

Recommendation Report for Planning Permission

REF NO: BR/6/18/PL

LOCATION: 66 Hawthorn Road
Bognor Regis
PO21 2DD

PROPOSAL: Loft conversion to No.1 residential unit incorporating 1 No. dormer on north east elevation, 1 No. dormer on south west elevation & 2 No. roof windows to south east elevation.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The dormer windows will serve a bedroom and a kitchen. The two velux windows will serve the same bedroom and a lounge. The flat will have a single bedroom. It will be provided with 1 designated parking space which is currently set out as a guest parking space.
SITE AREA	720 square metres.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Predominantly formed by existing buildings/outbuildings. There is a section of 1.8m high close boarded fence to the boundary with no. 68 and metal railings to the boundary with the entrance to the adjacent recreation ground.
SITE CHARACTERISTICS	A large detached two storey building (66) fronting Hawthorn Road which previously had two shops at ground floor and flats above. This building has recently been converted in accordance with BR/61/16/PL and now comprises 5 self-contained flats. The building is white rendered with a slate roof. To the rear of this building is a large single storey part flat/part pitched roof outbuilding which is in the process of being converted in accordance with BR/293/16/PL to create a further 5 flats. The remainder of the site is either parking, turning space or landscaping/amenity space.
CHARACTER OF LOCALITY	Predominantly residential street with church yard opposite and small parade of shops to the east. With the exception of the parade of shops, buildings are predominantly semi-detached and two storeys high. There is limited on-street parking.

The following was noted in terms of neighbouring properties:

* 64 - First floor bathroom window and ground floor kitchen window on the affected side of the rear of this dwelling. This dwelling also has first floor flank bathroom & landing/stairs windows; and

* 68 - Two first floor flank bathroom windows on the rear outrigger projection. First floor rear facing bathroom window.

There is an alleyway on the north eastern side which connects Hawthorn Road with the recreation ground/rugby club to the rear.

RELEVANT SITE HISTORY

BR/318/16/DOC	Application for approval of matters reserved by conditions imposed under BR/61/16/PL relating to condition 3 - Schedule of materials & finishes to be used for rendering at 1st floor level, the string courses & brickwork around new windows.	DOC Approved 16-01-17
BR/293/16/PL	Change of use with minor additions & demolitions to create 5No. self-contained flats.	App Cond with S106 01-03-17
BR/61/16/PL	Change of use to create 5 No. self contained flats.	App Cond with S106 13-07-16

Planning permissions were granted in 2016 and 2017, enabling the conversion of the existing part retail, part residential building into 5 flats (BR/61/16/PL) and separately, the conversion & extension of the rear outbuildings to provide a further 5 flats (BR/293/16/PL). The combined site layout included 10 off-street parking spaces (1 per dwelling), 1 visitor space, bin & cycle stores and a small 100m² area of communal garden.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council
"No objection".

COMMENTS ON REPRESENTATIONS RECEIVED:

N/A

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

N/A.

POLICY CONTEXT

Designations applicable to site:

Within Built Up Area Boundary;
 Class C Road;
 Within 5km of the Pagham Harbour SSSI; and
 PD Restriction.

DEVELOPMENT PLAN POLICES[Arun District Local Plan \(2003\):](#)

GEN2	Built-up Area Boundary
GEN7	The Form of New Development
GEN12	Parking in New Development
GEN32	Noise Pollution

[Publication Version of the Local Plan \(October 2014\):](#)

D DM1	Aspects of Form and Design Quality
D DM2	Internal Space Standards
D DM4	Extensions & Alterations to Existing Buildings
D SP1	Design
ECC SP2	Energy and climate change mitigation
ENV DM2	Pagham Harbour
QE DM1	Noise Pollution
SD SP2	Built -Up Area Boundary
T SP1	Transport and Development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and then subject to public consultation. The hearing sessions into the examination of the Arun Local Plan ended on Thursday 28 September 2017

and the Inspector then wrote to the Council to set out his 'Interim Views following the Hearings'. The plan was then modified further in January 2018 (Modified - Arun Local Plan - January 2018 Consultation) and these were subject to public consultation between 12 January 2018 and 23 February 2018.

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. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

There are no relevant Neighbourhood Development Plan policies to consider.

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 relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding 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 is in an urban and predominantly residential area. It is defined as being part of the built up area boundary area and is acceptable in principle subject to normal development control criteria such as residential amenity, highway safety and parking. It is noted that the National Planning Policy Framework (NPPF) supports the effective and efficient use of land for sites in the built up area but also advises that new housing should be well integrated with and should complement neighbouring buildings and the local area in terms of scale, density, layout and access.

The Council cannot currently demonstrate a 5 year housing land supply and the policies of the development plan relating to housing supply are considered to be out of date. As a result, paragraph 14 of the National Planning Policy Framework (NPPF) is engaged and this states that planning permission should be granted unless (a) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole or (b) specific policies in the Framework indicate development should be restricted.

Paragraph 7 of the NPPF sets out the three dimensions to sustainable development - the economic, social and environmental roles. In order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

The application site lies within the settlement of Bognor Regis and there are various local amenities and services within walking distance of the site along street lit footways. Bognor Regis Train Station is a walk or cycle of around 970m and there are bus stops nearby on both Chichester Road to the north east and Linden Road/Collyer Avenue to the south west. Aside from a nearby Co-op local (390m), the nearest large supermarket is the Morrisons in Bognor Regis (1.2km). 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. These environmental factors weigh in the scheme's favour.

It is considered the proposal will result in localised economic benefits through the need to employ people to carry out the conversion works. The proposal will also result in a net gain of 1 new dwelling and so an increase in Council tax receipts and new homes bonus payments. In addition, the new flat could bring a new person/people into the area who could then spend money on local goods & services. These economic factors weigh in the scheme's favour. It is also considered that the proposal will have social benefits by providing new housing to meet local needs and this also weighs in the scheme's favour.

It is considered the proposal is sustainable development and would benefit from the NPPF presumption in favour of sustainable development. This report now considers the proposal against the relevant policies of the development plan.

VISUAL & RESIDENTIAL AMENITY:

Local Plan Policy GEN7 (ii) requires that new developments respond positively to the identified characteristics of a particular site to create developments which respect local characteristics. In addition, GEN7 (iv) indicates that development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. It is also considered relevant to have regard to policy D DM4 of the Arun Local Plan 2011-2031 (eLP) which is considered to have weight in the decision making process. This states that:

"When considering applications for extensions and alterations to existing buildings, the Council will

require that:-

- (a) the extension or alteration sympathetically relates to and is visually integrated with, the existing building in siting, massing, design, form, scale and materials;
- (b) the extension or alteration is visually subservient to the main building and provide a high standard of amenity;
- (c) the extension or alteration does not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties;
- (d) in streets characterised by relatively small gaps at first floor level between buildings, any extension or alteration at first floor level does not come to within a minimum of one metre of the side boundary and;
- (e) the extension or alteration does not compromise the established spatial character and pattern of the place but is instead a positive addition."

The proposal introduces two dormers on each side of the existing hipped roof. These will be small subservient features but they will alter the character and appearance of the building and will complicate the existing simple roof structure. However, they will be set back from the front elevation by 4m and this set back will reduce the harm to the streetscene to such an extent as to be acceptable. The two new front velux windows are considered to be appropriate as there are other instances of velux windows in the streetscene and elsewhere on Hawthorn Road.

The dormers will face onto the flanks of the adjacent residential properties and could therefore result in overlooking of the existing secondary windows in these elevations. However, the dormers are to be positioned above existing first floor windows which may already overlook these windows. Furthermore, the dormer to the new bedroom will not be the only window to this room (noting the proposed velux on the front) and it will not be possible to properly look out of the opposite dormer as a kitchen sink will sit in front of it. It is not therefore considered that the new dormer windows will result in any additional or harmful overlooking of neighbouring secondary windows.

The proposal is therefore considered to accord with policy GEN7 of the Arun District Local Plan and with eLP policy D DM4.

SPACE STANDARDS:

Policy D DM2 of the modified emerging Arun Local Plan states that: "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 the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) in order to determine whether the individual flats are suitable for residential use. The requirement for a 1 double bedroom flat is 50m². The proposed floorplan suggests a footprint of only 44m² and thus represents a 6m² shortfall. However, this is considered to be acceptable having regard to the fact that there is no further space that can be added and that it is only a result of the bedroom being more than 11.5m² (in fact 19m²) that the 50m² standard is applied. A single bedroom, 1 person occupancy flat would only require 39m².

In respect of external garden standards, the current modified version of the emerging Arun Local Plan proposes to delete policy D DM3 in favour of inclusion within a future design guide. It is not therefore considered appropriate to now refer to this policy. The proposal offers no private amenity space but there is shared use of a 10mm² communal amenity space and the site lies within walking distance of nearby parks and other recreation facilities.

PARKING:

Policy GEN7 (vii) requires that new development allow for the safe movement of pedestrians and vehicles, giving priority to pedestrians. Regard should also be had to paragraph 32 of the National Planning Policy Framework which states that: "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".

The proposed flat will have its own designated space albeit at the expense of the existing visitor space for the 10 flats. This is unfortunate however, it is considered that 1 'spare' parking space shared between 10 flats would likely have caused conflict between residents. Furthermore, there is considered to be on-street parking available on local roads which could be utilised without significant conflict with the amenity of existing nearby residents. It is also considered that this is a highly sustainable location where it is not necessary to own a car to access places of employment or shops.

On this basis, it is considered that the proposal is in accordance with Arun District Local Plan policies GEN7 & GEN12.

IMPACT ON THE PAGHAM HARBOUR SPECIAL PROTECTION AREA:

Policy ENV DM2 of the Emerging Local Plan (Publication Version) requires that all 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. An original contribution of £1,275 per new residential unit was agreed by the Councils Cabinet on 20 July 2015 and subsequently reduced down to £871 per new residential unit as of the 10th April 2017. The 2015 report to Cabinet stated that:

"The access management measures identified are referred to as Strategic Access Management and Monitoring (SAMMs). As these do not include the allocation of specific land, they are not classified as physical infrastructure, and are not included under the definition of infrastructure within Section 216 of the Planning Act 2008, meaning the pooling restrictions as set out under Regulation 123 of the CIL Regulations (2010) as amended, do not apply. It is common practice by many other authorities (for example Elmbridge) that contributions towards SAMMs are gathered through S106 planning obligations. This approach has also been confirmed within Counsel advice sought by the Council. As a contribution is required to make the development acceptable in planning terms, it is therefore in compliance with the tests under Regulation 122 of the CIL Regulations (2010) as amended"

Furthermore, this policy has a basis in the current development plan in that Local Plan policy AREA13 "Sites of International Importance for Nature Conservation" states that: "Where development is permitted, the use of conditions or planning obligations will be considered in order to avoid and minimise harm to the site, to enhance the site's nature conservation interest, and to secure any compensatory or mitigation measures and appropriate management that may be required."

This contribution is now required for all new residential developments within Zone B and this zone includes the application site. The application is accompanied by a complete signed legal agreement which secures a contribution of £871 towards the mitigation of the impacts of the development on the Pagham Harbour Special Protection Area.

RECOMMENDATION:

It is recommended that the application be approved subject to the following conditions and the signed Section 106 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 accompanied by a Section 106 legal agreement relating to a payment of £871 towards the mitigation of the impacts of the development on the Pagham Harbour Special Protection Area. This Section 106 Agreement has been signed by all parties and is therefore complete.

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:

Dwg. 1588-101 Rev A Site Plans (Location & Block Plans);
Dwg. 1588-463 Proposed Site and Loft Plans;
Dwg. 1588-432 Proposed Ground Floor Plan;
Dwg. 1588-433 Proposed First Floor Plan;
Dwg. 1588-506 Proposed North West Site Elevation;
Dwg. 1588-505 Proposed South East Street Elevation; and
Dwg. 1588-507 Proposed Elevations (North East & South West).

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 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.
- 4 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.