

Recommendation Report for Planning Permission

REF NO: M/61/14/PL

LOCATION: The Litten
Ancton Lodge Lane
Bognor Regis

PROPOSAL: Extension and conversion of existing residence into 3 No new flats & replaced and repositioned garage (resubmission following M/13/14/).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. The proposal relates to the conversion and extension of the existing property to create 3 2 bedroom flats. 2 are located on the ground floor and the other is located on the first floor with a bedroom in the roof. The extensions would be single storey and measure 1.8m by 6m on the north west corner of the building and 11m by 4.8m on the southern side of the building. They would be flat roofed with a height of 2.6m.

SITE AREA

626 square metres

RESIDENTIAL DEVELOPMENT DENSITY (NET) 48 dwellings per hectare

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

Close boarded fencing to side and rear boundaries to 1.8m high. Site frontage hedging/fencing to 1.6m, temporary fencing and existing building

SITE CHARACTERISTICS

Detached 2 storey dwelling. White painted elevations and plain tile roof and detached pitched roof garage with hard standing

CHARACTER OF LOCALITY

Predominantly residential characterised by mainly detached 2 storey and single storey dwellings of varying design. Properties to the north have their rear gardens located adjacent to Ancton Lodge Lane road frontage and front onto Willowbrook.

RELEVANT SITE HISTORY

M/13/14/ Demolition of existing 3/4 bed flat and 1 bed Refused

flat. Erection of 1 No 4 bed house and 1 No 3 bed house complete with site works and landscaping (resubmission following M/84/13/).

06-05-2014 *Appealed*

**Appeal: Dismissed
25 09 2014**

REPRESENTATIONS

Representations received:

Middleton Parish Council

No Objection

One letter of objection - The proposal is for a 50% increase in residential accommodation at the site. The footprint will almost double. Vehicular activity will increase at the site and on the access road. There is insufficient vehicle parking manoeuvring area. Opening up of the site frontage will drastically alter the appearance of the site. Covenants control vehicle access width and number. Site is prone to flooding. Neighbours comments should be waited against the ambitions of a third party non-resident. Approval should be conditioned to be subject to approval of Trustees and Residents Association. Contractor's vehicles will have a negative impact on the road.

Comments on Representations received:

The increase in the number of residential uses at the site is not in itself a reason to refuse an application. The increased size of the development footprint does not adversely affect the character of the area. Covenants are a private matter and are not a relevant planning consideration. County Highways have no objection to the proposal on traffic grounds. Planting along the site frontage could be removed without the need for planning approval. Environment Agency have no objection to the proposal in terms of flood risk. Whether the applicant is a resident is not a material planning consideration. A condition relating to approval of Trustees and Resident's Association would not meet the condition tests. Planting could be removed and boundaries opened up without the need for planning permission.

CONSULTATIONS

Environmental Health

Environmental Health

WSCC Strategic Planning

Engineering Services Manager

Engineers (Fluvial Flooding)

Environment Agency

Environmental Health

Consultations responses received:

Environmental Health - No Objection. Fire resistant glazing will be required to windows on the north elevation.

Environment Agency - No Objection

Engineers - No Objection. Suggested conditions.

County Highways - No concerns. Parking provision meets standards. Provision of cycle parking should be conditioned. The ability to turn on site using the narrow lane is achievable. The

access is acceptable in terms of visibility.

Southern Water - No Objection. Imposition of conditions requested.

Comments on Consultation responses:

- comments noted. Requested conditions have been imposed.

POLICY CONTEXT

Designation applicable to site:

Within built up area boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN7	The Form of New Development
	GEN9	Foul and Surface Water Drainage
	DEV19	Extensions to existing residential buildings
Publication Version of the Local Plan (October 2014):	W DM3 Sustainable Urban Drainage Systems	
	D DM1 Aspects of Form and Design Quality	
	D DM2 Internal Space Standards	
	D DM3 External Space Standards	
	D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)	

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
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SUPPLEMENTARY POLICY GUIDANCE

MDS	Middleton-on-Sea Village Design Statement by Middleton PC
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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.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. 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: Arundel; Barnham & Eastergate; Felpham.

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

The conversion of the property into 3 units is acceptable in principle. The existing and proposed uses are residential in nature and the activity levels of a 4 bedroom family house would be only slightly less than those generated by 3, 2 bedroom flats. The property is detached and the pedestrian entrances to the flats, where noise is likely to be generated, would be located away from the site boundaries and neighbouring properties. Indeed, the Inspector for the recent appeal on the site for 2 dwellings (M/13/14) formed the view that an intensification of residential use on the site was acceptable in terms of impact on the character and appearance of the area.

The existing dwelling straddles the depth of this relatively narrow site, from front to rear. The proposed extensions would increase the footprint of the unit, but would retain an adequate amount of amenity space to the north and south to ensure that the development does not appear cramped and out of keeping with the general pattern of development in the locality. The appeal Inspector for M/13/14 stated 'whilst the existing garden area would be subdivided between the 2 properties, the smaller gardens would not be uncharacteristic of the area as many of the surrounding properties have similar sized gardens... The garden areas would be useable and fit for purpose'. He concluded that the development of 2 dwellings would not harm the character and

appearance of the area. It would therefore be unreasonable to suggest that 3 flats in lieu of 2 dwellings would have an adverse impact.

The existing dwelling is close to the site frontage and the extension to the west would not be readily visible in the street scene being located behind the property. The extension to the south would be single storey and 2.5m from the site frontage. It would be subservient in height and design and would not detract from the appearance of the dwelling which already has other single storey extensions which are also flat roofed. The proposal also removes an unneighbourly balcony on the west elevation which causes adverse overlooking and loss of privacy to the adjacent residential dwelling. The flat roofed extension would be 1m from the rear boundary and would be located behind 2m high close boarded fencing. It would not project significantly above this boundary demarcation and would not be overbearing on the property to the north given its flat roofed design. The extensions are therefore acceptable in terms of their impact on the visual amenities of the locality and the character of the area.

The overall internal floor areas of the flats accord with those for a single storey 2 bedroom, 3 person flat (albeit the upper flat extends into the roof area). The bedrooms to one of the ground floor units is undersized, whilst the other is larger than is necessary for a second bedroom. Environmental Health have no objection to the proposal on the grounds of room size and the proposal is therefore considered acceptable in relation to the proposed room sizes.

The application is recommended for approval subject to the following conditions.

HUMAN RIGHTS ACT

FOR APPROVAL

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 (the right to respect for 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 neutral 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).

SECTION 106 DETAILS

This application is subject to a Section 106 Agreement in respect of affordable housing and

relates to contributions totalling £9,652 (for the 2 additional residential units) which is covered by the Agreement submitted with the planning application M/13/14

RECOMMENDATION

APPROVE CONDITIONALLY

- 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 ADS-001, ADS-002, ADS-00PPP and ADS-004.

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 No development shall be carried out unless and until a schedule of materials and finishes to be used for external walls and roof of the proposed extensions and garage have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the extensions.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

- 4 The flats hereby permitted shall not be occupied until provision for cycle parking has been made within the site in accordance with details to be submitted to and approved by the Local Planning Authority and such provision shall thereafter be used only for the parking of cycles.

Reason: To ensure that adequate and satisfactory provision is made for the parking of cycles in accordance with policy GEN7 of the Arun District Local Plan.

- 5 'No development shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.'

Reason: In the interests of amenity and of the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 6 Development shall not commence 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, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

- 7 The development layout shall not be agreed until such time that arrangements for the future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site has been submitted and approved in writing by the Local Planning Authority.

No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent to the site.

Reason: To ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion.

- 8 No development shall take place until details of screen walls and/or fences have been submitted to and approved by the Local Planning Authority and no flats shall be occupied until such screen walls and/or fences associated with them have been erected.

Reason: In the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

- 9 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service the development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel 0330 303 0119) or www.southernwater.co.uk

- 10 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.

- 11 INFORMATIVE: Due to surface water inundation issues in the Lidsey Catchment the applicant is advised to adopt, where appropriate, the measures in the table 'Practical

measures to reduce the potential impacts of development'. The public sewerage system should be protected from inundation and infiltration, which contribute to flooding in unfavourable conditions.

- 12 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to affordable housing contributions.