Recommendation Report for Planning Permission

REF NO: **BR/136/15/PL**

LOCATION: 48 London Road
Bognor Regis

PROPOSAL: Change of use of first floor (A1 Shops) to 1 No. 2 bed flat (C3 Dwelling houses) & reinstatement of front door on Bedford Street to provide access to first floor accommodation.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above The only external alteration proposed is for the installation of a door to Beford Street to access the proposed flat.
SITE AREA	76m2 (not including outside space for bins)
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	None.
SITE CHARACTERISTICS	Two storey corner property in town centre location, both floors previously used as travel agents (A1) but with upstairs primarily staff area not open to public. The property is designated as a building of special character.
CHARACTER OF LOCALITY	Town centre location off main shopping street.

RELEVANT SITE HISTORY

BR/12/08/A	Application for 3 x internally illuminated and non-illuminated fascia signs and 1 x internally illuminated double sided projecting sign.	ApproveConditionally 22-02-2008
BR/83/51/B	Alterations	Approve 11-02-1963
BR/558/75	New window to enlarge existing	ApproveConditionally 08-10-1975
BR/474/78	Enlargement of existing shop and internal	ApproveConditionally

	alterations	
		02-08-1978
BR/290/81	Alterations and modernisation of existing travel agents offices	ApproveConditionally 15-04-1981

As stated above upstairs used as ancillary staff and storage area serving A1 ground floor shop.

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

No objection.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

N/A.

POLICY CONTEXT

Designation applicable to site:

Adopted Local Plan
Class C Road
Building of Special Character
No Public Sewer

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	DEV17	Affordable Housing
	GEN12	Parking in New Development
	GEN2	Built-up Area Boundary
	GEN22	Buildings or Structures of Character
	GEN7	The Form of New Development
Publication Version of the Local Plan (October 2014):	D DM2	Internal Space Standards
	D DM3	External Space Standards
	D SP1	Design
	HER DM2	Locally Listed Buildings or Structures of Character
	SD SP2	Built-Up Area Boundary
	T SP1	Transport and Development
	ENV DM2	Pagham Harbour

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE

XXX6 Interim Affordable Housing Policy

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: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton.

The Bognor Regis Neighbourhood Plan has recently been out to consultation and will now be reviewed prior to submission to Arun District Council.

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 conflict with relevant Development Plan policies in that it would not provide the required affordable housing and Pagham Harbour financial contributions.

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

There is no in-principle objection to the conversion of the upstairs to a residential flat as this could be carried out under permitted development. Furthermore, the ground floor will be retained as an A1 unit so it is not deemed this could result in a significant loss of employment floorspace.

DESIGN

There will be no change to the appearance of the building other than the proposed door to be installed at ground floor level onto Bedford Street. This is considered acceptable in design terms. As such the proposal is considered to preserve the appearance of the Building of Special Character and visual amenity of the surrounding area.

NEIGHBOUR AMENTIY

There will be no external changes to the building so no visual intrusion or loss of light can occur from the proposal. The increased overlooking from windows (owing to a proposed residential use rather than commercial) is not considered to increase the existing level of communal overlooking to a harmful level to the surrounding area and other residential flats at first floor level.

INTERNAL AND EXTENRAL SPACE STANDARDS

The proposal will meet the Government space standard of 70m2 for a two bedroom flat by providing 76m2.

It is not considered that external amenity space is required for this flat as this could lead to damaging overlooking to neighbouring dwellings. Furthermore, Hotham Park and Bognor Bach are close by so public amenity is within walking distance.

AFFORDABLE HOUSING AND PAGHAM HARBOUR CONTRIBUTIONS

The applicants have expressed that they are unwilling to agree to the financial contributions required in terms of affordable housing or Pagham Harbour Protection.

As such, the proposed development makes no contribution towards affordable housing provision and is thereby contrary to the aims and objectives of Policy DEV17 of the Arun District Local Plan 2003 and the Council's Interim Affordable Housing Policy adopted on the 18th August 2010. Additionally, the application fails to make a financial contribution towards the cost of providing accessible natural open green spaces to serve the Pagham area and the proposal is therefore not

in accordance with Policy ENV DM2 of the Arun Local Plan 2011-2031 (Publication Version). For these reasons the application must be refused.

The application is recommended for refusal for the reasons stated below.

HUMAN RIGHTS ACT

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 private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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 assessment of the proposal is considered to have a neutral impact.

RECOMMENDATION

REFUSE

1 The proposed development fails to make a financial contribution towards the cost of providing accessible natural open green spaces to serve the Pagham area and the proposal is therefore not in accordance with Policy ENV DM2 of the Arun Local Plan 2011-2031 (Publication Version).

2 The proposed development makes no contribution towards affordable housing provision and is thereby contrary to the aims and objectives of Policy DEV17 of the Arun District Local Plan 2003 and the Council's Interim Affordable Housing Policy adopted on the 18th August 2010.

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 identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.