

Recommendation Report for Planning Permission**REF NO:** BR/41/13/**LOCATION:** Land to the rear of Holmlea
Town Cross Avenue
Bognor Regis**PROPOSAL:** Demolition of existing buildings and redevelopment of the site with 6 No. two bedroom dwellings**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	The application is to demolish the existing workshops on the site and construct 6 x 2 bedroom houses, a terrace of 3, a semi detached pair and a detached dwelling.
SITE AREA	0.1 hectares
RESIDENTIAL DEVELOPMENT DENSITY	60 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The site is surrounded by fencing around the boundaries of the surrounding houses. Walling to the front of the workshop.
SITE CHARACTERISTICS	The site is located to the rear of Holmlea in Town Cross Avenue. On the site is a large single storey workshop which is painted white with corrugated roof with roof lights. There are windows on the back and front of the workshop. There is also a smaller building also white and is brick and corrugated metal and to the rear of the site are garages.
CHARACTER OF LOCALITY	The site is surrounded by residential houses.

RELEVANT SITE HISTORY

BR/9/55	Outline application for use of land for light industry	Approve Conditionally 07-02-1955
BR/9/55/B	Workshop	Approve Conditionally 25-04-1956
BR/496/74	Replacement external wc	Approve 07-08-1974

BR/613/74

Continuance of use & relaxation of
Condition No 1 application BR/9/55
Workshop light engineering Class III

Approve Conditionally
08-01-1975

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

No objection.

10 letters of objection (3 from same address)- the development is overdevelopment of the site with a narrow access which is too small for the extra traffic demands of 6 houses. It will create more on street parking demand in an area that is difficult to park in now. There will be a loss of residential amenity with cars driving up and down the access road. The existing use is restricted and therefore the houses would cause a noise nuisance at weekends and evenings. The layout would cause overlooking. Much is made of the benefit of the removal of asbestos and replacement with energy efficient homes. Gardens are currently private and will be overlooked and this will have an impact upon private garden enjoyment. The area has bats which fly to the churchyard. Concern that rubbish bins are stored in one place attracting vermin. Many of the surrounding properties are flats and HMO's which gives rise to an unbalanced community. The existing development is crammed in like sardines. Will devalue house prices. Replacing the existing wall with lower fencing reduces privacy. Concerned about the removal of the asbestos. The address given is misleading as it has nothing to do with the address. Currently lorries damage Holmlea and concerned that the house may become damaged. It is unlikely that this building would be a roost for bats, they may use the area as a corridor, which would not be affected by the proposal.s

1 letter of support - this application will enhance the whole area and industrial units with asbestos based buildings should be kept in industrial estates, not in residential areas. It would be a mistake not to remove these and replace with energy efficient affordable homes.

Comments on Representations received:

Noted. Property prices are not a material planning consideration. Any removal of asbestos would be dealt with under the health and safety regulations. The address is only to identify a location it clearly states to the rear of. If the commercial use is removed, it is unlikely that lorries would be using the access. The proposal is for family homes and therefore is intended to create a balanced, mixed community.

CONSULTATIONS

WSSC Strategic Planning
Southern Water Planning
Economic Regeneration
Engineers (Fluvial Flooding)

Consultations responses received:

Southern Water:

A formal application will be required for connection to the foul and surface water sewer.

County Highways:

No objection in principle. Although the proposed access is existing and the number of trips generated generated from 6 dwellings in unlikely to have any material impact on the highway. The visibility splays should be achievable as they are in the applicants control. The access road

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appears narrow and a swept path diagram to show that a fire appliance can move within the site is required. Details of secure covered cycle storage will be required along with a hammer head or turning circle for fire service vehicles to turn on site. The car parking is in accordance with the car parking matrix.

District Economic Regeneration:
Awaited

District Drainage Engineers:
Awaited.

Comments on Consultation responses:

Noted. A swept path diagram has been requested along with details concerning a hammer head. Other items will be conditioned.

POLICY CONTEXT

Designation applicable to site:
Within the built up area boundary.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

PLANNING POLICY GUIDANCE

POLICY COMMENTARY

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

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

It should be noted that the Arun District Local Plan was adopted in 2003.

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

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

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to conflict in that the proposal by reason of the layout and number of units, lack of amenity space which cumulatively results in a cramped form of development and an overdevelopment of the site which is out of character with the surrounding area. Also it has not been adequately demonstrated that fire appliance vehicles can turn on site.

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 and development is acceptable in principle, subject to normal development control criteria being satisfied such as visual and residential amenity. For reasons given below, the proposal is considered to be an overdevelopment of the site and out of character with the surrounding area.

NATIONAL PLANNING POLICY FRAMEWORK:

Paragraph 17 has as the core principle, the support of sustainable economic development to deliver the homes that the country needs. Local Planning Authorities should always seek high quality design with a good standard of amenity. Paragraph 50 states that a wide choice of high quality homes to create sustainable, mixed communities should be encouraged. Paragraph 51 states that local planning authorities should approve applications for a change of use from commercial to residential where there is no strong economic reason why such development would be inappropriate.

It is considered that the proposal is in conflict with paragraph 17 as demonstrated below, the proposal represents a cramped form of development with little amenity space for the proposed occupants of the dwellings. The density is higher than the existing pattern of development surrounding the site and the layout, by nature of the orientation is contributing to the cramped effect.

THE SITE HISTORY AND THE PROPOSAL:

The site is currently operating as a boat storage and repairs workshop and was formerly a light engineering workshop. The proposal is to close the business and redevelop the site to a residential use to provide 6 x 2 bedroom houses. This entails the loss of an existing commercial unit.

SITING, AMENITY, DESIGN AND CHARACTER:

The site is surrounded on all sides by residential development and the proposed layout ensures that there is no direct overlooking of windows however, this is not true of garden areas which are directly overlooked. The site is currently not seen from the street scene.

The development in Essex Road and Town Cross Avenue is Victorian/Edwardian. The development in Halson Close and Fletcher Way is of modern design. The design of the proposed dwellings would be in character with this mixed style development, particularly that in Fletcher Way and Halson Close. However, the layout, due to its orientation, which results in small gardens and the fronts of some of the dwellings facing almost directly onto the gardens of properties in

Essex Road is considered to result in a form of development which would appear cramped and out of character with the surrounding area. The proposal therefore represents an overdevelopment.

This could be overcome by reducing the number of units. It is considered that unit 1 would be acceptable with units 2 and 3 removed to provide a reasonable garden area and units 4 and 5 to remain, but pulled further into the site to allow more garden space, and unit 6 removed. If the number of units were to be reduced, the dwellings could be sited to prevent any overlooking of the existing gardens in Essex Road, in a similar layout to Halson Close. The layout of the development provides a poor level of residential amenity space for the proposed residents, particularly in comparison to the surrounding character of the area. If the number of units were to be reduced by half, the layout could be similar to that in Halson Close, which would also benefit the houses in Essex Road by reducing the overlooking of their garden areas by providing a revised orientation.

The proposal is not considered to result in any direct overlooking between windows as there is a distance of 14.5m between first floor windows at Holmlea, which is the closest property, and unit 1 which is considered to be an acceptable distance between properties and Holmlea has a tree in their control along the rear boundary. Nevertheless for reasons outlined there would be overlooking of garden areas and an unacceptable perception of being overlooked.

The bin storage area is proposed along the rear boundary with Holmlea details of which could be conditioned, however, it is proposed to be enclosed in a store and landscaped. The location is in the area closest to the access for the convenience of the refuse collection service.

In conclusion, it is considered that the proposal does not result in any significant loss or residential amenity by any unacceptable overlooking or overshadowing. However, it is considered that the lack of reasonable amenity space for the proposed dwellings would be very cramped for the proposed residents compared to the surrounding character of the area. However, this could be overcome by reducing the number of units. This would also overcome the unacceptable perception of overlooking that the current orientation provides.

HIGHWAY CONSIDERATIONS:

The layout of the site provides 9 parking spaces which County Highways states is acceptable and accords with the carparking matrix. However, insufficient detail has been provided regarding the visibility splays and a swept path diagram is required to demonstrate that a fire appliance could turn on site.

AFFORDABLE HOUSING CONTRIBUTION:

An Interim Affordable Housing Policy was approved by Full council on 18th August 2010. The policy states that the Interim policy is in accordance with the National policy and for developments of 1-14 units an affordable housing provision of 15% will be sought district wide for off site provision. In this case, a contribution of £9936 is required and the required S.106 Agreement has been signed and submitted with the application.

SUMMARY:

The proposal is considered to represent an overdevelopment of the site in that the proposed dwellings would appear cramped with insufficient amenity space for the proposed residents of the houses. Further details would be required to ensure that the development can be accommodated

safely from a highway perspective. It is therefore recommended that the application is refused for the following reason.

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 (insert number and description), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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 none of the following impacts (negative, Neutral or positive) have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

RECOMMENDATION

REFUSE

- 1 The proposal by reason of the layout, siting, plot size and garden size would be unacceptably cramped and is therefore an overdevelopment of the site which is out of character with the surrounding area resulting in an unacceptable living environment for future occupiers. The development would therefore be contrary to policy GEN7 of the Arun District Local Plan and paragraph 17 of the NPPF.
- 2 The siting and orientation of the proposed units would give rise to overlooking of garden areas resulting in an unacceptable perception of loss of privacy which would be contrary to policy GEN 7 of the Arun District Local Plan.
- 3 It has not been satisfactorily demonstrated that fire appliance vehicles can turn on the site and so enter and leave the highway in forward gear in the interests of road safety, in conflict with policy GEN7 of the Arun District Local Plan.
- 4 **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 identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reasons for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to discuss with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.