

Recommendation Report for Planning Permission

REF NO: BR/190/17/PL

LOCATION: 76 London Road
Bognor Regis

PROPOSAL: Two & part three storey rear extension for an additional 3 No. dwellings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

It is proposed to extend the existing building with a two storey rear extension (7.85m deep / same height as existing), infilling of the space between the two roof pitches and new front & rear hipped gable extensions to the existing roof. The existing ridge height will stay the same. This will allow for the creation of 4 flats spread over three floors (net gain of 3 flats). Three of the new flats will have a single bedroom and the fourth, two bedrooms.

The existing ground floor class A5 takeaway will be reduced in size from 18.3m² to 10.2m² and will lose its access to the rear yard. However, it will also have a separate 6m² space comprising toilet (1/4) and storage (3/4). The rear yard will provide cycle and bin storage for the flats.

SITE AREA

0.011 hectares.

RESIDENTIAL DEVELOPMENT DENSITY (NET) 363 dwellings per hectare.

TOPOGRAPHY

Predominantly flat.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

Boundaries formed by existing buildings other than a 1.8m high brick wall between the yard area of 76 and the rear passageway on 78's side.

SITE CHARACTERISTICS

Existing two storey mid terraced property with a former fish & chip shop on the ground floor and associated residential accommodation spread over the two floors. Rear 'outrigger' projection. Building is cream smooth rendered and there are deep red concrete roof tiles. The rear elevation is similarly rendered but generally dirty in appearance. The main roof

has a twin pitch design. There is also a lean to storage shed at the rear with a red corrugated roof. No on-site parking.

CHARACTER OF LOCALITY

Edge of town centre site. Mix of commercial units on London Road with flats or offices above and predominantly residential on Spencer Street to the rear. Railway station only a short distance to the south west. Limited on-street parking on local roads -- either double yellows, permit parking or disabled parking. Surrounding properties as follows:

- * 78 London Road - ground floor nail boutique with part flat & part offices above. 1 first floor principal and 1 first floor secondary window on rear looking west towards 1 Spencer Street;
- * 74 London Road - ground floor recruitment agency with flats above. Two first floor principal windows facing west towards St James House. The flats also have windows on the London Road and Lyon St West frontages;
- * St James House, corner of Spencer St & Lyon Street West - ground floor estate agency with flat above (1 first floor secondary window facing east towards rear of 74); and
- * 1 Spencer Street - Roofing company at ground floor, flat or offices above with large window looking south across the site.

The area between the rear of 74 and the rear of St James House is comprised of single storey buildings. Only 76 has any external space.

RELEVANT SITE HISTORY

BR/388/89	Workshop and Office extension to existing shop to be used for Furniture Restoration	ApproveConditionally 16-10-1989
BR/216/94	Change of use from retail Class A1 to fast food takeaway Class A3	ApproveConditionally 20-09-1994

Noted.

REPRESENTATIONS

Representations received:
Bognor Regis Town Council

"No objection"

One letter stating 'no objection' with a comment: "provided there are adequate arrangements for parking and re business storage space"

Comments on Representations received:

The site does not have any existing parking provision and none is proposed. The application has been amended to give the retail unit a small storage space.

CONSULTATIONS

WSCC Strategic Planning
Engineering Services Manager
Engineers (Drainage)
Environmental Health
Economic Regeneration

Consultations responses received:

WSCC HIGHWAYS - No objection:

"The proposal is for extensions to form 4 x 1-bedroom flats with retention of retail unit and studio flat at ground floor level. London Road is 'C' classified public highway subject to a 30 mph speed restriction in this location.

A nil car parking provision is proposed for the new flats. Under the WSCC Car Parking Standards, four car parking spaces may be provided for the proposal. 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 detrimental 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.

Furthermore, the location is suited well to utilisation of sustainable modes of transport such as by foot, bicycle, bus or train. A range of amenities and services are also within walking distance in Bognor town centre. Secure and covered bicycle storage should be provided as per the supplied plans, this can be maintained and secured in perpetuity via condition.

No highway safety or capacity concerns."

ADC ECONOMIC DEVELOPMENT: "Economic Development would object to this application. The reduction in retail space would likely impact the viability of this unit as a retail space. There is no storage space or service area, meaning that all goods storage/food preparation etc would have to be in the same space as the sales area. Whilst many companies now operate with less stock than previously some storage space would be required."

ADC ENVIRONMENTAL HEALTH - No comments.

ADC PRIVATE SECTOR HOUSING - No objection. Comment on fire safety and ventilation issues.

Comments on Consultation responses:

Comments noted. The plans have been amended to provide the retail unit with a small separate storage room.

POLICY CONTEXT

Designations applicable to site:

Within the Built Up Area Boundary; and
Class C Road.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	<u>AREA13</u>	Sites of International Importance for Nature Conservation
	<u>DEV19</u>	Extensions to existing residential buildings
	<u>GEN2</u>	Built-up Area Boundary
	<u>GEN7</u>	The Form of New Development
	<u>GEN12</u>	Parking in New Development
	<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 DM2 Internal 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
		QE DM1 Noise Pollution

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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 and is 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.

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. The examination was completed in September 2017.

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. 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).

Bognor Regis Neighbourhood Plan Policy 4 supports the reuse of empty/underused properties along primary and secondary retail frontages. However, the site does not form part of a primary or secondary retail frontage within the Neighbourhood Plan and so this policy holds no weight in the determination process. There are also no other policies of relevance to the application.

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. 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 make more efficient use of existing space above and to the rear of commercial floorspace, it is considered that the proposal will support the town centre and therefore benefits from the NPPF.

IMPACT ON RETAIL PREMISES:

The existing property has a class A5 takeaway use on the ground floor and it is proposed to change this to a 10.2m² retail unit with 6m² of ancillary space including a toilet.

The site is outside of the designated Town Centre boundary and is not within a designated primary or secondary retail frontage. Notwithstanding, there are no development plan policies to protect against the reduction of space to class A5 uses and the development plan would support the potential change of use of such premises to classes A1 or A2. The proposed retail unit would fall under Class A1. However, it is not considered necessary to impose a use class restriction condition as the previous use was class A5 and this is an out of centre location where other commercial uses would be acceptable.

The comments of Economic Development and of the local resident are noted and these led to the application being amended to provide the retail unit with a storage room. This will make it a more viable business space.

It is therefore considered that the proposal would be in accordance with the development plan and with respect to paragraph 23 of 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. The existing building is largely comprised of residential accommodation and extending it means that policy DEV19 is relevant. This states that:

"Planning permission will be granted for extensions to existing residential buildings, provided that:-

(1) the extension sympathetically relates to and is visually integrated with, the existing building in siting, design, form, scale and materials;

- (2) the extension is visually subservient to the main building;
- (3) the extension does not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties;
- (4) in streets characterised by relatively small gaps at first floor level between buildings, any extension at first floor level does not come to within a minimum of one metre of the side boundary;
- (5) the extension does not compromise the established spatial character and pattern of the street."

The proposed alterations are twofold. Firstly to the roof with the infilling of the triangular prism between the two existing pitches to create a new area of flat roof and the addition of front and rear hipped gable projections. The infilling of the roof area will not be visible from external views of the site (other than from above) and therefore not harmful to visual amenity. The gable projections will be visible from surrounding streets and are not considered to be subservient additions. However, they do not increase the height of the roof and there is no particular character to buildings along this part of London Road with buildings of different height and different roof form. It is not considered that the projections would be so unacceptable so as to justify a refusal.

The second part of the proposal is the extension to the existing two storey rear outrigger. As this is to the rear, it is not visible from London Road. However, it will be visible from Lyon Street West and from Spencer Street. This extension is not subservient to the existing outrigger projection but is no higher and is therefore lower in height than the main part of the building. The extension will be visually integrated with the existing as matching materials will be used across the build. It is noted that there are several other buildings surrounding the site which are either to the side of or rear the proposed extension. As such, the immediate surroundings is a collection of different buildings in different styles and the extension would not adversely affect this existing character.

It is therefore considered that the proposal is in accordance with the relevant parts of Policy DEV19 and GEN7.

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. Furthermore, part (3) of Policy DEV19 states that extensions should not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties. 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.

It is not considered that the new roof level windows will be harmful to amenity as they will be higher than existing windows on neighbouring properties and will not look over any private amenity space. The first floor windows in the proposed rear extension will face north (two new windows) and west (existing window relocated to the new rear elevation). Due to the position of windows on adjacent properties, there will be no instances of direct overlooking between the proposal and neighbouring properties.

The extension will project out beyond the existing first floor rear elevation of no 74 and will therefore introduce a new blank wall at a right angle to two existing residential windows on the rear of 74. Ordinarily, this might be considered to be unacceptable due to concerns over loss of

light but as the extension is to the north of these windows, there will be no impact on the existing position of the sun.

A condition is proposed to ensure that the ground floor bathroom window is 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 part (3) of Policy DEV19.

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	2B3P	61m ²	61.4m ²	Y
2	1B1P	37m ²	37.2m ²	Y
3	1B2P	50m ²	39.9m ²	N
4	1B2P	50m ²	38.4m ²	N

The scheme is therefore only 50% compliant. However, in respect of flat 3, the 50m² requirement is only engaged because the bedroom is 0.2m² more than the minimum size for a double bedroom. Therefore, in practice, this flat could be occupied by a single person and therefore the 37m² standard would apply. It is only considered that a smaller standard is acceptable in this high density town centre location and regard is had to the applicant having amended the plans reducing the number of flats from 5 to 4. It is therefore considered acceptable to allow this shortfall.

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. It would not be possible to provide the flats with private amenity space without compromising the privacy of neighbouring properties (i.e. the use of balconies). A communal space is proposed but this will be used for cycle and bin storage. However, this is a town centre location site and the site is only a short distance from the nearby Hotham Park. Therefore, it is considered acceptable to not require any private amenity space.

PARKING:

Arun Local Plan policy GEN12 refers to the need to provide sufficient off-street parking. The standards within the appendices to the Local Plan which it refers to have been superseded by the West Sussex (Residential) Parking Demand Calculator. This indicates a demand of 2 parking spaces. However, a nil parking provision has been proposed.

West Sussex Highways comment that the site is located in a highly sustainable town centre location within only a short distance of the railway station, bus stops and food shops etc. Furthermore, 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 detrimental to highway safety and therefore the nil parking provision would not be harmful to highway safety. It is considered that this proposal may result in some new demand for resident permit parking but that the size of the accommodation (1 bed) and proximity to nearby services means that the likely demand for the accommodation will be from non-car owning persons.

On this basis, it is considered that the proposal complies with the development 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 considered to be an acceptable scheme that will make more efficient use of an existing site providing new homes to help meet local needs. The retail unit will be retained, now with added storage and there is not considered to be any harm arising from the proposal in respect of highway safety, residential amenity or the character of the area. 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 £2,613 (net gain of 3 dwellings x £871) towards the mitigation of the impacts of the development on the Pagham Harbour Special Protection Area.

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:

- * 03 Location Plan;
- * 04 Proposed Block Plan; and
- * 02 Proposed Elevations and Floor plans.

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 materials and finishes of the external walls and roofs of the extensions 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 The covered cycle store as shown on Dwg. 04 "Proposed Block Plan" shall be implemented prior to the occupation of any of the flats and shall then be permanently retained and maintained in good working condition.

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

- 5 The bin store building as shown on Dwg. 04 "Proposed Block Plan" shall be implemented prior to the occupation of any of the flats and shall then be permanently retained and maintained in good working condition.

Reason: To safeguard the appearance of the property and the amenities of the area in accordance with policies GEN7 of the Arun District Local Plan.

- 6 The ground floor bathroom window (flat 1) shall at all times be glazed with obscured glass.

Reason: To protect the amenities and privacy of future occupiers in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

- 7 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.

- 8 INFORMATIVE: Please note the following comments of our Private Sector Housing Team:

Fire Safety

- 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"

- A room where the only escape route is through another room is termed an "inner room" and poses a risk to its occupiers if a fire starts unnoticed in the outer room. The escape routes from all flats is via the kitchen, this can be overcome by ensuring that the window in the bedroom is an escape window and adequate fire protection within the flat. However, an escape window is not acceptable above 4.5m above ground level therefore the layout on the second floor would need to be reconsidered.

- There should be adequate fire separation between the commercial unit on the ground floor and the residential flats above and to the rear.

Ventilation

- Any bathrooms and kitchens without windows for natural ventilation should have adequate mechanical ventilation.

General

- Must meet the requirements of the Housing Act 2004 and be free of Category 1 and significant Category 2 Hazards;

- Must meet the requirements of the Arun District Council Houses in Multiple Occupation Standards (2016).

- 9 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to a contribution of £2,613 towards the provision of accessible natural open green spaces to serve the Pagham area.