

Recommendation Report for

REF NO: BR/124/14/PD

LOCATION: 72 Aldwick Road
Bognor Regis

PROPOSAL: Prior notification for change of use under Class J from Office (B1(a) to dwellinghouses (C3)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This application falls to be determined under the provisions of Class J of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) in respect of a development consisting of a change of use of a building and any land within its curtilage to a use falling within Class C3 (dwelling houses) of the Schedule to the Use Classes Order from a use falling within Class B1 (a) (offices) of that schedule.

The principle of the development is not in dispute. Class J itself states that the consideration of the notification concerns only transport & highway impacts, contamination risks and flooding risks. However, the Order also states that the provisions of Paragraph N shall apply in relation to any application and part (8) of paragraph N includes the following:

"(8) The local planning authority shall, when determining an application-

(a) take into account any representations made to them as a result of any consultation under paragraphs (3) or (4) and any notice given under paragraph (6);

(b) have regard to the National Planning Policy Framework issued by the Department for Communities and Local Government in March 2012 as if the application were a planning application;"

This allows the local planning authority to have regard to any representations received and the NPPF but only in relation to the 3 issues stated above. Advice has been received from the

Department for Communities and Local Government (DCLG) which confirms that it is not possible to refuse prior approval on the basis of an issue/impact not listed above. The Local Planning Authority has 56 days to provide its comments to the applicant's agent or it is deemed that they have no objection. This period expires on 11th of July 2014.

The proposal involves the change of use of part of the ground floor of the existing building, and the entire first floor, from B1 office use to two residential flats, each providing two bedrooms.

SITE AREA	Approximately 173 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	Approximately 58 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Open frontage and rear boundary.
SITE CHARACTERISTICS	Terraced two-storey building with grey and red brick elevation walls. A two-storey flat roof extension has been added to the rear. Hard standing and parking area to the rear (accessed via Oxford Street).
CHARACTER OF LOCALITY	The site is located on a town centre road within a mixed use area consisting of ground floor shops, offices and residential flats.

RELEVANT SITE HISTORY

BR/433/71	Offices with seperate access from Aldwick Road	ApproveConditionally 15-09-1971
BR/30/76	Extension to rear of existing offices	ApproveConditionally 10-02-1976
BR/771/78	Alterations & first floor extension to rear of offices	ApproveConditionally 06-12-1978

REPRESENTATIONS

Representations received:

None.

Comments on Representations received:

None.

CONSULTATIONS

WSCC Strategic Planning

Environmental Health

Environment Agency

Consultations responses received:

COUNTY HIGHWAYS:

The LHA do not consider that the change of use will materially alter the traffic characteristics or generation of the existing use. Access to parking at the rear of the site is taken from the D66, Oxford Street, which shares multiple rear access parking provisions. No objection is raised to the permitted development.

ENVIRONMENTAL HEALTH:

No comments.

ENVIRONMENT AGENCY:

The site is located in Flood Zone 1, defined as having a low probability of flooding by the NPPF, we have no comments to make.

HMO OFFICER:

I cannot comment regarding the proposals for flat 1 as the plans are not clear for this development.

No objections to flat 2 other than means of escape from the bedrooms is via another room of significant risk, unless means of escape windows are provided to escape from the bedrooms in the event of a fire.

Comments on Consultation responses:

Noted. An informative regarding fire escape routes can be attached to the decision notice.

POLICY CONTEXT

Within Built-Up Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

The application is determined under the provisions of Class J of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) in respect of a development consisting of a change of use of a building and any land within its curtilage to a use falling within Class C3 (dwelling houses) of the Schedule to the Use Classes Order from a use falling within Class B1 (a) (offices) of that schedule.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Class J of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) states that the only aspects that can be considered with regard to this prior approval application are transport & highway impacts, contamination risks and flooding risks. The Act also states that the provisions of Paragraph N shall apply in relation to any application and part (8) of paragraph N includes the following:

"(8) The local planning authority shall, when determining an application-

(a) take into account any representations made to them as a result of any consultation under paragraphs (3) or (4) and any notice given under paragraph (6);

(b) have regard to the National Planning Policy Framework issued by the Department for Communities and Local Government in March 2012 as if the application were a planning application;"

However, the local planning authority is only able to have regard to the NPPF and representations in terms of the 3 issues stated above.

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

TRANSPORT & HIGHWAY IMPACTS:

The proposed change of use from offices to two flats would not lead to a material increase in traffic generation or a change in its characteristics.

CONTAMINATION RISKS:

The site is not contaminated land and the proposed conversion of the building would have no associated contamination risks.

FLOOD RISK:

The site is not located within or near a flood plain and the Environment Agency have raised no objections from a flood risk point of view.

REPRESENTATIONS FROM LOCAL RESIDENTS & ASSESSMENT AGAINST THE NPPF.

It is only possible to have regard to the NPPF with regard to the 3 stated issues. However, in this case, no letters have been received from local residents and therefore there is no requirement to assess the proposal against the NPPF.

Therefore, prior approval is required in respect of the above and it is recommended that it be granted.

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 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 it has been determined that its approval would result in a neutral impact 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).

As such, there are no requirements for mitigation measures to be implemented.

RECOMMENDATION

NO OBJECTION

1 **INFORMATIVE:** Means of fire escape from the bedrooms in flat 2 is via another room of significant risk, unless means of escape windows are provided to escape from bedrooms in the event of a fire.

2 For the avoidance of doubt the approved details are shown on the accompanying plans:-

Job No. 120039 01;
Job No. 120039 02;
Job No. 120039 03;
Job No. 120039 04;

submitted on 16th of May 2014.