

Recommendation Report for Planning Permission

REF NO: BR/58/20/PL

LOCATION: 15-17 Kew Gardens
Bognor Regis
PO21 5RD

PROPOSAL: Variation of condition 2 imposed under BR/63/19/PL relating to approved plans condition for location plan, block plan, proposed site plan, proposed floor plans, elevations & roof plans for plots 1-6.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This proposal seeks to amend conditions 2 of BR/63/19/PL. To change the approved plans to include changes to internal layouts to plots 2 and 5 to create study room at first floor, general minor internal layout changes to all plots and move position of windows. Condition 2 states: The development hereby approved shall be carried out in accordance with the following approved plans: DRW 01 Rev A 'Site Location Plan' DRW 02 Rev B 'Proposed Block Plan' DRW 03 Rev A 'Proposed Site Plan' DRW 04 Rev A 'Proposed Floor Plans, Roof Plan & Elevations (Plot 1 and 2)' DRW 05 Rev A 'Proposed Street Scene & Site Section' DRW 07 'Proposed Floor Plans, Roof Plan & Elevations (Plot 3 and 4)' DRW 08 'Proposed Floor Plans, Roof Plan & Elevations (Plot 5 and 6)' TDB/414504/djb 'Preliminary Surface Water Drainage Design Strategy' dated 27 September 2019 Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan. Vary condition 2 to change approved plans: 02 Rev B to 31; 03 Rev A to 32; 04 Rev A to 33A; 07 to 34 and 08 to 35A.
SITE AREA	1070 sq metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	56 dwellings/hectare.
TOPOGRAPHY	Predominantly flat.

TREES	None affected by the development.
BOUNDARY TREATMENT	Open to the front, high mesh fencing to rear, dwarf wall with railings to the south and a timber fence with shrubs to the north.
SITE CHARACTERISTICS	The site is on the west side of Kew Gardens and comprises a large pair of semi-detached bungalows with habitable roofs used previously as a care home, recently redundant.
CHARACTER OF LOCALITY	Residential street comprising of two storey gabled semidetached properties of uniform character well set back from the street in small plots with Bognor Regis Fire Station to the west and retirement flats, Runnymede Court, to the south.

RELEVANT SITE HISTORY

BR/57/20/DOC	Approval of details reserved by condition imposed under ref BR/63/19/PL relating to Condition Nos 8 - surface water drainage and 9 - maintenance and management of the surface water drainage.	
BR/28/20/NMA	Non-material amendment following the grant of reference BR/63/19/PL for changes to internal layouts to plots 2 & 5 to create 3 bed dwellings, general minor internal layout changes to all plots and move position of windows	
BR/27/20/DOC	Approval of details reserved by condition imposed under ref BR/63/19/PL relating to Condition Nos 3 - dustbin storage, 5 - renewable energy, 7 - material & finishes, 10 - Construction Management Plan, 13 - cycle parking spaces, 15 - visibility splays and 16 - pedestrian visibility splays	DOC Approved 08-04-20
BR/63/19/PL	Demolition of existing building and erection of 6No. dwellings, 2x 3 bedroom and 4x 2 bedroom with associated access and car parking.	App Cond with S106 25-10-19

None.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

No objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

None.

POLICY CONTEXT

Designation applicable to site:

2km Buffer for Site of Special Scientific Interest Bognor Reef

Pagham Harbour 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
HDM1	H DM1 Housing mix
QESP1	QE SP1 Quality of the Environment
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.

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 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 amenity of neighbouring residents, or result in a severe impact on the local highway. The proposal makes appropriate provision for the protection of Pagham Harbour.

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 in 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.

CHARACTER & DESIGN:

Policy D DM1 of the Arun Local Plan requires that new developments respond positively to the identified characteristics of a particular site to create developments which respect local characteristics.

Arun Design Guide Supplementary Planning Document (SPD), a material consideration in the determination of applications, was published under consultation until 21 February 2020.

The proposal is for the change of internal layouts and move position of windows on the side elevations. Internal changes would not affect the appearance of the dwellings and the change of the position of windows would be insignificant. The changes would not be visible from the street. The proposal complies with policy D DM1 of the Local Plan and Arun Design Guide.

RESIDENTIAL AMENITY:

ALP 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 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". Para 127 of the NPPF which states that developments should provide a high standard of residential amenity for existing and future users.

The change of position of flank windows is insignificant and given all first floor flank windows of the dwellings are bathroom windows conditioned to be all the time obscure glazed therefore it is not

considered that the proposed changes would have an adverse impact to users and occupiers of the neighbouring dwellings.

The proposal complies with policies D DM1 and QE SP1 as well as the guidance on amenity within the NPPF (para. 127).

INTERNAL 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 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.

Given the size of every bedroom would accord with the requirement of the Nationally Described Space Standards and fact that the number of future occupiers of these dwellings would be unchanged it is not considered that the proposed changes of layout resulting in a first floor study room, (Units at plots 2, and 5) would have an unacceptable impact on the space standard of the proposed dwellings.

The proposal complies with policy D DM2 and with the guidance in the NPPF (para. 127).

HIGHWAYS & PARKING:

ALP policy T SP1 seeks to ensure development: provides safe access on to the highway 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"

With regards to parking it is considered that proposal would unlikely generate a materially different number of vehicular movements to the site. In addition, WSCC (Highways) in their comments on application under reference BR/63/19/PL stated: 'there are no known capacity and congestion issues within the immediate vicinity of the site.'

The proposal complies with policy T SP1 of the Arun Local Plan.

The proposal complies with Local Plan policies and the NPPF and should be approved subject to the attached conditions.

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.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following approved plans:

DRW 31 'Proposed Block Plan'

DRW 32 'Proposed Site Plan'

DRW 33A 'Proposed Floor Plans & Elevations (P1&P2)

DRW 34 'Proposed Floor Plans & Elevations (P3&P4)

DRW 35A 'Proposed Floor Plans & Elevations (P5&P6)

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 2 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.
- 3 INFORMATIVE: INFORMATIVE: This permission relates to the variation of condition 2 of planning permission BR/63/19/PL only. The applicant is advised and reminded that the planning conditions attached to the original planning permission reference number BR/63/19/PL remain in force and must be complied with. This decision only relates to the variation of Condition 2.