

Recommendation Report for Planning Permission

REF NO: BR/57/22/PL

LOCATION: 18-20 Stocker Road
Bognor Regis
PO21 2QF

PROPOSAL: Demolition of vacant garden building and construction of 1 No. 2 bed supported accommodation annexe.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Planning permission is sought for the demolition of an existing garden building and the construction of a single storey flat roofed 2 bedroom annex.
SITE AREA	350.00 square metres.
TOPOGRAPHY	Predominantly flat.
TREES	There are two trees in the rear garden which would be affected by the proposed development.
BOUNDARY TREATMENT	A close board panels on the both sides and to the rear, dwarf wall to the front.
SITE CHARACTERISTICS	Two storey detached building with a habitable gabled roof and two double bay windows to the front. Front garden covered with pebbles with a large bush. There is a garden building (subject to this application) and two trees within rather small garden.
CHARACTER OF LOCALITY	The area is a mix of residential properties, with former large properties having been converted and extended over the years into flats or residential nursing/care and support facilities.

RELEVANT SITE HISTORY

BR/58/94/CLE	Application for a Certificate of Lawfulness for an existing use for 7 flatlets	Approve 22-07-94
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REPRESENTATIONS

Bognor Regis Town Council: No objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ENVIRONMENTAL HEALTH: No objection subject to suggested conditions.

PRIVATE SECTOR HOUSING: It must be considered that occupants have the right to access kitchen facilities at any time of the day and at any time of the year and with this in mind it is the opinion of Private Sector Housing that the applicant should either consider including cooking facilities within the new unit, either as a communal facility or individual cooking facilities provided within bedsits.

The applicant is advised to ensure that facilities provided meet the Council's HMO Standards and rooms sizes and facilities are adequate for the total number of persons reliant on them. Full comments are online. Housing standards, including room sizes and facilities must be complied with.

NATURAL ENGLAND: Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance. Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s).

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The S106 has not been signed so this will form a reason for refusal.

POLICY CONTEXT

Designation applicable to site:

2km Buffer of Bognor Reef SSSI;
Pagham Harbour Access Management Zone B;
Built up Area Boundary.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ENVDM2	ENV DM2 Pagham Harbour
HSP4	H SP4 Houses in multiple occupation
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary

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.

There is no relevant policy in the Bognor Regis Neighbourhood Plan to the determination of this application.

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 would not comply with relevant Development Plan policies in that an inadequate open space would be provided causing harm to the amenities of future occupiers of the site contrary to policy H SP4 c) of the Arun Local Plan and the Arun Design Guide. In addition, in the absence of a signed S106 agreement relating to the recreational impact of the development on Pagham Harbour the development would fail to appropriately address the impact caused contrary to ENV DM2 of the Arun Local Plan causing harm to the importance and habitat of the area.

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

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

KEY ISSUES

The key issues are principle, design and visual amenity, residential amenity, and impact on Pagham Harbour.

PRINCIPLE

The site is in the Built-Up Area Boundary (BUAB) where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan and provided it accords with other policies of the Local Plan. The key policies of the Arun Local Plan are D SP1, D DM1 and ENV DM2 of the Arun Local Plan and relevant paragraphs of the NPPF.

Policy SD SP1 of the Arun Local Plan states "When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF." Para 120 (d) of the NPPF 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 where land supply is constrained, and available sites could be used more effectively. Paragraph 124(d) NPPF requires planning policies and decisions to support development that makes efficient use of land, taking into account the desirability of maintaining an area's prevailing character and setting.

The proposal is acceptable in principle given its position in a sustainable location in the Built-Up Area, in walking distance of a range of shops, facilities and services. There are frequent bus services on Aldwick Road. The development utilises a rear garden of 18-20 Stocker Road which as mentioned in Private Sector Housing Officer's comments: 18-20 Stocker Road, Bognor Regis currently has an HMO licence for 7 people.

Policy H SP4 (ALP) states where applications for houses in multiple occupation are not covered by permitted development rights, they will be favourably considered where proposals contribute to the creation of sustainable, inclusive and mixed communities and meeting certain criteria. One of them is a provision of adequate areas of open space (H SP4(c)).

The development features only a small area of private amenity space to the rear due to the proposed annex. All other amenity space is forward of the primary elevation fronting the roadside. The area would not provide a secluded and quiet area which the character of private amenity space should provide contrary to criteria (c) of Policy H SP4 of the Local Plan.

Based on the above, the development conflicts with Policy H SP4(c) of the Local Plan.

Notwithstanding the above, the applicant/agent has failed to provide a proof that property 18-20 Stocker Road is used as described in their submitted DAS.

The proposal is for a construction of annex comprising 2 bedrooms and bathroom which is intended to be supported accommodation annexe for use by residents of 'Step Down Supported Accommodation', an ancillary to No 18-20 Stocker Road.

According to the submitted Design and Access Statement property 18-20 Stocker Road is currently run by the PA Ark Projects and used by West Sussex Children's Services to accommodate asylum seeking young people who are looked after by the Local Authority. The Council received the email from West Sussex County Council Children's Services confirming that "PA Ark have several long-term contracts with West Sussex County Council to supply supported accommodation for young people we care for and Care leavers. One of the contracted sites for these services is Stocker Road in Bognor Regis'. Whilst the proof of use of property No18-20 property (as stated in their DAS) for at last 10 years was required. Therefore, in the absence of the above it is difficult to assess properly the appropriateness of the proposed annex which was intended to be ancillary to the host building.

IMPACT ON THE PAGHAM HARBOUR SPECIAL PROTECTION AREA:

ALP Policy ENV DM2 requires 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 £871 per new residential unit was agreed by the Councils Cabinet on 10th April 2017.

The site lies in designated Zone B and this application results in a net increase in residential

accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance. The application results in recreational disturbance only to Pagham Harbour. Having considered mitigation and avoidance measures to be provided in-perpetuity through the contribution to the Joint Pagham mitigation scheme, Arun District Council conclude that with mitigation the plan or project will not have an adverse effect on the Integrity of the European protected site(s).

Based on a net gain of 1 unit the £871 contribution should be paid. This has not been secured by the agreed Section 106 agreement and there is conflict with policy ENV DM2 of the Arun Local Plan.

OTHER MATERIAL CONSIDERATIONS:

Arun Design Guide Part H.04 advises on Residential Outdoor Amenity & External Space Standard:

- All development should provide residents with access to outdoor amenity space, whether private or communal. It advises that Residential Communal Shared Spaces should be minimum 40sqm plus 10sqm for each unit. These standards are applicable in the majority of cases, but innovative approaches to more compact building layout may be supported by ADC, where appropriate.

In principle, each HMO room functionally operates as its own self-contained residential unit of accommodation and the proposed development would result in 8 units. From this point of view the provided 73sqm of residential communal shared space would not be adequate for 8 units.

Paragraph 182 of the NPPF stresses that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects) unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

When Pagham Harbour Section 106 applies the decision is granted in conjunction with a Section 106 legal agreement relating to a contribution towards the cost of delivering measures to avoid or mitigate to an acceptable level, the harm caused to Pagham Harbour by the Development. However, Section 106 legal agreement has not been signed.

CONCLUSION

The proposal is for an intensification of use which is supported by the above policy and para 120 (d) of the NPPF. However, inadequate residential communal shared space and the applicant has failed to complete S106 legal agreement with regards to Pagham Harbour mitigation measures.

Notwithstanding the above, in the absence of proof of use of the host property No 18-20 Stocker Road within last 10 years of submission this application it was impossible to establish the appropriateness of the proposed annex which was intended to be ancillary to the host building.

This report has balanced this harm against other material considerations, including that of the contents of the NPPF. Whilst it is acknowledged that the NPPF gives some support to using sites effectively, this material consideration is not of sufficient weight to demonstrably outweigh the areas of harm identified above in both Development Plan and the NPPF.

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), 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 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

The decision would be granted with a S106 legal agreement relating to a contribution of £871 towards the cost of delivering measures to avoid or mitigate to an acceptable level, the harm caused to Pagham Harbour by the Development. No signed s106 exists.

CIL DETAILS

This application is CIL Liable therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply)

RECOMMENDATION

REFUSE

- 1 The development would result in an inadequate living environment for future occupants as a result of the provision of inadequate open space contrary to policy H SP4 c) of the Arun Local Plan and the Arun Design Guide.
- 2 The applicant failed to provide a completed Section 106 legal agreement relating to contribution of £871 towards the cost of delivering measures to avoid or mitigate to an acceptable level, the harm caused to Pagham Harbour by the development contrary to policy ENV DM2 of the Arun Local Plan.