Recommendation Report for Planning Permission

REF NO: **BR/158/13/**

LOCATION: 19 Lennox Street
Bognor Regis

PROPOSAL: Change of use of existing ground floor cafe (A3 Restaurants and Cafes) to form 2 No self contained 1 bedroom flats (C3 Dwelling Houses) (Resubmission following BR/291/12/.)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	Approx 156sqm
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	To boundaries at front and sides. High fence to rear.
SITE CHARACTERISTICS	Three storey building with A3 (cafe) at ground floor and two floors of flats above.
CHARACTER OF LOCALITY	Adjoining sites are three storey residential buildings, some with A3 use at ground floor. To the rear is a mechanic workshop and flats.

RELEVANT SITE HISTORY

BR/280/97/CLE	Application for Certificate of Lawfulness for existing use of property as 3 No. self contained flats and ground floor cafe	Approve 04-03-1998
BR/291/12/	Change of use of existing ground floor cafe (A3 Restaurants and Cafes) to form 2 no self contained 1 bedroom flats (C3 Dwelling Houses)	Refused 12-04-2013

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

Objection; owing to the Neighbourhood Plan going forward and the Governments new stance on seaside towns, the Committee feels this change of use would be detrimental to

regeneration and feel the area should be retained for retail use.

Comments on Representations received:

Comments are noted, however they are not agreed. Bognor Regis Town Council have not produced a publicly available draft of a Neighbourhood Plan, so weight cannot be attached to the this document in the determination of this application.

The objection based on the loss of a retail use is duly noted, however, the applicants have clearly demonstrated an attempt to retain a commercial/retail use. However over 3 years of marketing has not resulted in a commercial/retail use being taken up. In any case the current use of the premises is as a Cafe (Class A3 Use) and it does not currently fall into an A1 retail use class.

CONSULTATIONS

Environmental Health
Economic Regeneration

Consultations responses received:

ENVIRONMENTAL HEALTH:
No objection.

Comments on Consultation responses:

Noted.

POLICY CONTEXT

Designation applicable to site:
Within built-up area boundary
Buildings or Structures of Character

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	GEN12	Parking in New Development

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

XXX6	Interim Affordable Housing Policy

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to amenity of future occupants.

The Development Plan consists of the Arun District Local Plan 2003, adopted in 2003.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight but, because it predates 2004, a reduced 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.

The emerging local plan has recently been approved by the Council and is therefore a material consideration in the determination of this planning application. Whilst it has not been formally adopted due weight has been given to its policies in terms of the decision making process at this stage.

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 application site is located within the built-up area boundary where the principle of development is acceptable. The property is currently in an A3 Class Use, there are no specific policies within the Councils Local Plan which restrict the loss of such uses nor is there within the National Planning Policy Framework.

The proposed scheme seeks to overcome a previously refused application BR/291/12.

LOSS OF A3 USE
The proposal results in the conversion of an empty commercial premise to 2No. residential flats. The application includes a detailed assessment of the marketing strategy for this property. Whilst this is not a requirement for a premise that is not currently in A1 retail use and outside of the defined principal shopping areas in the district, it clearly demonstrates that an A3 Cafe use is not viable in this location.

CHARACTER AND LAYOUT
The proposal makes efficient use of the site for residential accommodation and ensures suitable accommodation is provided for proposed occupants. Environmental Health officers are satisfied with the revised scheme and therefore the previous refusals regarding layout and occupants right to light have been addressed with the inclusion of further sky-lights over the bedrooms.

Flat 2 also has access to amenity area to the rear of the site for occupants to use. Whilst Flat 1 is not provided with private outdoor amenity space, this is similar to the existing situation with the flats above, therefore the lack of such provision is considered to be acceptable given the location of the site and proximity to existing public open space and the sea front.

The proposal includes the demolition of a single storey rear storeroom and construction of a 3.2m rear single storey extension and removal of the shop front and construction of a bay window to provide residential accommodation. The extension and bay window are visually integrated with the existing building and subservient to the existing building. The extension being single storey and located behind a three storey building will not have an adverse overshadowing, overlooking or overbearing impact to any surrounding property. The bay window is adjacent to the street and will not impact on any neighbouring properties. The proposed extension will not compromise the established spatial character of the street.

PARKING PROVISION & SUSTAINABILITY OF LOCATION
The site is located within a town centre location with easy access to public transport. Whilst there is no parking existing or proposed for the building, given the suitability of the location and proximity to essential services, the lack of parking provision is not of concern.

AFFORDABLE HOUSING
The proposal generates a requirement for contributions towards affordable housing and an obligation to secure £2,208 in this regard has accepted by the Council.

SUMMARY
In the absence of any harm to visual or neighbouring amenity, together with the living conditions of future residents being acceptable, the proposed scheme is considered to overcome the previous concerns raised by the Council under BR/291/12. Accordingly the application is recommended for approval 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 a private 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 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:

Location Plan - 1:1250
Block Plan - 1:500
Drawing No. 2011/11/1 Rev. A
Drawing No. 2011/11/2 Rev. B
Section Through Lean-to Roof - 1:20

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7of the Arun District Local Plan.

3 The materials and finishes of the external walls and roof of the extension hereby permitted shall match in colour and texture those of the existing building.

Reason: In the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

4 The dwellings shall not be occupied until the bin storage areas have been laid out and provided in accordance with Drawing No. 2011/11/1 Rev.A. The bin storage areas shall thereafter be retained in perpetuity.

Reason: To protect the amenities of nearby residents in accordance with Arun District Local Plan policy GEN7.

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.

6 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to a financial contribution towards affordable housing in the District.