Recommendation Report for Planning Permission

REF NO: **BR/148/14/PL**

LOCATION: Suite 6 Wyvern House
46-48 High Street
Bognor Regis

PROPOSAL: Insert new window in north east facing elevation at 1st floor level

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed window measures approximately 2m in width by 1m in height.
SITE AREA	Approximately 72 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Rear and side boundaries have parking area enclosed by close boarded fencing and wall approximamtely 2m in height.
SITE CHARACTERISTICS	Three storey with restaurant on ground floor. First and second floor have recently been converted into flats with steps to rear leading up to first floor. The building has brick with cream and blue render and grey window frames.
CHARACTER OF LOCALITY	Town Centre Location with commercial and retail many of which have accommodation and storage above premises.

RELEVANT SITE HISTORY

BR/307/04/	Conversion of six offices to form four one bed flats, two studio flats and construction of two no. two bed flats	ApproveConditionally 17-11-2004
BR/22/12/	Sub divide existing shop. Additional door to south east elevation. Additional fire escape door to north west elevation	ApproveConditionally 27-03-2012
BR/39/13/	Change of use from A1 (Shops) to A3 (Restaurants & Cafes) & serving kiosk to shop frontage	ApproveConditionally 03-05-2013

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

No objection.

Comments on Representations received:

None

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary
Class B Road

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
Publication Version of the Local Plan - Excluding the Spatial Portrait, Employment, Housing Allocations, Transport, Monitoring and Implementation sections (February 2014):		D DM1 Aspects of Form and Quality D SP1 Design 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 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.

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 application seeks to construct an additional window at first floor level in the north east elevation of the building.

The building which has a restaurant on the ground floor has recently been converted from offices into flats at first and second floor level. The new window is to be installed in Suite 6 on the side elevation. If approved, a condition will be imposed that the window matches the existing windows in style and colour.

The adjacent building No 44b is set back from No 46 by approxiamtely 7m. It is currently occupied as a building society with office accommodation at first floor level. There is a flat roof area to the rear of the building with access steps to the first floor and parking area to the rear. On the rear elevation there are six windows, three serve stairwell/landing area and the three smaller windows serve toilets. The proposed window will be obscure glazed and whilst it is noted that this window will overlook the raised area and windows on the rear elevation, with obscure glazing it is not considered to be of a harmful nature to recommend refusal.

It is therefore recommended to approve the application, subject to conditions.

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).

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: Location Drg No 1209/101 dt April 2014, Block Drg No 1209/102 Rev A dt April 2014, Floor/Elevations Drg No 1209/100 dated April 2014 received on 2nd July 2014.

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 The window at first floor level on the north east elevation shall at all times be glazed with obscured glass.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policy GEN7 of the Arun District Local Plan.

4 The window hereby permitted shall match in all details the windows on the rear elevation of the building.

Reason: In the interests of visual amenity.

5 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.