

Recommendation Report for Planning Permission

REF NO: BR/63/19/PL

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

PROPOSAL: Demolition of existing building and erection of 6No. dwellings, 2x 3 bedroom and 4x 2 bedroom with associated access and car parking.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	It is proposed to demolish the existing pair of semi-detached bungalows and replace them with three pairs of two storey semi-detached dwellings. The proposed would become a part of existing development of two storey semi-detached dwellings of a consistent appearance. The dwellings would have gabled roofs of a similar height and a similar features as those existing within cul de sac with two storeys gabled projections to the rear. A pair of semis in the middle would have 3 bedroom with a pair of 2 bedroom semis on the both sides due to the restricted space. The proposed side windows at the first floor level would serve to bathrooms. The dwellings would be provided by the rear gardens of the modest size and the parking spaces on the side of each dwelling along with cycle and bin store facilities to the rear of proposed dwellings.
SITE AREA	1070 sq.metres
RESIDENTIAL DEVELOPMENT DENSITY (NET)	56 dwellings/hectere
TOPOGRAPHY	Predominantly flat.
TREES	None of any 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 located on the western 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.

There is no relevant history of this site.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

Bognor Regis Town Council has raised no objection.

3 letters of objection raising following concerns:

If the lay by is removed then cars will park on the pavement blocking cul de sac.

The bay windows on the proposed builds are not in keeping with the other properties in Kew Gardens.

Proposed semidetached property at plot 5&6 due to its position will block almost the whole days sunlight into our garden, patio and rear of our house.

6 houses in total will significantly add to traffic and parking issues.

COMMENTS ON REPRESENTATIONS RECEIVED:

The applicant submitted amended drawings addressing the concerns of the objectors. The revised drawings were re-consulted and no further objection have been received since.

CONSULTATIONS

WSCC Strategic Planning

Engineering Services Manager

Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

ENGINEER:

Objected on the ground of a very limited space available to the rear of plots 1, 2 and 6. The plans have been revised and the agent provided 'Preliminary Surface Water Strategy' showing enough space for surface water drainage. Engineers decided to remove their objection due to information provided, subject to conditions.

WEST SUSSEX COUNTY COUNCIL

The LHA does not consider that the proposal would have a 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 109), and that there are no transport grounds to resist the proposal. Subject to conditions.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted; statutory consultee do not have any objection, subject to conditions

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 POLICIESArun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCDM1	ECC DM1 Renewable Energy
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM2	ENV DM2 Pagham Harbour
ENVDM5	ENV DM5 Development and biodiversity
HDM1	H DM1 Housing mix
QESP1	QE SP1 Quality of the Environment
QEDM1	QE DM1 Noise Pollution
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
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 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.

Regard should also be had to policy SD SP1 of the ALP which states that: "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 development supports the local community by providing dwellings to help meet future needs, increase Council tax receipts, create/maintain construction jobs and result in additional spending in the local area by future residents.

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, paragraph 123 states that 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. In particular, higher densities will be encouraged for city/town centres and other locations that are well served by public transport. The Council cannot currently demonstrate an NPPF compliant 5.3-year supply of housing land and therefore it is important to boost housing numbers within the district.

The proposal accord with policies SD SP1 and SD SP2 of the Arun Local Plan.

CHARACTER & DESIGN:

Policy D DM1 of the Arun Local Plan requires that the Council seek to make the best possible use of the available 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 also 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 new housing makes efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. However, higher densities will be more appropriate in the most accessible locations. The policy also requires that 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 efficient use of land and reflect local

character.

The revised plans show semi-detached properties of a similar height but of considerably larger footprint than those of existing along cul de sac; however it would not be adversely affecting the street scene since the features such as the shape of the roofs and the entrances of existing dwellings are replicated within a new design and responding to local pattern of development. The proposal complies with ALP policies D DM1 and D SP1.

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.

In respect of the relationship to 19 Kew Gardens to the north, it is considered that the proposed pair of semis at plot 6 and 5 would not have an unacceptable impact to users and occupiers of this property given the reduced size of the revised dwellings, their more forward position and the reasonable separation distance between proposed dwelling and the windless flank wall of No. 19 elevation. All first floor flank windows of the proposed dwelling are bathroom windows. A condition will be imposed to ensure that these windows are obscure glazed.

The development would not have an adverse impact to users and occupiers of 11 Kew Gardens to the south due to the separation distance between the proposed semidetached dwelling at plot 1 and an existing garage of No. 11 abutting the shared boundary.

There would be a separation distance of 1m between proposed semis, they would be siting in one line next to each other as such it is considered that there would not be any unacceptable impact to the future occupiers. All the proposed habitable rooms would be well lit.

It is not considered there will be harmful light loss to neighbouring and proposed properties due to the position of the site in relation to the sun plus the gaps to neighbouring properties. The proposal complies with policies D DM1 and QE SP1 as well as the guidance on amenity within the NPPF (para. 127).

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 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.

Both side semis have 2 bedrooms; the proposed units at plot 1 and 6 would have an internal space area of 72sq metres (2bed, 3 people) whilst the requirement according to the space standards is 70m². The proposed units at plots 2 and 5 would have an internal space area of 81sq metres (2bed, 4 people) whilst 79sq metres is required. The units at plots 3 and 4 would have 3 bedrooms with an internal space area of 87sq metres (3bed 4 people) whilst 84sq metres is required. As show above, all dwellings would slightly exceed the requirements of Nationally Described Space Standards.

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 scheme includes a private rear garden to all 6 dwellings and would comply with the minimal requirement of the Arun Design Guide; min 50sq metres for 2 bed dwelling and 60sq metres for 3 bed.

The proposal complies with policies D DM1 & 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; 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"

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.

Para 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: "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 drawings show 2 parking spaces on the each side of the proposed semis and cycle storage space would be provided for each dwelling to encourage residents to use bicycles. WSCC Highways have assessed this application having no concerns with road safety and states that there are no transport grounds to resist the proposal.

Therefore it is considered that the proposal is in accordance with policies T SP1 and T DM1 of the Arun Local Plan.

IMPACT ON THE PAGHAM HARBOUR SPECIAL PROTECTION AREA:

ALP 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 applicant has agreed to the £5,226 contribution.

SUMMARY:

There is no in principle objection to residential development on this site in the built up area and the proposal complies with development control criteria concerning highway safety, internal space standards,

character and overlooking/light loss. In addition, in respect of provision of 2 parking spaces per dwelling means that there would not be an impact of additional parking demand for on-street spaces. The existing lay-by would remain. It is considered the application is acceptable in all regards and should be approved.

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 £5,226 towards the cost of delivering measures to avoid or mitigate to an acceptable level, the harm caused to Pagham Harbour by the Development.

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:
 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.

- 3 Before the dwellings are occupied details of dustbin storage shall be provided as part of the development in accordance with detailed drawings to be submitted to and approved in writing by the Local Planning Authority, such drawings to show the siting and design thereof. The storage as approved shall be made available prior to occupation and retained in perpetuity.

Reason: To safeguard the appearance of the property and the amenities of the area in accordance with policies D DM1 of the Arun District Local Plan.

- 4 No construction / demolition 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 works taking place on Sunday or Bank Holidays unless they are not audible outside of the application site.

Reason: To protect the amenity of local residents in accordance with policies QE SP1 and QE DM1 of the Arun Local

- 5 None of the dwellings shall be occupied unless and until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that the development 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.

- 6 All of the first floor flank wall windows serving bath/shower rooms shall be permanently obscure glazed.

Reason: To protect the amenities and privacy of the adjoining properties in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

- 7 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the proposed buildings have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the buildings.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve buildings of visual quality in accordance with policy D DM1 of the Arun Local Plan.

- 8 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.

- 9 Development shall not commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the future maintenance and funding arrangements for the surface water disposal scheme are agreed before construction commences.

- 10 No development shall commence until a Construction 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,

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- 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 Regulation Orders),
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area in accordance with policy TSP1 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.

- 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 (including porches or 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 privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with policy D DM1 of the Arun District Local Plan.

- 12 No part of the development shall be first occupied 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 car-parking space for the use and in accordance with policy T SP1 of the Arun Local Plan.

- 13 No dwelling shall be first occupied until covered and secure cycle parking spaces serving the dwellings have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority. The facilities so approved shall be retained in perpetuity.

Reason: To provide alternative travel options to the use of the car in accordance with policy T DM1 of the Arun Local Plan..

- 14 No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled Access Plan & Visibility Splays and numbered 06.

Reason: In the interests of road safety and in accordance with policies T SP1 of the Arun Local Plan.

- 15 No part of the development shall be first occupied until maximum visibility splays shall be provided at the site access onto Kew Gardens in accordance with a plan to be submitted to and approved by the planning authority. These splays shall thereafter be kept clear of all obstructions to visibility above a height of one metre above the adjoining road level.

Reason: In the interests of road safety and in accordance with policies T SP1 of the Arun Local Plan.

- 16 No part of the development shall be first occupied until pedestrian visibility splays of 2 metres by 2 metres have been provided or to best of ability either side of the proposed site vehicular access onto Kew Gardens in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These visibility splays shall thereafter be kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety and in accordance with policies T SP1 of the Arun Local Plan.

- 17 INFORMATIVE: Under Section 23 of the Land Drainage Act 1991 Land Drainage Consent must be sought from the Lead Local Flood Authority (West Sussex County Council), or its agent (Arun District Council land.drainage@arun.gov.uk), prior to starting any works (temporary or permanent) that affect the flow of water in an ordinary watercourse. Such works may include culverting, channel diversion, discharge of flows, connections, headwalls and the installation of trash screens.

The development layout must take account of any existing watercourses (open or culverted) to ensure that future access for maintenance is not restricted. No development is permitted within 3m of the bank of an ordinary watercourse, or 3m of a culverted ordinary watercourse.

- 18 INFORMATIVE: If during construction works, it becomes apparent that implementation cannot be carried in accordance with previously agreed details any resubmission of the drainage design must be accompanied by an updated copy of the management manual.

- 19 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.

- 20 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to a contribution of £5,226 towards the cost of delivering measures to avoid or mitigate to an acceptable level, the harm caused to Pagham Harbour by the Development.
- 21 INFORMATIVE: A formal application for connection to the public sewerage system is 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>.
- 22 INFORMATIVE: The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted. Additional information about the licence application process can be found at the following web page:
<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/>
Online applications can be made at the link below, alternatively please call 01243642105.
<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-applicationform>