

Recommendation Report for Planning Permission

REF NO: BR/168/17/PL

LOCATION: 6 York Road
Bognor Regis

PROPOSAL: Extension and alteration of existing building to form 4no. new residential apartments at third floor level

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application proposes the extension and conversion of the existing roof space above nos. 2-6 York Road and including 19A High Street in order to accommodate 3x1 bedroom flats and 1x2 bedroom flat. The roof alterations include new roof above 2-4 & part 6 York Road, the raising of 19A's roof by 0.5m to match that of 6-10 York Road, new gable end to the western side of 19a High Street, new flat roofed dormer window on the rear of 19A High Street, new velux windows to the York Road elevation and new windows in the rear of the York Road roof extension.

SITE AREA

0.0479 hectares.

RESIDENTIAL DEVELOPMENT DENSITY (NET)

Including the approved flats on the first & second floors - 376 dwellings per hectare.

TOPOGRAPHY

Flat.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

None.

SITE CHARACTERISTICS

The site consists of nos. 2-6 York Road and 19A High Street. All of these buildings are 3 storeys but 2-4 & part 6 have a flat parapet roof whereas the other roofs are pitched. Mix of brown/red brick, concrete render and panelling. Offices and retail units at ground floor. On-street parking is restricted by double yellow lines.

CHARACTER OF LOCALITY

Commercial town centre location. There are existing flats above the restaurant next door.

RELEVANT SITE HISTORY

BR/222/16/PD	Notification for prior approval under Part O for No Objection change of use from office (ClassB1(a)) to 8 No. residential apartments (Class C3)	24-10-2016
BR/336/16/PL	Extension and alteration of existing building to App Cond with S106 form 3no. new residential apartments at third floor level	21-03-2017
BR/161/17/PD	Notification for prior approval under Part O for No Object'n + Conds change of use from office (ClassB1(a)) to 14 No. residential apartments (Class C3)	31-07-2017

Application BR/33/16/PL approved 3 flats at third floor and this will be superseded by the current application (BR/168/17/PL). BR/161/17/PD approved 14 flats spread over the first and second floors and this superseded application BR/222/16/PD. If application BR/168/17/PL is granted there would be a total of 18 flats spread over the first, second and third floors.

Crucially, the only difference between BR/336/16/PL and the current application is the addition of an extra dwelling. However, there will actually be a net reduction in the number of bedrooms on the third floor from six to five.

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

"Please can it be noted that the Town Council has made NO COMMENT on this application. There is no option for No Comment online. This is due to the fact that since consideration of the previous planning application (BR/336/16/PL) for this premises, the developer had been in touch with the Council over the relocation of the mechanism for Olby's Clock, owned by the Town Council."

Comments on Representations received:

Noted.

CONSULTATIONS

Economic Regeneration

Environmental Health

Consultations responses received:

ADC ENVIRONMENTAL HEALTH - No objection. Advice provided in respect of fire safety, ventilation, and room sizes.

Comments on Consultation responses:

Noted

POLICY CONTEXT

Designations applicable to site:

Within the Built up Area Boundary;
Primary Shopping Area;
Building of Structure of Character; and
Pagham Harbour Zone B.

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) [AREA13](#) Sites of International Importance for Nature

	Conservation
<u>GEN2</u>	Built-up Area Boundary
<u>GEN7</u>	The Form of New Development
<u>GEN12</u>	Parking in New Development
<u>GEN22</u>	Buildings or Structures of Character
<u>GEN32</u>	Noise Pollution
Publication Version of the Local Plan (October 2014):	D DM1 Aspects of Form and Design Quality
	D DM3 External Space Standards
	D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)
	D SP1 Design
	ECC SP2 Energy and Climate Change Mitigation
	SD SP2 Built-Up Area Boundary
	T SP1 Transport and Development
	ENV DM2 Pagham Harbour
	HER DM2 Locally Listed Buildings or Structures of Character
	QE DM1 Noise Pollution
Bognor Regis Neighbourhood Plan 2015 Policy 1	Delivery of the Vision
Bognor Regis Neighbourhood Plan 2015 Policy 2	Promoting the Seaside Identity
Bognor Regis Neighbourhood Plan 2015 Policy 4	Reducing underuse of property in the town centre

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE

SPD9	Buildings or Structures of Character
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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.

A new local plan is in preparation may be a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account. The examination is due to re-commence in Autumn 2017 following publication of modifications to the Plan.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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). The relevant Neighbourhood Development Plan policies have been considered within this determination.

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 site is within the built up area boundary where development is acceptable in principle subject to normal development control criteria being satisfied such as visual amenity, highway safety and residential amenity.

It is considered that the proposal is acceptable in principle given its location in a highly sustainable town centre location. It is also noted that Bognor Regis Neighbourhood Plan Policy 4 supports the reuse of empty/underused properties along primary and secondary retail frontages. The site forms part of a secondary retail frontage within the Neighbourhood Plan.

The National Planning Policy Framework (NPPF) supports effective and efficient use of land for sites in the built up area but also advises that new housing should be well integrated with and should complement neighbouring buildings and the local area in terms of scale, density, layout and access.

Furthermore, paragraph 23 of the NPPF suggests that town centres are the heart of a community and that local planning authorities should support their viability and vitality. As the proposal is partly to bring back underused roof space into residential use and partly to add residential accommodation above existing premises, it is considered that the proposal will support the town centre and therefore gains support from the NPPF.

DESIGN AND CHARACTER:

Local Plan Policy GEN7 (ii) requires that new developments respond positively to the identified characteristics of a particular site to create developments which respect local characteristics. 19A High Street is designated as a Building of Character and as such Policy GEN22 is relevant. This states that:

"Planning permission will not be granted for development resulting in the loss of existing buildings or structures of interest and importance which are attractive in their own right or which contribute to the character and appearance of an area. Alterations, extensions or other development which would adversely affect the appearance or setting of such buildings or structures will not be permitted."

Furthermore, policies 1 and 2 of the Bognor Regis Neighbourhood Development Plan refer to proposals for works to non-designated heritage assets and the need to ensure that such works adhere to 'Secure, restore and boost our seaside identity first' principle.

The proposed alterations are solely to the roof of the building. Due to the narrow nature of York Road and the height of the existing buildings, it will not be possible to view the proposed roof extensions. Even from the High Street (which is wider), it is considered to be difficult to see the existing rooftops. There may be longer distance views of the roofs but these will blend in visually with the existing town centre roof-scape. It is also clear that the proposed alterations do not affect the integrity of the building of character and do not result in its loss.

Matching materials will be used and although the roof above 19A will be increased in height, this will only be to the same level as the roof above 6-10 York Road. There are also higher buildings along the High Street.

It is therefore considered that the proposal is in accordance with the relevant Local and Neighbourhood Plan policies.

RESIDENTIAL AMENITY:

Arun District local Plan Policy GEN7 (iv) indicates that development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. One of the 'core planning principles' of the NPPF is to secure high quality design and a good standard of amenity (paragraph 17). Both the adopted Local Plan Policy GEN7 and the emerging Local Plan policy require regard to be had to the amenity & living conditions of neighbouring properties.

All of the new windows will be at roof level and will serve accommodation on a 4th storey. They will largely look out across roofs and are not considered to give rise to any overlooking of residential properties. It is also not considered that the roof alterations will give rise to any harmful loss of light.

A condition is proposed to ensure that proposed new bathroom windows are obscure glazed in the interests of public decency and occupier privacy.

It is therefore considered that the proposal is in accordance with Local Plan policy GEN7 (iv) and the guidance within the NPPF.

INTERNAL & EXTERNAL SPACE STANDARDS:

It is necessary to assess the proposal against the internal space standards as set out in the Governments new Technical Housing Standards (Nationally Described Space Standard). The following is a breakdown of the proposal versus the standards:

Flat	Size	Requirement	Actual GIA	Compliance?
1	1B2P	50m2	50.2m2	Y
2	1B2P	50m2	50.7m2	Y
3	1B2P	50m2	51.7m2	Y
4	2B4P	70m2	71.2m2	Y

The scheme is therefore 100% compliant.

In respect of external standards, it is necessary to have regard to Policy D DM3 of the emerging local plan (publication version) which has been approved by the Council for development management purposes. The Policy states that 1 bed flats should have 4 square metres of private amenity space and that 2 bed flats should have 5 square metres. There is no space within the site to provide private amenity space. The site is only a short distance from the beach and there are nearby parks. Therefore, it is considered acceptable to not require any private amenity space.

PARKING:

The West Sussex County Council Car Parking Demand Calculator advises that in this location the likely parking demand for the new flats would be 3 unallocated spaces. The proposal is unable to provide any off-street parking.

On a recent application for 5 flats above 19 High Street (BR/108/16/PL), WSCC Highways advised that: "Whilst on-street car parking is limited in the immediate vicinity there are comprehensive parking restrictions prohibiting vehicles from parking in places that would be detriment to highway safety. We would not consider that highway safety would be detrimentally affected through the proposed nil car parking provision. The Planning Authority may wish to consider the potential impacts of this development on on-street car parking". They also noted that the site is in a highly sustainable location within walking distance of public transport and various local amenities and services.

It is considered that the proposed flats will be attractive to occupiers who are not car owners who instead want to live in a town centre location and access facilities by foot, bus or cycle. The flats may also appeal to rail commuters. It is not considered that the flats will generate significant parking demand and it is not considered that any demand of this nature will adversely affect the amenity of local roads.

On this basis, it is considered that the proposal complies with the Local and Neighbourhood Plan policies.

IMPACT ON PAGHAM HARBOUR

Policy ENV DM2 of the Emerging Local Plan requires that all new residential developments within a 400m to 5km distance ('Zone B') of Pagham Harbour make a financial contribution towards the provision of accessible natural open green spaces to serve the area. A contribution of £1,275 per new residential unit was agreed by the Councils Cabinet on 20 July 2015 but this was revised down to £871 as of 10 April 2017. This contribution is now required for all new residential developments within Zone B. Proposals that fail to provide the necessary contribution will be considered to be contrary to Policy ENV DM2 of the Emerging Local Plan. The applicant has agreed to this requirement and there is a completed S.106 legal agreement associated with the application.

SUMMARY:

This is an acceptable residential conversion scheme given it is located within a highly sustainable town centre location and will bring existing underused accommodation/space above buildings into use. The alterations will not adversely affect the appearance of the buildings and there are no adverse amenity issues. It is therefore recommended that permission be granted subject to the following conditions and the Section 106 legal agreement.

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 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 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 proposal would have a neutral impact on the protected characteristics.

SECTION 106 DETAILS

This decision is accompanied by a Section 106 legal agreement relating to an Access Management Contribution of £3,484 (4 x £871) towards the mitigation of the impacts of the development on the Pagham Harbour Special Protection Area. However, the applicants have already paid an Access Management Contribution of £3825 in respect of application BR/336/16/PL (3 x £1275) and this will be transferred to the present application with a refund of £341 due to the applicant.

RECOMMENDATION

APPROVED CONDITIONALLY WITH A SIGNED 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 & Block Plan dwg. 589/08 Rev A;
Proposed Ground Floor Plan dwg. 589/04 Rev C;
Proposed First Floor Plan dwg. 589/05 Rev D;
Proposed Second Floor Plan dwg. 589/06 Rev D;
Proposed Third Floor Plan dwg. 589/07 Rev E;
Proposed South West Elevation dwg. 589/18 Rev A;
Proposed York Road North-East Elevation dwg. 589/16;
Proposed High Street North-West and South-East Elevations dwg. 589/17; and
Proposed Roof Plan dwg. 589/19.

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 With the exception of the proposed horizontal cladding to the dormer window (which will match with the existing adjacent dormer window), the materials and finishes of the new external walls and roofs of the extensions to the building hereby permitted shall match in colour and texture with those of the existing building.

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

- 4 Details for the secure storage of bicycles within the application site curtilage shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the new flats. The secure cycle storage so approved shall be implemented in accordance with the approved details and retained in perpetuity unless otherwise agreed in writing with the local planning authority.

Reason: To ensure that adequate and satisfactory provision is made for the parking of bicycles in accordance with the National Planning Policy Framework.

- 5 The velux window serving the bathroom within the roof of the York Road (North East elevation) shall at all times be glazed with obscured glass.

Reason: To protect the amenities and privacy of future occupiers and neighbouring properties in accordance with policy GEN7 of the Arun District Local Plan.

- 6 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 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.

- 7 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement which relates to an Access Management Contribution towards the mitigation of the impacts of the development on the Pagham Harbour Special Protection Area.

- 8 INFORMATIVE: Council Environmental Health Officers have stated that:

- * Any bathrooms and kitchens without windows for natural ventilation should have adequate mechanical ventilation;
- * Appropriate fire precaution facilities and equipment must be provided of such type, number and location as are considered necessary. Guidance on fire safety is contained in the LACORS guidance document - "Housing - Fire Safety, Guidance on fire safety precautions for certain types of existing housing"; and
- * The flats must meet the requirements of the Housing Act 2004 and be free of Category 1 and significant Category 2 Hazards.

Please make contact with Building Control to discuss these items.