

Recommendation Report for Planning Permission

REF NO: BR/46/19/PL

LOCATION: Chandos
Elm Grove
Bognor Regis
PO21 2SW

PROPOSAL: Demolition of outbuildings & extension & construction of 1 No. 2-bed dwelling & associated works.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	It is proposed to demolish/remove the existing garage, greenhouse and the existing side bay window to Chandos (with the flank elevation then made good with two new ground floor flank windows). The new plot will then be developed with a two storey detached house comprising two bedrooms. The dwelling will be 4.9m to the eaves and 7.9m to the ridge. The new dwelling will have a rear garden with cycle shed, front/side bin storage area but no off-street parking provision.
SITE AREA	0.02 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	50 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	Some small trees to the rear of the property including some seen from the street via the driveway of the neighbouring property (Arbory).
BOUNDARY TREATMENT	1.9/2m high fence to the boundary with the driveway of Arbory.
SITE CHARACTERISTICS	Existing side garden to Chandos with a concrete double garage (with low pitched roof) and attached greenhouse to the front of the site. There is also a small timber shed at the rear of the site. The greenhouse is in turn attached to the side bay window of the dwelling. Chandos is a detached dwelling with a ground floor and two additional floors in the roof space. It is white rough rendered with a dark clay tile roof. It has a single garage with parking space in front to the other side (north) and there is unrestricted on-street parking along the length of the frontage.
CHARACTER OF LOCALITY	Residential. Mix of three storey chalet bungalows (similar to Chandos) and 2.5 storey detached/semi-detached houses. It is material that the dwelling opposite (Cheritree) is of a very similar design to that now proposed and is different in height, style and width to the other existing surrounding houses. The nearest affected dwelling is Elmside to the south which has no flank windows. Between the site and Elmside is a driveway

leading from Elm Grove to the property, Arbory (which is located at the rear of Elmside).

There is no planning history.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

"No objection"

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Natural England

WSCC Strategic Planning

Environmental Health

Engineering Services Manager

Engineers (Drainage)

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

NATURAL ENGLAND - Raise no objection provided that a contribution is secured towards the mitigation of impacts on the Pagham Harbour Special Protection Area.

WSCC HIGHWAYS - Raise no objections subject to a condition to secure cycle parking. Note that no parking is to be provided despite the demand for 1 space. However, do not consider that highway safety would be detrimentally affected through the proposed nil car parking provision and also consider the site to be sustainably located such that future occupiers of the dwelling would not be reliant on the use of a private motor vehicle.

ADC DRAINAGE ENGINEERS - Note that the application is within the Lidsey catchment, near an area identified as being at risk of surface water flooding, and in an area where groundwater levels are known to be seasonably high. However, raise no objection subject to a standard drainage condition.

ADC ENVIRONMENTAL HEALTH - No objection subject to a Construction Environmental Management Plan condition and a condition to control hours of construction working.

ADC TREE OFFICER - No response received.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and all recommended conditions imposed.

POLICY CONTEXT

Designations applicable to site:

Within the Built Up Area Boundary;
Pagham Harbour Zone B; and
Within 2km of Bognor Reef SSSI.

DEVELOPMENT PLAN POLICES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVDM2	ENV DM2 Pagham Harbour
ENVDM4	ENV DM4 Protection of trees
HDM1	H DM1 Housing mix
HSP1	HSP1 Housing allocation the housing requirement
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
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

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 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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.

There are no relevant Bognor Regis Neighbourhood Development Plan policies.

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 the Arun Local Plan in that it would not cause demonstrable harm to the character of the area, to the safety of the local highway, to the amenities of neighbouring residents and it makes appropriate provision for the protection of the Pagham Harbour Special Protection 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 lies within the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan (ALP) and provided it is in accordance with other policies of the Local Plan covering such issues as character/design, residential amenity, space standards and highway safety/parking.

Policy SD SP1 of the ALP states: "When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF)."

The application site lies within the settlement boundary of Bognor Regis and there are various local amenities and services within walking distance of the site along street lit footways. It is therefore considered that the proposal is environmentally sustainable as residents will not need to rely on the private car to access basic services & facilities.

NPPF para 118(d) states "Planning policies and decisions should: promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing". Furthermore, para 123 states where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. Higher densities will be encouraged for city/town centres and other locations that are well served by public transport. The Council is currently unable to demonstrate a 5 year Housing Land Supply (HLS) and the proposed site density is 50 dwellings per hectare.

The proposal accords with SD SP1 and SD SP2 of the Arun Local Plan and with the guidance in the NPPF on the efficient use of land. However, this does not automatically imply that permission should be granted and it is also necessary to consider whether there is any harm that will arise from this development.

CHARACTER & DESIGN:

Policy D DM1 of the Arun Local Plan requires that the Council seek to make the best possible use of land by reflecting or improving upon the character of the site and the surrounding area. It requires the Council to consider scale, massing, aspect, siting, layout, density, building materials, landscaping, and design features. It is necessary that development demonstrates a high standard of architectural principles, use of building materials and hard and soft landscaping to reflect the local area. In terms of density, D DM1 requires that housing makes efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. The policy requires the scale of development keep within the general confines of the overall character of a locality. ALP policy D SP1 "Design" requires development to make an efficient use of land and also reflect local character.

The proposed plot will be much smaller in size than that retained for Chandos and also smaller than the majority of other plots in the area. However, it will be similar in shape and only just smaller than the neighbouring plots to the south (including Elmside). Therefore, it is not considered that the resultant plot width/size will be out of character with its surroundings.

Furthermore, the proposed streetscene drawing demonstrates that the new dwelling will be lower in height than either Elmside or Chandos. Whilst this could be considered as being out of character, regard is had to the existing low pitched double garage on the site and also the difference in height & design between Elmside and Chandos. Furthermore, although it is not possible to accurately compare the two (as the relevant planning permission is much older), the proposed dwelling would appear to be very similar in height & design as the existing dwelling, Cheritree, opposite.

Therefore, it is not considered that the proposed new dwelling will result in any harm to the established character of Elm Grove or to the visual amenities of the streetscene. The changes to the flank elevation of Chandos are not considered to be significant or in any way harmful. The proposal therefore complies with ALP policies D DM1 and D SP1.

RESIDENTIAL AMENITY:

Policy D DM1 requires the Council have regard to certain aspects when considering development including having minimal impact to users and occupiers of nearby property and land. Policy D DM4 requires that extensions/alterations: sympathetically do not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties. Regard should be had to para 127 of the NPPF which states that developments should provide a high standard of residential amenity for existing and future users. Policy QE SP1 states: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity".

It is not considered that the proposed dwelling will result in any harm to residential amenity. It is sited on the same building line as Chandos and Elmside on either side. Only Chandos has any flank windows (and will have less flank windows than as currently due to the removal of the flank bay) and these can be screened out by new boundary fencing. To the rear, views of the garden of 29 Tennyson Road are partially protected by 29's own rear outbuilding and any views of the garden area beyond this, will be at a distance of at least 14m. In terms of light loss, there will be some shading of Chandos' own garden when the sun is south east of the new house but Chandos has a large garden and the impact will therefore be restricted to a small area and only a small part of the day.

The proposal therefore complies with policies D DM1 and QE SP1.

INTERNAL & EXTERNAL SPACE STANDARDS:

Policy D DM2 states: "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 internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if the building is suitable for residential use. The requirement for a two storey, 2 bedroom, 3 person house is 79m² but the proposed dwelling has a floor area of at least 82m² and therefore is in compliance with the standards.

Policy D DM1 refers to the need for compliance with the Arun Design Guide. This is to part replace D DM3 "External Space Standards" which was deleted at the request of the Local Plan Inspector. Until this Design Guide is published, there is no policy within the ALP regarding private gardens sizes. Para 127 of the NPPF states that planning decisions should ensure that developments have a high standard of amenity for existing and future users. The proposal includes a rear garden with a depth of 9.5m and a width of 7.5m tapering at the rear to 6.5m. This is considered to be acceptable.

The proposal therefore complies with policies D DM1 & D DM2 and with the guidance within the NPPF on amenity (para. 127).

HIGHWAYS & PARKING:

Policy T SP1 seeks to ensure 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: "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". In addition, policy T DM1 requires that new development be located within easy access of established non-car transport modes/routes and also seek to contribute to the improvement of such routes & facilities.

Paragraph 108 of the NPPF states: "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Regard should be had to para 109 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."

The proposal makes no changes to the highway and provides no off-street parking. Instead parking will be accommodated on-street to the front of the dwelling. In theory, the new house benefits from unrestricted on-street parking of almost 9m along its frontage (so equivalent to just under 2 car parking spaces) and this would be sufficient for a dwelling of this size. However, there is no right to the use of on-street parking and therefore no guarantee that this will always be available. Still, it is considered reasonable to assume that the parking demand of 1 space can be met through existing on-street parking in the area. Certainly, there were a surplus of spaces during the daytime when the site visit was carried out.

WSCC Highways have assessed the proposal and raise no objections. They do not consider that highway safety would be detrimentally affected through the proposed lack of off-street parking provision and they also consider the site to be sustainably located such that future occupiers of the dwelling would not be reliant on the use of a private motor vehicle.

It is considered that the nil parking provision is acceptable in this case and that therefore, the proposal complies with the NPPF and the relevant policies of the development plan.

IMPACT ON PAGHAM HARBOUR

Policy ENV DM2 requires that new residential developments within a 400m to 5km distance ('Zone B') of Pagham Harbour make a financial contribution towards the provision of accessible natural open green spaces to serve the area. A contribution of £1,275 per new residential unit was agreed by the Councils Cabinet on 20 July 2015. The Councils Cabinet subsequently approved a reduction in the tariff from £1,275 to £871 as of the 10th April 2017.

The application site lies within the designated Zone B and accordingly it was necessary to apply this requirement. The net increase in 1 dwelling resulted in a contribution of £871 at the current rate and it is this that is secured by the signed legal agreement.

SUMMARY:

There is no in principle objection to residential development on this site within the built up area and it is considered that the proposal complies with development control criteria concerning highway safety, character, residential amenity, parking and internal space standards. It is therefore recommended that the application be approved subject to the following conditions and the signed S.106 legal agreement covering a financial contribution in respect of Pagham Harbour.

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

This decision will be granted with a S106 legal agreement relating to a contribution of £871 towards the provision of accessible natural open green spaces to offset the impact of the development on the

RECOMMENDATION	
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- 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:

Dwg 1080/SK02 Rev 01 "Block Plan Proposed";
 Dwg 1080/SK04 Rev 01 "Proposed Site Plan";
 Dwg 1080/SK05 Rev 01 "Proposed Floor Plans";
 Dwg 1080/SK06 Rev 01 "Proposed Elevations";
 Dwg 1080/SK07 Rev 01 "Proposed Street Scene"; and
 Dwg 1080/SK08 Rev 01 "Retained Dwelling - South Elevations".

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

- 3 No development shall take place, including any works of demolition, until a Construction Environmental 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:-

- a. An indicative programme for carrying out of the works
- b. Details of the arrangements for public engagement / consultation both prior to and continued liaison during the construction works
- c. Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s)
- d. Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination
- e. the parking of vehicles of site operatives and visitors
- f. loading and unloading of plant and materials, including permitted times for deliveries
- g. storage of plant and materials used in constructing the development
- h. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- i. 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 Regulations Orders)
- j. measures to control the emission of dust and dirt during construction
- k. a scheme for recycling / disposing of waste resulting from demolition and construction works
- i.e. no burning permitted

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of the Arun Local Plan 2011 - 2031. This has been requested by the Council's Environmental Health department and is required to be a pre-commencement condition because it is necessary to have the site set-up agreed prior to access by construction staff.

- 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 development above damp proof course (DPC) level shall take place unless and until a colour schedule of materials and finishes to be used for external walls and roofs of the proposed building 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 and the character & appearance of the surroundings by endeavouring to achieve a building of visual quality in accordance with policy D DM1 of the Arun Local Plan.

- 6 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority. Such approved cycle storage spaces shall thereafter be retained in good working condition.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and policy T SP1 of the Arun Local Plan.

- 7 Prior to occupation of the new dwelling, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwelling shall be submitted to the local planning authority for approval and thereafter implemented in accordance with the approved details and the charge point shall thereafter be permanently retained and maintained in good working condition.

Reason: New petrol and diesel cars/vans will not be sold beyond 2040, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun District Council Electric Vehicle Infrastructure Study (November 2017) and the National Planning Policy Framework

- 8 The new dwelling shall not be occupied unless and until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that the new house will incorporate decentralised, renewable and low carbon energy supply systems. The approved scheme shall thereafter be implemented prior to occupation of the dwelling and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

Reason: To ensure that the development is energy efficient and in accordance with policy ECC SP2 of the Arun Local Plan.

- 9 No demolition or construction activities shall take place, other than between 08.00 to 18.00 hours (Monday to Friday) and 08.00 to 13.00 hours (Saturday) with no noisy working activities on Sunday or Bank Holidays.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of the Arun Local Plan.

- 10 The two first floor bathroom windows on the front and rear elevations of the building shall at all times be glazed with obscured glass.

Reason: To protect the amenities and privacy of future occupiers in accordance with policy D DM1 of the Arun Local Plan.

- 11 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions (excepting porches and dormer windows) to the dwelling houses shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the amount of private amenity space in accordance with policy D DM1 of the Arun Local Plan.

- 12 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to a contribution of £871 towards the provision of accessible natural open green spaces to serve the Pagham area.

- 13 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.

- 14 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 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.

- 15 INFORMATIVE: A formal application for connection to the public sewerage system may be required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which is available to read on our website via the following link

<https://beta.southernwater.co.uk/infrastructurecharges>.