Recommendation Report for Planning Permission

REF NO: **BR/140/14/PL**

LOCATION: 12 Chichester Road
Bognor Regis

PROPOSAL: Conversion of existing vacant listed building to provide 4No. flats. Demolition of single storey building at rear (north) and construction of single storey extension and separate 2 storey building to provide 5No. flats. This application affects the setting of a Listed Building. Resubmission following BR/41/14.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks permission for the conversion of an existing listed building which is currently derelict. The proposed conversion would provide 4no. 2 bedroom flats, the new building structure and extension would provide 3no. 1 bedroom flats and 2no. 2 bedroom flats.
SITE AREA	936 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	Conifer trees along the western/northern boundary, others noted to the front of the building. The existing trees are not considered worthy of a tree preservation order.
BOUNDARY TREATMENT	Front boundary kept by brick walling supplemented by overgrown hedging. Western and northern boundaries kept by brick walling with timber fencing above to a height of 2 metres. Eastern boundary which is shared with various residential properties are kept by timber fencing and hedging.
SITE CHARACTERISTICS	Grade II listed building, currently empty and in a deteriorating state of repair. Rendered elevations, with shallow pitched roof and porch to front. Full height windows to ground floor and 3 windows at first floor level opening to 'Juliet' style wrought iron balconies. Dual pitch - hipped slate roof. Single storey rear projection with hipped slate roof. Vehicular access into the site via Gordon Avenue.
CHARACTER OF LOCALITY	Corner plot with the A259 Chichester Road to

the north and west. Residential properties to the east and south.

RELEVANT SITE HISTORY

BR/261/13/	Conversion of existing listed building currently vacant to provide 4 No. flats. Demolition of single storey building at rear and construction of single storey extension and separate 2 storey building to provide 5 No. flats (9 in total)	Withdrawn 13-01-2014
BR/42/14/L	Application for Listed Building Consent for conversion of existing listed building currently vacant to provide 4no flats, demolition of single storey building at rear, construction of single storey extension to provide 1no flat and construction of detached two storey building at rear to provide 4no flats - Resubmission of BR/262/13/L.	ApproveConditionally 17-04-2014
BR/41/14/	Conversion of existing listed building currently vacant to provide 4 no flats, demolition of single storey building at rear, construction of single storey extension to provide 1 no flat and construction of detached two storey building at rear to provide 4 no flats re-submission of BR/261/13	Refused 04-06-2014

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

No objection, but concerns were raised as to the increase in traffic volume this would cause. The committee would be interested to see if this is reflected in any future traffic surveys should this proposal go ahead.

Comments on Representations received:

Comments noted, however given the previous uses of the premises WSCC Highways have raised no objection on these grounds.

CONSULTATIONS

English Heritage
Engineers (Fluvial Flooding)
Engineering Services Manager
WSCC Strategic Planning
NHS Property Services
Parks and Landscapes
Economic Regeneration

Environmental Health

Consultations responses received:

WSCC Highways:
The access road will take the form of a shared surface arrangement. This is considered suitable as this will be a low speed, low traffic environment.

A total of 10 car parking spaces will be provided on site. In terms of parking layout I would advise that the applicant re-considers the location of the two parking spaces along the access road, whilst it is appreciated that this is a low speed environment, there is the potential for conflict with vehicles entering the parking area along the access road.

It is advised a communal bin store is placed at the access point onto Gordon Avenue. The waste collection authority should be consulted to obtain their views on the suitability of this arrangement from their point of view however.

Bognor Regis town centre is within reasonable walking and cycling distance. There are continuous footways for pedestrians and whilst cyclists would have to use the carriageway, traffic conditions are not considered such to dissuade trips by this mode. Residents would have a realistic means to travel other than by the private car.

The site is recognised as having a number of permitted uses in the past, which has included a school, house of multiple occupation and a private house. In assessing this application, the potential vehicle movements from the previous uses are a material consideration. It is not considered that this proposal could be resisted on the basis of traffic generation.

Environmental Health:
No comment.

Drainage Engineer:
No comments received on the current application - conditions previously requested will be applied.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Class A Road
Grade II Listed Building

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	GEN12	Parking in New Development
	GEN8	Development and the Provision of Infrastructure
	GEN9	Foul and Surface Water Drainage
Publication Version of the Local Plan - Excluding the Spatial Portrait, Employment, Housing Allocations, Transport, Monitoring and		D DM1 Aspects of Form and Quality D DM2 Internal Space Standards

Implementation sections (February 2014):

D DM3 External Space Standards
D SP1 Design
HER DM1 Listed Buildings
H SP2 Affordable Housing
SD SP1 Sustainable Development
SD SP2 Built -Up Area Boundary

PLANNING POLICY GUIDANCE

NPPF National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:
- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

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 once the remaining chapters/policies have been published.

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).

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.

Section 16(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states:
"In considering whether to grant Listed Building Consent for any works, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."
Where the building is located in a Conservation Area, Section 71(1) of the Act states:
In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
The proposal is considered to comply with these criteria in that it is not considered to materially affect the character or the setting of the Grade II Listed Building or the character of the Conservation 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

BACKGROUND & PRINCIPLE
The proposed application seeks permission for the renovation and conversion of the existing listed building into 4no. 1 bedroom flats. The single storey rear extension is to be demolished and a single storey extension to the east side of the dwelling is proposed to provide a new 1 bedroom flat. A 2 storey detached building is also proposed to the rear of the building which will accommodate 4no. flats.

This application follows a previous application (BR/61/13) which was withdrawn following

concerns regarding the impact upon the setting of the listed building and BR/41/14 which was refused due to the lack of an agreement to secure a contribution towards affordable housing provision and the impact of the new building upon the neighbouring building.

The principle of converting the existing building as well as the new development to the rear is supported as the site is located within the built-up area boundary and is in sustainable location for residential development.

AFFORDABLE HOUSING
The Councils Interim Affordable Housing Policy requires developments which propose less than 15 residential units to provide a financial contribution towards the delivery of affordable housing within the District. The proposed development would trigger a contribution of £10,686 which is based on a figure per dwelling of £1,104 for each of the 1 bedroom properties and £1,479 for 2 bedroom properties. The provision of a contribution towards affordable housing is matter which weighs significantly in favour of a development.

An agreement has now been completed, therefore the previous reason for refusal regarding this matter is now overcome.

IMPACT UPON NEIGHBOURING AMENITY
The proposed new build block of flats would be two storeys in height with the eastern elevation facing onto the rear garden of 1 Gordon Avenue. The eastern elevation would be approximately 8 metres in width, 6 metres to the eaves height and 7.5 metres to the ridge height. The rear garden of 1 Gordon Avenue is approximately 5 metres in depth and is largely covered with outbuildings and lean-to structures.

The proposed scale of the new building remains the same as that within the scheme previously refused, however the structure has been re-sited so that it is now set away from the boundary with 1 Gordon Avenue. Its repositioning now ensures that the neighbouring amenity will be protected and whilst it remains that a new two storey structure would be sited to the rear of the property, the separation distances between the existing and new structures as well as the private rear garden would be acceptable.

RESIDENTIAL AMENITY
Policy DM2 of the publication version of the Local Plan sets minimum internal space standards for residential dwellings. The new build flats, flats 6-9, meet the minimum space standards as set out within that policy, however the units within the converted listed building do not meet the minimum standards required.

Whilst the minimum internal space standards are not met for flats 1-5, given that they are within the listed building which restricts the form of conversion to some extent, together with the fact that the conversion will ensure that long term retention of the listed building, under provision on room sizes are accepted in this case.

Policy DM3 of the publication version of the Local Plan sets minimal external space standards for residential dwellings. This only sets minimum standards for flats which have 2 bedrooms or more, in the case of 2 bed flats, 5 square metres of private amenity space should be provided. The development largely consists of 1 bedroom flats, with the exception of flats 7 and 9. Whilst sufficient private outdoor amenity space has not been identified, given the area provided as

shared communal space within the development, the amount of space required could be adequately provided, the detail of which could be secured by condition.

The Councils adopted Planning Guidance 'Open Space and Recreation Standards' states that developments of 50 flats or less will not be required to meet the Councils open space standards. Accordingly the only relevant policy requirement for open/amenity space is contained within policy DM3 and it is considered these minimum standards could be met given the site layout proposed.

IMPACT UPON THE LISTED BUILDING
The scheme now proposed ensures that the setting of the building is preserved with the introduction of a detached 2 storey building to the rear of the listed building. Its design, particularly its roof scape is one that compliments the existing building together with the siting.

The internal layout of the existing building has been significantly altered in the past, however its historic layout is still retained in part with the layout proposed, therefore no unacceptable harm results on the historic integrity of the building. The external appearance of the building is to be restored, with existing openings to the front and side elevations retained. A positive of the conversion is the removal of a single storey element on the rear elevation of the building. Its removal allows the rear elevation to be exposed and the rear elevation restored to its former condition.

It is considered that the proposal respects the character and integrity of the Listed Building

HIGHWAYS & PARKING
Vehicular access into the site is proposed via Gordon Avenue, this is through an existing vehicular access to the site. Pedestrian access is also available to the front of the site, however this would only be for occupants or visitors to units 1-5.

Some concern has been raised on highway grounds due to the lack of availability for large vehicles to turn on-site together with the location of the parking on the access road into the site. However due to the the existing uses of the premises as a school, house of multi-occupation and private house, County Highway officers are content that the proposed traffic generation and parking would not result in an unacceptable highway impact.

SUMMARY
The principle of developing the site is considered to be acceptable and the site layout ensures suitable amenity and parking provision, as well as ensuring the setting of the listed building is preserved. The revised scheme now proposed also ensures that the neighbouring amenity is protected and a S106 Legal Agreement has been completed to secure a contribution towards affordable housing provision.

Is therefore recommended that the application be approved subject to the conditions set out 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 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 a neutral impact has 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

The application is subject to a Section 106 Legal Agreement to secure a contribution of £10,686 towards affordable housing provision within the District.

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

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:

Site Location Plan;
Existing Site and Roof Plan;
Existing Floor Plans;
Existing Elevations - Sheet 1;
Existing Elevations - Sheet 2;
Proposed Site Plan;
Proposed Ground Floor Plan;
Proposed First Floor Plan;
Proposed Elevations - Sheet 1;
Proposed Elevations - Sheet 2;
Proposed Elevations - Sheet 3.

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 and samples of such materials and finishes to be used for external walls and roofs of the proposed building and extension have been submitted to and approved by the Local Planning Authority. A 'statement of detail' shall be submitted setting out details of proposed windows and doors, details of the depth of recess/reveal from the brickwork, sills and lintels, brick bonding, brick detailing, eaves detailing and rainwater goods. The materials and 'statement of details' so approved shall be used in the construction of the new building, extension and alterations to the main listed building.

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

4 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 and the drainage system shall be maintained in god working order in perpetuity.

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

5 No part of the development shall be first occupied until the car parking spaces have been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated use.

Reason: To provide car-parking space for the use.

6 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

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

7 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.

8 Plots 7 and 9 shall not be occupied until a minimum of 5 square metres of private outdoor amenity space has been provided on-site in accordance with detail to be submitted to and approved by the Local Planning Authority. The private amenity spaces shall thereafter been retained for the sole use of plots 7 and 9.

Reason: In accordance with policy D DM3 of the Publication Version of the Local Plan (February 2014).

9 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.

10 INFORMATIVE: This planning permission is subject to a s106 agreement relating to affordable housing.