Recommendation Report for Planning Permission

REF NO: **BR/188/12/**

LOCATION: 21 Station Road
Bognor Regis
West Sussex

PROPOSAL: Proposed division of shop from flat above & new external staircase to rear of property.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed external staircase measures approximately 0.9m in width, depth of 9.5m and a height of 3.8m from ground floor.
SITE AREA	Approximately 330 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Area to the rear is open with vehicular access to garages to rear of properties in Merchant Street.
SITE CHARACTERISTICS	Terraced three storey building with shop on ground floor which is currently a delicatessen and residential flat above on two storeys. Wooden storage building to rear. Shopfront is white with a central door and the upper half has red brickwork, rear walls are smooth rendered painted white, white window frames with a slate roof.
CHARACTER OF LOCALITY	Town Centre Location with retail and commercial premises many of which have residential accommodation above.

RELEVANT SITE HISTORY

BR/232/00/	Minor external alterations and construction of a metal fire escape staircase at the rear of the building.	Approve Conditionaly 31-10-2000
BR/3/01/	Minor external alterations including change of roof coverings and windows	Approve Conditionaly 22-02-2001
BR/192/55	Extend ground floor shop convert 1st floor to self contained premises	Approve 11-10-1955

BR/726/68	Change of use to Managers flat from storage	Approve Conditionaly 06-01-1969

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

No objection.

Comments on Representations received:

None.

CONSULTATIONS

Environmental Health

Consultations responses received:

Environmental Health
Awaited

Comments on Consultation responses:

None.

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary
Class C Road
No Public Sewer

The Emerging Arun District Local Plan has recently been approved by the Council and is therefore a material consideration of this planning application. It remains subject to public consultation and the formal adoption process as a whole, and it is therefore of very limited weight in terms of the decision making process at this stage.

DEVELOPMENT PLAN POLICIES

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

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.

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 divide the existing shop from the flat above and create a new external staircase to the rear.

To the rear of the building are various extensions to the retail units which are mainly used for storage and the access road provides access to these units and also to garages that are located on the southern side serving properties in Merchant Street.

The residential flat above the existing shop is on two levels with access stairs in the store area of the shop. It is proposed to block the interanl staircase off and create a new external staircase to the rear of the building where there is an existing door and this will provide the main entrance to the flat.

To the rear of the building on the western side is a flat roof store and the new external staircase will be sited on the rear east side of the building where there is an existing door at first floor level. The external staircase will be set in line with the neighbouring property No 19 which has an external staircase and there is also an external staircase to tbe rear of No 11.

The staircase by reason of its limited width and design will not create an area which could provide space for active use. It is not considered that the external staircase would create any harmful overlooking or loss of outlook to neighbouring properties to the rear in Merchant Street which are located approximately 24m away.

It is therefore recommened that the application be approved, subject to conditions.

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).

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: Site 1;1250, Block 1:500, Floor/Elevations/Roof Drg No GB/PL/01 received on 6th August, 2012.

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 INFORMATIVE: Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY
This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN2, GEN7

THE NATIONAL PLANNING POLICY FRAMEWORK

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.