 0.5 metres.
TREES	A group of mature trees located on the north eastern corner of the site.
BOUNDARY TREATMENT	1.5 metre high wire mesh site to the rear of the site. The remainder is open.
SITE CHARACTERISTICS	A 2 storey industrial building. Block work at ground floor level with a mansard roof of slates above. Building was last used as a warehouse/office.
CHARACTER OF LOCALITY	Industrial units located south of the site part of the Durban Road Industrial Estate. A relatively new residential development of flats two and three storeys high is located opposite the site on Durban Road. This development was granted permission on appeal in October 2005.

RELEVANT SITE HISTORY

BR/156/07/	Outline application for demolition of existing building and erection of three storey block of 17 one bedroom flats, with associated car parking and access from Durban Road	Refused 19-07-2007
BR/381/07/	Outline application for demolition of existing building and erection of three storey block of 8 1-bedroom and 6 2-bedroom flats, with access from Durban Road (Re-submission following BR/156/07/)	Refused 14-01-2008 Appeal: Dismissed 15 12 2008

BR/1105/81

Two storey light industrial unit

Approve Cond

23-12-1981

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

Objection on the grounds of loss of industrial use and employment opportunity in relation to the Regeneration of Bognor Regis.

Comments on Representations received:

The perceived need to protect the industrial floorspace offered by the site has been tested on appeal where it was found to not warrant its retention for industrial purposes. There is no local plan policies seeking the protection/retention of existing industrial floorspace and recent Government announcements call on restrictions preventing the re use of vacant commercial floorspace to be used for housing purposes where there is a perceived unmet need.

CONSULTATIONS

Southern Water Planning

WSCC Local Development Divis.

Consultations responses received:

West Sussex County Council Development Division

The development raises a requirement towards library and Fire services. The calculated financial figures are awaited.

County Highways

The access arrangements for the current application appear exactly the same as those forming part of the withdrawn BR/231/09. The comments and conditions made on this earlier application would therefore be applicable to the current application. The only matter that has changed is the removal of the maximum car parking standards and the introduction of the car parking demand calculator. Based on the proposed mix of units and the presumption of 1 space per unit, the calculator indicates that the development will generate the need for 19 car parking spaces. 14 spaces are proposed. The development would therefore result in the demand for 5 spaces that cannot be accommodated within the site and would therefore result in further on-street parking. There are existing parking restrictions in place to ensure that parking does not occur in locations that would cause highway safety concerns thus the additional on-street parking would not be expected to generate any highway safety issues. The Planning Authority may wish to consider the consequences of additional on-street car parking arising from this development. There would be no highway objection.

Environment Agency

No objection subject to conditions concerning the possible contamination on the site and agreement of foul and surface water drainage prior to commencement of the development.

Southern Water

No objection subject to informatives and condition seeking agreement of foul and surface water drainage prior to commencement of the development.

ADC Environmental Health

No objection subject to controlling any contamination of the site.

Comments on Consultation responses:

Comments noted.

County Highway comments on BR/231/09 raised no objections on proposed access.

POLICY CONTEXT

Within built up area boundary

DEVELOPMENT PLAN POLICIES

South East Plan:	SEPH3	Affordable Housing
	SEPH5	Housing Design and Density
	SEPH1	Regional Housing Provision 2006-2026
Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN11	Inland Flooding
	GEN12	Parking in New Development
	GEN7	The Form of New Development
	GEN8	Development and the Provision of Infrastructure
	GEN9	Foul and Surface Water Drainage

PLANNING POLICY GUIDANCE

PPG13	Transport
PPS1	Delivering Sustainable Development
PPS25	Development and Flood Risk
PPS3	Housing
PPS4	Planning for Sustainable Economic Growth
PPS23	Planning and Pollution Control

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.

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 established character of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the available industrial land to accommodate new and existing business wishing to locate/expand in the area. the established character of the surrounding area. It is also considered that the site is suitable in this area of high flooding probability.

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 lies within the built up area boundary where the principle of residential development is normally acceptable subject, in this case, to the following development criteria being met.

Accordingly, the main issues in this case are:

- (a) the impact of the development on the area's character and appearance,
- (b) the developments effect on the supply of land and premises for employment use;
- (c) the highway implications of the development; and
- (d) the acceptability of the development in terms of flooding given the sites location in an area of high flooding probability.

Impact on the Area's Character and Appearance

The site lies within the built-up area where the Government's Planning Policy Statements 1 & 3 emphasise the need to make efficient use of land for development but also advises that new housing is well integrated with and complements neighbouring buildings and the local area generally in terms of scale, density, layout and access. New development is also required to have regard to protecting the amenities and the existing use of lands and buildings.

The site is located at the far end of Durban Road at the junction with Ash Grove and is somewhat divorced from the industrial estate where the end industrial building is approximately 15m from the rear of the site. To the west is Ash Grove where the site is overlooked by a long terrace of two storey residential properties located on the other side of the road. To the south and opposite the site in Durban Road is 65 m long three storey block of 44 one bed flats known as Ventura.

It is therefore considered that given its context a block of flats in this location would not be out of keeping with the existing character and appearance of the immediate locality.

Supply of Land and Premises for Employment use

An evaluation of the availability of employment space in the District has been undertaken by two appeal Inspectors. One in 2005 when the Inspector granted permission for a block of 44 flats in Unit O, Durban Road application reference BR/411/04. In doing so the Inspector commented "I consider that the proposal would not prejudice the supply of adequate employment land and sites in the District". The issue of impact on the supply of land and premises for employment use was again examined by an Inspector in December 2008 when an appeal was dismissed to erect a block of 14 flats on the site on grounds of flooding only. Insofar as industrial premises was concerned the Inspector commented that "I have seen no substantive evidence to support the Council's assessment that the site's redevelopment for housing would contribute to a decline in local employment. I conclude that the proposal would not harm the supply of land and premises for employment use."

Since the end of 2008 whilst work has been carried out to update the evidence base concerning the supply and demand for industrial premises/floorspace in the District, this has not been translated into a Council policy requiring the protection and enhancement of such land. Furthermore recent Coalition Government announcements seek to change the emphasis of planning policy in this respect. These Ministerial statements are regarded as material planning consideration. In March 2011 the Minister of State for Decentralisation Mr Greg Clark stated that

"When considering applications Local Planning Authorities should facilitate housing development and should ensure that they do not impose unnecessary burdens on development." In addition attention should also be given to Government proposals, currently under consultation, to remove the need to apply for planning permission where vacant industrial premises/land are subject to residential development.

It is therefore considered that the present policy framework does not suggest that the proposal will have an unacceptable and detrimental effect on the supply of land/premises for employment use in the District.

Highway Issues

The proposed access is considered by the highway authority to be acceptable and fit for purpose. The parking calculator however, predicts a shortfall of five car parking spaces to which County highways raise no objection. This is not regarded as grounds for refusing the application given that the demand for on street parking in an industrial estate area reduces in the evenings when the workforce depart and leave road space for returning residents who may be unable to access any of the 14 car parking spaces provided.

Flooding Issues

The site is located in flood zone 3a which is regarded by PPS25 as land with a high probability for flooding. However, the Environment Agency are satisfied with the submitted Flood Risk Assessment. Notwithstanding this whilst the proposal meets the exception test set out by PPS25 it needs to undergo a sequential test to demonstrate that there are no other sites in the lower risk of flooding areas (Flood Zones 1&2) reasonably available for residential development.

The applicants have examined the Council's Strategic Housing Land Availability Assessment to determine whether there are sites in flood Zones 1 & 2 that are allocated for residential development. In doing so they have concluded that there are 3 such sites allocated for residential purposes. However, none of these are reasonably available in that their continued marketing has failed to find a purchaser and the sites are not proving viable for residential use.

To conclude it is considered that there are no sites available for residential development in the less vulnerable Flood Zones 1 & 2 and the application site is therefore suitable for residential development.

Financial and Affordable Housing Contributions

The applicants have entered and signed a legal agreement to provide an acceptable commuted sum for affordable housing purposes. The development generates the need for additional infrastructure services in the form of education, library and fire services. The applicants are in the process of formulating and signing the appropriate s106 agreement in this respect.

Conclusion

The proposed development will not result in unacceptable harm to the character and appearance of the locality nor the supply of employment land in the area. It will have an acceptable impact on highway safety and the measures proposed in the Flood Risk Assessment will ensure that the

development is safe in terms of possible flooding in the area. It is therefore recommended that planning permission should be granted once a further legal agreement is entered into and subject to the following conditions.

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

- 1 The permission hereby granted is an outline permission under Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995 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) Scale;
- (b) Appearance;
- (c) 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 approved shall be carried out in accordance with the following approved plans: 1673/P1 & 1673/P2

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 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).

- 4 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1.A preliminary risk assessment which has identified:

all previous uses

potential contaminants associated with those uses

a conceptual model of the site indicating sources, pathways and receptors

potentially unacceptable risks arising from contamination at the site.

2.A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3.The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4.A verification plan providing details of the data that will be collected in order to

demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development complies with approved details in the interests of protection of Controlled Waters in accordance with PPS23 and Arun District Local Plan policy GEN26.

- 5 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development complies with approved details in the interests of protection of Controlled Waters in accordance with PPS23 and Arun District Local Plan policy GEN26.

- 6 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with approved details in the interests of protection of Controlled Waters in accordance with PPS23 and Arun District Local Plan policy GEN26.

- 7 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) date 17th July 2007 and the following mitigation measures detailed within the FRA:

1.Finished floor levels are set no lower than 2.2 m above Ordnance Datum (AOD).

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with PPS25 and policy GEN10 of the Arun District Local Plan.

- 8 Nothing other than uncontaminated excavated natural minerals shall be deposited.

Reason: To protect the groundwater quality in the area in accordance with PPS23 and Arun District Local Plan policy GEN26.

- 9 The access from the site to the public highway shall be designed, laid out and constructed with/kerb radii/visibility splays/and sight lines in all respects in accordance with plans and details to be submitted to and approved by the Local Planning Authority before any other operation or use authorised by this permission is commenced.

Reason: In the interests of road safety in accordance with policy GEN7 of the Arun District Local Plan.

- 10 The use of any land for car parking shall not be commenced until it has been laid out, surfaced and drained and such land shall not be used thereafter for any purpose other than the parking of vehicles.

Reason: To ensure a satisfactory standard of development in accordance with policy GEN7 of the Arun District Local Plan.

- 11 The building shall not be occupied until the parking spaces, turning facilities, and garages 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/and 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.

- 12 Before the development hereby permitted is commenced, details of provision for cycle storage and bin storageshall be submitted to and approved by the Local Planning Authority and such approved facilities shall be provided before the building is occupied and thereafter retained.

Reason: To ensure that adequate and satisfactory provision is made for the storage and disposal of refuse and the storage of bicycles in accordance with policy GEN7 of the Arun District Local Plan.

- 13 Development shall not begin until a scheme for the provision of foul and surface water drainage works has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent pollution of Controlled Waters by ensuring the provision of a satisfactory means of foul and surface water disposal in accordance with PPS23 and policy GEN26 of the Arun Development Plan.

- 14 **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 nor have an adverse impact on the districts supply of employment floorspace or the flooding characteristics of the area and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN2, GEN7, GEN8, GEN9, GEN11, GEN12

SOUTH EAST PLAN: H1, H3, H5.

NATIONAL POLICIES: PPS1, PPS3, PPS4, PPG13, PPS23, PPS25

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

- 15 INFORMATIVE: This permission will only be issued once the required s106 agreement is signed and sealed.
- 16 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.
- 17 INFORMATIVE: The applicant is advised that the future reserved matters application to cover the scale and appearance of the proposed dwellings will require the submission of adequate plans showing sufficient information and detail for a decision to be made. The plans submitted with this application are considered to show a poor quality design and a reserved matter based on them will not be acceptable.