

Recommendation Report for Planning Permission

REF NO: BR/109/18/PL

LOCATION: 37A London Road
Bognor Regis
PO21 1PQ

PROPOSAL: Conversion of first & second floors & alterations to create additional third floor containing 5 No. self-contained flats.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal seeks to convert the first, second & third floors from D1 to C3 residential. The proposed works include the following items:- - Conversion of the roof space creating a new third floor flat; - Installation of a table top flat roof and dormer structure to the rear; - Construction of five 1-bedroom self-contained flats; - Windows introduced to the proposed third floor rear elevation; - Roof windows introduced to the main pitched roof; - Installation of skylight to rear stairwell dormer roof; - Provision for new timber staircase to the rear of the building; - Installation of hanging slates to rear dormer; - Raising existing soil and vent pipe.
SITE AREA	Approx.231.4 m ²
RESIDENTIAL DEVELOPMENT DENSITY (NET)	216 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Terrace town centre property with open frontage and rear parking area serving the ground floor office use. No gates.
SITE CHARACTERISTICS	The property is located on London Road in central Bognor Regis and is situated within the main pedestrian zone between two buildings, both of similar style and construction. The property comprises ground, first and second floor levels. The upper floors are currently vacant, and the ground floor is currently let to TUI travel agents. There is parking found at the rear of the building which can be accessed via Sudley Road. .
CHARACTER OF LOCALITY	The property is located in the heart of Bognor Regis town centre within the main pedestrian area, other occupiers include Costa Coffee, Wilko, TUI, Vodafone, Boots, Sports direct, WHSmith, with mainly residential accommodation to the upper floors provided. The upper floors of 37a London Road

are vacant at present.

RELEVANT SITE HISTORY

BR/865/74	Cou From Offices To Dental Surgery 1st 2nd Floor Accommo- Dation Other Than Rear 1st Floor Used By Society	Approve 29-01-75
BR/217/74	Change Of Use To Offices	ApproveConditionally 26-06-74

This site relates to upper floors currently a dental surgery (D1 use) under historic application BR/865/74.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

Bognor Regis Town Council - no objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

None.

CONSULTATIONS

Environmental Health

Natural England

Economic Regeneration

CONSULTATION RESPONSES RECEIVED:

Economic development : Support the change of use to residential as it would bring new footfall into the town centre, and there is limited demand for this sort of commercial space.

It will not have an effect in terms of loss of employment in the area as the first floor has been vacant or used for storage for some time. The ground floor existing office and retail units will continue to be let to businesses to provide employment and services for local people.

The new residential units will help meet the demand of more housing in the area. Having a mixed use development will ensure the vibrancy of the High Street as the residents would use the local shops and facilities, benefitting the local economy.

West Sussex County Council - No Objection.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Designation applicable to site within the built up area & other relevant designation

DEVELOPMENT PLAN POLICES

DDM1	D DM1 Aspects of form and design quality
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
ENVDM2	ENV DM2 Pagham Harbour
QESP1	QE SP1 Quality of the Environment

[Bognor Regis Neighbourhood Plan 2015 Policy 4](#) Reducing underuse of property in the town centre

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011-31, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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.

Made Plans in Arun 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 relevant policies of the Bognor Regis Neighbouring Plan are considered within this report.

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 commercial area of Bognor Regis Town Centre. 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.

Paragraphs 10, 11 & 12 and 49 of the NPPF set out a presumption in favour of sustainable development. Paragraph 8 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 central shopping area of Bognor Regis and as such, the site is within easy walking distance (on street lit pavements) of many shops, amenities and services including Bognor Regis railway station, the main shopping street and a large Morrisons Supermarket. 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 building and conversion works. The proposal will also result in a net gain of 5 dwellings and so an increase in Council tax receipts and new homes bonus payments. In addition, the flats could bring new people into the area who could then spend money on local goods & services thus supporting the town centre day and evening economy. 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 therefore considered the residential proposal would benefit from the NPPF presumption in favour of sustainable development.

The Bognor Regis Neighbourhood Development Plan (BNDP) Policy 4 state that support will be given to the reuse of empty and/or underused property above shops and commercial premises located along designated primary and secondary retail frontages. Policy 4 of the BNDP also indicates that extensions and energy efficiency measures may be appropriate

Part (5) of Policy RET DM1 of the Local Plan. These issues will be discussed elsewhere in these Conclusions. This includes an additional criteria which requires that it be demonstrated that non-retail use of the upper floors will not inhibit business needs for workspace, storage or retail expansion. This will be discussed in the following section of this report.

The NPPF sets out support for the effective and efficient use of land 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. Furthermore, Paragraph 85 of the NPPF suggests that town centres are the heart of a community and that local planning authorities should support their viability and vitality. As the proposal is to bring back underused premises into use for a mixed commercial & residential enterprise which will support the town centre economy, it is considered that the proposal is in accordance with this guidance.

LOSS OF COMMERCIAL:

It is noted that the Town Council has no objection to the loss of the commercial use to the first, second floor of the host premises.

It should also be noted that the Councils Economic Development officers have not raised any objection to the proposal. Economic Development would support this application as it would bring additional life to the upper floors whilst meeting the demand of more housing in the area. Having a mixed use development will ensure the vibrancy of the High Street as the residents would use the local shops and facilities, benefitting the local economy.

It is not considered that Class A2 office uses on the ground floor of the building require storage space, although this has been retained by the development on the first floor beyond the stairwell.

There would be no objection to the change of use of the existing first floor D1/storage area to Class C3 dwellings particularly given the support to this element from BNDP Policy 4 and part (5) of new LP Policy RET DM1.

It is therefore considered the proposal is supported.

DESIGN & CHARACTER:

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

Regard is also had to Policy D DM4 of the new LP which deals with extensions to residential and non-residential buildings and permits such provided they:

- (a) sympathetically relates to and is visually integrated with, the existing building in siting, massing, design, form, scale and materials;
- (b) are visually subservient to the main building and provide a high standard of amenity;
- (c) do not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties;
- (d) do not come to within a minimum of one metre of the side boundary; and
- (e) do not compromise the established spatial character and pattern of the place but is instead a positive addition.

It is also necessary to consider the guidance within the NPPF on design. Paragraphs 124 state that good design is a key aspect of sustainable development, and that developments should respond to local character & history, reflect the identity of local surroundings & materials, establish a strong sense of place and be visually attractive as a result of good architecture.

In addition Policy HER DM2 of the Arun Local Plan highlights the consideration of buildings of character and where alterations or extensions of these buildings may occur the development is expected to respond sensitively to the building and its street scene setting in respect of buildings of architectural merit and historic interest. The development would retain existing features of the facade therefore preserving such features which contribute to its interest in the street scene.

The proposal would insert 5 velux window on along the principle elevation roof, one service area window to the third floor stairwell and a rear bedroom and kitchen window overlooking the third floor flat. These

design amendments are considered subservient to the original building within detracting from the amenity of neighbouring occupiers to their detriment.

The proposal is therefore considered to accord with Policy D DM1, HER DM2 & D DM4 of the Local Plan and with the guidance on good design in the NPPF.

RESIDENTIAL AMENITY:

Local Plan Policy D DM1 & D DM4 indicates development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. One of the 'core planning principles' of the NPPF is to secure high quality design and a good standard of amenity (para 127). Both the adopted Local Plan Policy D DM1 and the new Local Plan policy require regard to be had to the amenity & living conditions of neighbouring properties.

The Local Plan also contains Policy QE SP1 which states that "Noise sensitive development will not be permitted if its users would be affected adversely by noise from existing or proposed noise-generating uses."

Development above commercial premises requires that the development has no significant adverse effects for the occupiers of neighbouring properties and reflects the need to minimise noise intrusion.

The introduction of residential views (from all upper floor windows) of this area may actually have positive implications for the reduction of crime as a result of the introduction of natural surveillance of the area at night time.

It is not considered that the occupiers of the new flats will be adversely affected by noise from the Class A2 office on the Ground Floor which will be limited to office conversation and use of office equipment (e.g. a printer/photocopier).

The proposal is therefore considered to accord with policies D DM1, D DM4 and QE SP1 of the Arun Local Plan.

SPACE STANDARDS:

Policy D DM2 of the 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 following is a list of the requirements versus the actual measured internal space for each of the 5 flats:

Unit No. - No. of beds & Persons - Required Floor Space - Actual Floor Space

1	1B1P	37m ²	37.2m ² (including : plus 2.5m ² storage)
2	1B1P	46m ²	48.5 m ² (including : plus 2.5m ² storage)
3	1B1P	34.7m ²	37.2 m ² (including : plus 2.5m ² storage)
4	1B1P	46.9m ²	49.4 m ² (including : plus 2.5m ² storage)
5	2B2P	56.6 m ²	59.1 m ² (including : plus 2.5m ² storage)

The flats sizes satisfy requirements set out by the Government Technical Housing Standards with the minimum size for a 1 bedroom, 2 person flat being 50m² and a 1 bedroom 1 person flat being 37m².

Therefore, all of the flats comply with the standards and the proposal is in accordance with the emerging space standards policy.

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 does not provide any amenity space. However, the building is only a short walk from Hotham Park so there are other local opportunities available for recreation and for sitting outside.

HIGHWAY SAFETY , PARKING & LANDSCAPE:

Arun Local Plan Policy LAN DM1 requires that new development allow for the safe movement of pedestrians and vehicles, giving priority to pedestrians. Regard should also be had to section 9 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 application has been assessed by West Sussex County Council Highways who do not consider that it will result in any adverse impacts on highway safety and that there is sufficient car parking to meet the likely demand (as assessed by the West Sussex (Residential) Parking Demand Calculator).

On this basis, it must be considered that the proposal is in accordance with Arun District Local Plan D DM1 & RET DM1. A condition will be imposed to ensure that secure & covered cycle storage is provided.

PAGHAM HARBOUR:

Policy ENV DM2 of the 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"

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 £4,355 towards the mitigation of the impacts of the development on the Pagham Harbour Special Protection Area.

SUMMARY

The proposed extension and conversion of this property is considered to represent an efficient use of an existing sustainable town centre site and will do so without compromising the visual amenities and character of the area, highway safety or the amenities of any nearby residential occupiers. The proposal will result in the loss of commercial floor space but it is not considered that this will harm the vitality & viability of the area and in any case, the change of use from Class D1 to C3 residential is considered acceptable.

The proposal is considered to be sustainable development and notwithstanding that it complies with all development plan policies, it therefore also benefits from the presumption in favour of development set out within the NPPF. The recommendation to approve is therefore made subject to the following conditions and the signed Section 106 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 has been granted in conjunction with a Section 106 legal agreement relating to a contribution of £4,3335 towards mitigating the impact of new residential development on the Pagham Harbour Special Protection Area.

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 4832 01;02;03;04;05;06;07;08;09 & 4832 BB01

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 No part of the development shall be first occupied until full details of covered and secure cycle parking spaces have been provided (full plan elevations) to be approved by the Local Planning

Authority and thereafter maintained and retained.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and the National Planning Policy Framework.

4 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.

5 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to Land at 37 London Road Bognor Regis - Owner Reynolds limited - 19th June 2018.

6 INFORMATIVE:

Room Sizes

- Room sizes should meet the minimum standards for houses in multiple occupation if the flats are intended to be rented.

General

- Must meet the requirements of the Housing Act 2004 and be free of Category 1 and significant Category 2 Hazards;