

Recommendation Report for Planning Permission

REF NO: BR/48/22/PL

LOCATION: 13-17 Richmond Avenue
Bognor Regis
PO21 2YE

PROPOSAL: Conversion of existing loft space into 2 No. flats. This application is in CIL Zone 4 (Zero rated) as flats.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The loft space has permission for conversion to a three-bedroom flat and this application seeks to change this to have one, two-bedroom and one, one-bedroom flat. There are no building alterations proposed and no change to the position of the rooflights shown on the plans approved by BR/114/20/PL. One additional parking space is provided at ground floor and there is an associated slight impact on the dimensions of the private and communal gardens as previously shown.
SITE AREA	920 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	119 dwellings per hectare (up from 108)
BOUNDARY TREATMENT	Mixed: - Low wall and hedge to the front; - 1.7m high wall & 0.3m trellis addition (2m total height) to the rear boundary; - 1.7m high wall with hedging to the side/rear boundary to no. 7.
SITE CHARACTERISTICS	The property was part of the Abbeyfields Care Home (9-17 Richmond Avenue) which was housed within a group of interconnected 2.5 storey buildings. To the rear there is a single storey storage building, garage and beyond the rear boundary an informal parking area open to the back street. There is unrestricted on-street parking on Richmond Avenue.
CHARACTER OF LOCALITY	The site is located within the built-up area on a residential road which is characterised by a high-density arrangement of buildings either in residential use or as care homes. A service road passes directly to the rear of the site. The adjoining property to the west has been approved for residential conversion (8 flats) under BR/145/19/PL. The property on the other side is in residential use although it is not clear as to whether occupied as an HMO or by flats.

RELEVANT SITE HISTORY

BR/114/20/PL	Conversion of existing vacant residential care home into 10 No. flats. This application is not CIL Liable as flats in Zone (Zero Rated).	App Cond with S106 08-02-21
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BR/145/19/PL	Conversion of existing vacant residential care home into 8no. flats	App Cond with S106 25-11-19
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The property benefits from a planning permission enabling conversion to 10 flats with one, three-bedroom flat in the roof. Parking was approved to the rear (12 spaces) along with gardens and bin/cycle storage. Work has commenced internally.

REPRESENTATIONS

Bognor Regis Town Council state no objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

NATURAL ENGLAND: no objection subject to a contribution being secured to offset the impact of the accommodation in combination with other residential proposals on the Pagham Harbour Special Protection Area (SPA) and Ramsar site. Also require that this be formally checked by way of an Appropriate Assessment.

WSCC HIGHWAYS: no objection subject to conditions to ensure the car parking, cycle storage and electric vehicle charging points are provided prior to occupation. State the net increase of one flat would not result in a material intensification of use of the site access over the existing as approved. State that 100% of parking spaces should have a charge point and also that details of the cycle store location are required.

WSCC FIRE: no objection subject to an informative regarding use of interior sprinklers.

ADC DRAINAGE ENGINEERS: no objection and due to no increase in impermeable area, recommend no conditions. State any alterations to surface water drainage must be designed and constructed in accordance with Building Regulations.

ADC ENVIRONMENTAL HEALTH: no objection subject to conditions re construction hours, electric vehicle charging and internal noise levels.

ADC PRIVATE SECTOR HOUSING: no objection and advise a number of points in their response dated 10/01/22 as regards fire safety, internal room sizes, licensing & ventilation which will be relevant for when a license is applied for.

COMMENTS ON CONSULTATION RESPONSES:

NATURAL ENGLAND: An Appropriate Assessment (AA) was issued to Natural England for review on the 6th of July 2022 and a copy is on the website.

WSCC HIGHWAYS: The cycle store locations were previously approved by BR/114/20/PL although an updated ground floor layout plan showing the location of these has now been provided. ADC does not agree that 100% of spaces require a charge point as that rule is only for houses with a driveway or garage and this is a parking court arrangement. Nevertheless, conditions will be imposed to ensure that the electric vehicle charge points, cycle storage and car parking are provided prior to occupation of the new flats.

ADC ENVIRONMENTAL HEALTH: no condition was applied to BR/14/20/PL regarding internal noise levels and so it is not reasonable to impose one on what is a variation of the previous permission.

ADC PRIVATE SECTOR HOUSING: the applicant amended the floor plan following a review of these comments. A re-consultation was issued but no response was received.

POLICY CONTEXT

Designations applicable to site:

Within Built Up Area Boundary;
Within 2km of Bognor Reef SSSI;
Current/Future Flood Zone 1;
CIL Zone 4; and
Pagham Harbour Zone B.

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVDM2	ENV DM2 Pagham Harbour
ENVDM5	ENV DM5 Development and biodiversity
QESP1	QE SP1 Quality of the Environment
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
TELSP1	TEL SP1 Strategic delivery of telecomms infrastructure

PLANNING POLICY GUIDANCE:

NPPDG National Design Guide

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan 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.

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 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 complies with the Arun Local Plan in that it would not cause demonstrable harm to the character of the area, to the amenity of neighbouring residents, to the amenities of future residents, to the integrity of the Pagham Harbour Special Protection Area (SPA) or result in a severe impact on the local highway.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

- (2) in dealing with an application for planning permission the authority shall have regard to -
- (a) the provisions of the development plan, so far as material to the application,
 - (aza) a post examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS**PRINCIPLE:**

The site lies in the built-up area boundary where development is acceptable in principle as per policy SD SP2 of the Arun Local Plan (ALP) provided it is in accordance with other policies covering such issues as character/design, highway safety/parking, residential amenity, space standards, biodiversity, and climate

change.

NPPF para 120(d) and 124 support the development of under-utilised land and buildings particularly where this results in new housing and requires that planning decisions avoid homes being built at low densities, with higher densities encouraged for locations that are well served by public transport.

HIGHWAYS & PARKING:

ALP policy T SP1 seeks to ensure development provides safe access on to the highway network; contributes to highway improvements (where appropriate) and promotes sustainable transport. Schemes should accommodate efficient delivery of goods and supplies; give priority to pedestrian and cycle movements, be accessed by high quality public transport facilities, create safe and secure layouts for traffic, cyclists and pedestrians and provide appropriate levels of parking. Policy T DM1 requires new development be located in easy access of established non-car transport modes/routes

Para 110 of the NPPF states: "In assessing .. specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Para 111 states: "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."

WSCC Highways comments are set out in full on the website and summarised above. In short, they have no concerns over highway safety or vehicle parking. As according to the Arun Parking Standards SPD, the parking requirement for the two flats is 2 spaces. One of these spaces has already been approved through BR/114/20/PL within the rear parking area and this application adds an extra parking space to that area thus meeting the requirements. The rear parking area includes 2 visitor spaces which is appropriate for 11 flats. Notwithstanding, this is a sustainable location for new development and residents will also be able to walk or cycle, or take a bus to access shops, services, places of employment and other facilities. Cycle storage will be secured by condition. As such, there is no conflict with the relevant policies or with the Parking Standards SPD.

DESIGN & CHARACTER:

ALP policies D SP1 and D DM1 require development makes the best possible use of land by reflecting or improving the character of the site/surrounding area. Policy D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. These seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours, and the locality. The Arun Design Guide states that when roof lights are proposed, these should maintain the privacy of neighbouring properties, should be used sparingly, discreetly, and centred on the roof.

There are no changes proposed to the building beyond those already approved by BR/114/20/PL. There will be no material effect on the character of the area or the appearance of the building and the only indicator of the additional flat to neighbours will be the extra parking space at the back. The proposal complies with the relevant policies.

RESIDENTIAL AMENITY:

ALP policy D DM1 requires there be minimal impact to users/occupiers of nearby property and land. ALP policy QE SP1 requires all development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity.

The Arun Design Guide sets out guidance on interface distances between dwellings but as no new

windows are proposed and as residential accommodation has already been approved in the roof, there is no need to consider the relationship to nearby residential properties. For the same reasons, there are no light loss or shading impacts to consider. The additional flat will not result in a material intensification of the building's occupancy to the detriment of the living conditions of neighbouring properties. The proposal complies with the relevant policies.

QUALITY OF ACCOMMODATION:

Both the ALP policy D DM2 and the Arun Design Guide require that new residential development provide sufficient internal living space to ensure a decent standard of amenity for future occupants. The Nationally Described Space Standards provide details of required internal space standards. The requirement for the 1 bed flat is 50m² and for the 2-bed flat is 61m² and the plans demonstrate the flats comply with the standards (52m² & 81m²)

The Arun Design Guide sets out amenity space for flats as a minimum of 40sqm plus 10sqm for each unit as communal shared space if not provided as private balcony/patio/terrace space (at least 3m²). Balconies are not appropriate for this scheme due to the potential for overlooking and impact on the appearance of the building but two of the ground floor flats do already have private spaces.

The communal space requirements for those flats not having a private space would therefore be 130m². However, it should be noted that ten of the flats in the building have already been approved through BR/114/20/PL and that this application does not result in a net increase in the number of bedrooms compared to the approved scheme. The additional parking space has however increased the size of the parking area which has partially eaten into the two private gardens (flats 2 & 3) and the communal space for the rest of the flats. However, the two private gardens still far exceed the 3m² requirement (27.5m² & 24m²) and the communal space is approximately 50m². The latter is an under provision, but the previous application was approved despite an under provision due to the proximity of nearby places of recreation and the overall provision of space is on balance, acceptable such that no objection is raised.

BIODIVERSITY:

ALP policy ENV DM5 requires proposals achieve a net gain in biodiversity and protect habitats on site. The application is not accompanied by an ecological appraisal, but existing residential buildings and their curtilages tend to have low potential as habitat for protected species and the new flats are in a part of the building that has already been granted permission for conversion. Biodiversity net gain was not considered on the previous application but it is a requirement and so a condition will now be imposed to require that bird boxes are placed on the building. This satisfies policy requirements.

CLIMATE CHANGE:

ALP policy ECC SP2 requires all new residential development including conversions and change of use be energy efficient and incorporate decentralised, renewable, and low carbon energy supply systems. A condition was imposed on BR/114/20/PL to secure such measures and so there is no need for a new condition requiring details to be approved. Instead, a condition will be imposed to require that the measures to be approved through the discharge of the condition on BR/114/20/PL are provided before the new flats are occupied. On this basis, the policy is complied with, and a further condition would not be appropriate.

TELECOMMUNICATIONS:

ALP policy TEL SP1 state all proposals for new residential, employment and commercial development must be designed to be connected to high quality communications infrastructure. This policy was not

applied to BR/114/20/PL (i.e., no condition was imposed to ensure a 24MB+ broadband connection) and as the loft conversion has already been agreed, it would not be reasonable to now impose this new requirement.

PAGHAM HARBOUR:

ALP policies ENV DM1 and ENV DM2 require residential developments in a 400m to 5km distance ('Zone B') of Pagham Harbour make a financial contribution towards provision of accessible natural open green spaces to serve the area. A contribution of £871 per new unit was agreed by the Council's Cabinet on 10 April 2017. The site lies in the designated Zone B and the proposal results in a net increase of 1 dwelling compared to the previous approval. The applicant has proposed to vary the previous s106 legal agreement to secure an additional contribution of £871 and this agreement has now been completed.

Notwithstanding, Arun DC are also required by planning law to prepare an Appropriate Assessment (AA) to assess the impact of increased recreational disturbance arising from the proposal on the Pagham Harbour Special Protection Area (SPA) & Ramsar Site. An AA was issued to Natural England on the 6th of July 2022 with a request for comments in 10 days. They have not responded however, there is no conflict with policy ENV DM2

SUMMARY:

There is no in principle objection to further residential development on this site in the built-up area and the proposal complies with development control criteria concerning highway safety, residential amenity, character/design, biodiversity, space standards, climate change and the Pagham Harbour. The application will be approved with a Deed of Variation to secure the additional Pagham Harbour contribution.

This proposal represents a minor boost to the Council's current HLS shortfall, meets the definition of sustainable development and an approval would accord with paragraph 11c of the NPPF. The proposal is therefore recommended for approval subject to conditions and the signed Deed of Variation to the previous s106 legal agreement.

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 in accordance with a Deed of Variation to the previously completed s106 legal agreement which secures a contribution of £871 towards the cost of delivering measures to avoid, or mitigate to an acceptable level, the harm caused to Pagham Harbour.

CIL DETAILS

Flats in Zone 4 are not CIL liable.

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 plans:

Proposed Second Floor Plan 313/03 Rev A;
Proposed Elevations 313/105;
Proposed Floor Plans and Elevations for Bin and Cycle Stores 313/106;
Construction Plan 313/107; and
Ground Floor Plan Outer Areas 313/108.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D DM1, D SP1, T SP1 and QE DM1 of the Arun Local Plan.
- 3 The conversion of the building and all other development works shall be carried out in full accordance with the approved Construction Plan 313/07 and there shall be no deviation from this plan other than with the written agreement of the Local Planning Authority.

Reason: To avoid undue congestion of the site and consequent obstruction to access in accordance with policy T SP1 of the Arun Local Plan and the NPPF.
- 4 No construction activities shall take place other than from 08:00 hours until 18:00 hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no work involving power tools or machinery on Sunday or Bank/Public Holidays. In addition to these hours of working, the Local Planning Authority may approve in writing a schedule of activities where it is necessary to conduct works outside the hours specified in this condition.

Reason: To protect the amenity of local residents in accordance with policy QE DM1 of the Arun Local Plan.
- 5 The new flats shall not be first occupied unless and until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all

times for their designated purpose.

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

- 6 The new flats shall not be first occupied unless and until the bin & cycle stores as shown on the approved ground floor plan and bin & cycle stores drawings have been provided. The cycle stores shall cumulatively provide space for 11 cycles to serve the whole development. In addition, the new electric charge points also shown on the approved ground floor plan and to be approved separately by the discharge of condition 9 on BR/114/20/PL must be provided in working condition prior to occupation.

Reason: To ensure sufficient facilities to serve the new occupiers in accordance with Arun Local Plan policies D DM1, WM DM1, T SP1, T DM1, QE DM3 (c) and the Arun Parking Standards SPD.

- 7 The new flats shall not be first occupied unless and until the renewable energy measures to be separately agreed through condition 10 on BR/114/20/PL have been implemented in full and are in good working condition.

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

- 8 Prior to the occupation of any part of the development, the applicant or developer shall ensure that infrastructure is implemented to allow for the provision of the highest available headline speed of broadband provision to future occupants of all of the development from a site-wide network provided as part of the initial highway works and in the construction of frontage thresholds to buildings that abut the highway. Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site will continue in accordance with the approved strategy.

Reason: To safeguard the amenities of future residents in accordance with Arun Local Plan policy TEL SP1.

- 9 No part of the development shall be first occupied until full details of the placement of two suitable bird boxes on the building have been submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented in full prior to occupation and thereafter retained to the satisfaction of the Local Planning Authority.

Reason: In the interests of securing biodiversity net gain in accordance with Arun Local Plan policy ENV DM5 and the National Planning Policy Framework.

- 10 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.

- 11 INFORMATIVE: This decision has been granted in conjunction with a Deed of Variation to the previous section 106 legal agreement relating to an additional payment of £871 towards the provision of the agreed Pagham Harbour mitigation scheme.

- 12 INFORMATIVE: All parts of the new flats must be within 45m of a fire appliance in accordance with the requirements of Approved Document B: Volume 1 2019 edition B5 section 13. Any areas not within the 45 metre distance will need to be mitigated by the installation of domestic sprinkler or water mist system complying with BS9251 or BS4854 standards.
- 13 INFORMATIVE: Please note the recommendations of our Private Sector Housing Team on our website dated 21/04/22 which includes guidance on fire safety, ventilation, railings to terraces/balconies, other hazards and HMO standards.
- 14 INFORMATIVE: The development shall be carried out in accordance with the 'Arun District Council Construction Code of Practice: for small developments in Arun', available from: <https://www.arun.gov.uk/download.cfm?doc=docm93jjm4n12193.pdf&ver=12201>