

Recommendation Report for Planning Permission

REF NO: BR/199/19/PL

LOCATION: Clock Walk
7 High Street
Bognor Regis
PO21 1SG

PROPOSAL: Conversion of existing Health Centre (D1 non-residential institution) unit to 4 No. studio flats. This application may affect the setting of a listed building.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Conversion of existing Health Centre (D1 non-residential institution) unit to 4 no. studio flats. This application may affect the setting of a listed building.
SITE AREA	779 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	51 dph (proposed - ground floor only)
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Southern boundary of the site comprises adjacent open air car park used by upper floor apartments. Northern boundary of the site comprises the rear internal floor space of the Clock House Cafe. Eastern boundary comprises Sussex Street, a one-way street and the western boundary comprises a blank flank wall.
SITE CHARACTERISTICS	The application site comprises half of the internal ground floor floor space of 7 High Street, Bognor Regis. The primary elevation of the building comprises the secondary shopping frontage, though this rear floor space has operated as a separate functional planning unit. The site benefits from separate existing access off Sussex Street to the east. Existing residential apartments are situated above at first and second floor levels.
CHARACTER OF LOCALITY	The application site falls to immediately to the south of the secondary shopping frontage of Bognor Regis High Street and is therefore considered highly sustainable in nature. Services required for day to day living are found within walking distance of the application site. There are a number of other residential uses at ground floor level within the immediate locality, particularly on the eastern side of Sussex Street. Along High Street is a grade II listed building and a number of locally listed buildings. The application site therefore comprises the setting of these designated and non-designated

heritage assets.

Bognor Regis Railway Station is an approximate 7 minute walk from the site via Bognor Regis High Street. A number of bus stops are located along High Street which provide access to services in the wider locality.

RELEVANT SITE HISTORY

BR/247/04/	Change of use to class D1 day care programme.	ApproveConditionally 13-08-04
------------	---	----------------------------------

BR/60/04/	Conversion of 4 existing units and pedestrian arcade to 3 shop units with external alterations. Proposed kitchen to the rear of the Coffee House for A3 use. Extension to Cancer Research UK shop to A1 use. Change of use of proposed central unit to A2 use.	ApproveConditionally 04-05-04
-----------	--	----------------------------------

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

One letter of objection has been received which detailed the following:

- Believe that the old owner of number 7-11 wanted more money so forced them to find another place to rent, so the property has been empty for a while now except on the odd occasion someone would move in but again he raised the rent so much that they moved out.
- This year Felpham Dentist wanted to use it but he was asking far too much money so they too pulled out
- His motive was to convert it into flats/bedsits and sell them off to make a profit
- Bedsits are usually filled by drunken students making life for those who have tried to make Clock Walk a home and over the years the Police have had to get involved due to young lads smashing up the place and terrorizing those that live here
- This will make living here a nightmare
- The owners lease the car park next to clock walk which is just enough space for the 16 homes here to park their cars
- Parking will cause a lot of problems and its associated management
- People who will buy these flats don't even live in Bognor (London I believe) and don't care about people that have made Clock Walk their home
- I thought this building was listed so allowing this to happen will change the building all together

COMMENTS ON REPRESENTATIONS RECEIVED:

The adequacy of the marketing of the floor space and general loss of the D1 floor space has been assessed in full in the following sections of this assessment. The persons occupying the proposed

dwellingings do not comprise a material consideration for the purposes of assessing this application. The applicant has confirmed that the proposed dwellingings would comprise a nil-parking ratio which is assessed in more detail below. The Council's Local List and Historic England's National List have been checked and the building does not comprise a heritage asset.

CONSULTATIONS

Conservation Officer
Environmental Health
WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

WEST SUSSEX COUNTY COUNCIL HIGHWAYS

The LHA requests additional information from the applicant in order to assess the application. There appears to be no application form within the submitted documents. As such, the LHA is unsure whether this application proposes any parking provision for the proposed flats. The proposed site plan indicates that there is a car park to the rear of the site, but it is unclear whether this is proposed to provide any parking for the development. The applicant is requested to clarify whether there is any proposed parking provision and if so, demonstrate parking layout on a plan.

ARUN DISTRICT COUNCIL ENVIRONMENTAL HEALTH

Recommend imposition of conditions relating to hours of construction/demolition, asbestos, external lighting and noise levels. Recommend imposition of informative regarding statutory nuisance action.

COMMENTS ON CONSULTATION RESPONSES:

The use of a lighting condition would not meet the tests outlined in paragraph 56 of the NPPF given that the application relates to the conversion of internal floorspace. Separate legislation governs the management of asbestos related materials. Best practice dictates that the planning system should not duplicate controls covered by separate specific legislation. Responses to other outstanding matters are provided in the assessment below.

POLICY CONTEXT

- Built-Up Area Boundary
- 2km Buffer of Bognor Reef and Felpham SSSIs
- Pagham Harbour Access Management Zone B

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
EMPSP2	EMP SP2 Economic Growth Areas
ENVDM2	ENV DM2 Pagham Harbour
ENVSP1	ENV SP1 Natural Environment

HDM1	H DM1 Housing mix
HERSP1	HER SP1 The Historic Environment
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WSP1	W SP1 Water

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and the Bognor Regis (2015-2030) Neighbourhood Development Plan August 2015.

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

There are considered to be no Neighbourhood Plan policies of relevance to this 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 and there are no other material considerations that have been identified that outweigh compliance with these policies.

OTHER MATERIAL CONSIDERATIONS

It is considered there are no other material planning consideration in this case.

CONCLUSIONS**PRINCIPLE/LOSS OF D1 USE**

The application would result in the loss of 779 square metres of D1 non-residential institutional floor space within the town centre of Bognor Regis. In support of the loss of this floor space, the applicant has provided evidence of a marketing period for almost 2 years.

The Arun Local Plan does not require the formal marketing of D1 floor space within town centre locations given that both community and residential uses are compatible in town centre locations. However, such

a marketing period demonstrates the lack of demand/under-use of this floor space when considering to apply paragraphs 68, 85, 118 and 121 of the NPPF.

Since late 2017, the floor space has been marketed by SHW. Throughout this period the property has been advertised on the agent's website, Zoopla, Rightmove, Prime Location, the local press and Brighton Argus. No advertising with Estates Gazette was undertaken owing to the low key nature of the floor space available which is considered reasonable under the circumstances. The marketing exercise found that it was not possible to secure a paying tenant for the space, although it was occupied briefly by a non-paying tenant. Since late 2017 no tenant was able to be found. From the period of January 2018 to October 2018, a charity agreed to occupy the space for zero rent as part of a rates saving exercise. During this Jan-Oct period, SHW were close to securing a deal with a Dentist but this fell through with the sale of the property. There had also been additional negotiations throughout this period with Arun and Chichester Women's Centre; however, neither were able to negotiate a suitable price.

On the basis of this marketing period, reasonable endeavours have been undertaken to secure a tenant at a viable rent level. The floor space therefore satisfies an under-utilised floorspace/building for the purposes of triggering paragraphs 68, 85, 118 and 121 of the NPPF.

Policy RET SP1 of the Arun Local Plan states that the hierarchy of centres in Arun will be maintained by supporting and promoting measures which reinforce their role in meeting community needs and providing a focus for a range of activities including community and residential development.

Policy RET SP1 does not require a preference of community over residential development. Both uses are considered to be equally compatible on the basis that the economic resilience of the town centre is maintained. Taking into account the unviable nature of maintaining a community use, a preference for residential development would be acceptable.

DESIGN

Policy D SP1 of the Arun Local Plan requires all development to reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details. Policy D DM1 of the Arun Local Plan sets out a 15 point criteria against which the design of development should be assessed.

The submitted plans do not detail any amendments to the northern or western elevations of the building. The proposed development would result in the existing windows being either enlarged or blocked up (as shown on the submitted plans) by new glazing. This new glazing features low level obscure glazing.

The proposed additional windows on the southern elevation would better accord with the overall fenestration of the building through the use of similar placement, size and opening details. The lower level aspects of the windows being finished in obscure glazing would typically have adjacent vehicles parked in front of them and would therefore be concealed throughout daytime hours.

A similar style of window is also proposed on the eastern elevation of the building which also features the obscure glazing of 2 no. existing windows. The southern windows would retain the overall design aesthetic of the building.

Taking the above factors into account, the development would reflect the characteristics of the site and local area in their materials, finish and architectural details in accordance with Policies D SP1 and D DM1 of the Arun Local Plan.

RESIDENTIAL AMENITY

Policy QE SP1 of the Arun Local Plan requires that all development does not have a significantly

negative impact upon residential amenity. Further, paragraph 127(f) of the NPPF requires planning decisions to create places with a high standard of amenity for existing and future users. Paragraph 180 of the NPPF requires planning decisions to ensure that new development is appropriate for its location taking into account the likely effects on living conditions. Criteria (a) requires decisions to mitigate and reduce to a minimum the potential adverse impacts resulting from noise from new development.

The application site is located adjacent to a car parking area. Primary windows of the building would look out onto this area. The upper panes of these windows would be outward opening and would be affected by noise movements associated with the adjacent car parking area.

The adjacent car parking area serves the upper floor residential uses of the building. Therefore vehicle movements would likely be confined to rush hour periods. This nature of usage would mitigate the extent of impacts upon the amenities of future users.

Whilst conditioning windows to be fixed shut would not be considered reasonable under paragraph 56(c) NPPF tests, occupants should have the option to close their windows to block out any noise without being detrimental to ventilation. It is likely that a mechanical ventilation system could be installed within the building to provide sufficient ventilation to achieve acceptable internal ambient noise levels. This would allow future occupants the choice to open windows for natural ventilation at their discretion throughout periods of quieter activity (i.e. evenings etc).

Therefore, the recommended condition detailed within the Council's Environmental Health response is required to be imposed to make the development acceptable in planning terms. The condition will require a scheme to demonstrate internal noise levels within the residential units will conform to the 'Indoor ambient noise levels for dwellings' guideline values, prior to the commencement of development.

Subject to the imposition of the above condition, the development would achieve a sufficient level of amenity for the future occupants of the dwellings in accordance with Policy QE SP1 of the Arun Local Plan and paragraphs 127(f) and 180(a) of the National Planning Policy Framework.

INTERNAL SPACE STANDARDS

Policy D DM2 of the Arun Local Plan requires internal spaces to be an appropriate size to meet the requirements of all occupants and their changing needs.

Studio apartments comprising a shower room are required to be a minimum of 37 sq/m in total. Three apartments comprise shower rooms and exceed the 37 sq/m minimum requirement. The fourth apartment comprises a bathroom which requires a minimum standard of 39 sq/m. The proposed apartment exceeds this minimum requirement.

On this basis, the development would accord with the contents of Policy D DM2 of the Arun Local Plan.

SETTING OF DESIGNATED/NON-DESIGNATED HERITAGE ASSETS

The application site falls within the setting of non-designated heritage assets. The significance of these assets comprise the frontage of buildings facing High Street.

Policy HER SP1 of the Arun Local Plan requires the setting non-designated heritage assets to be conserved and enhanced in a manner appropriate to their significance and contribution to the historic environment. Paragraph 197 of the NPPF states that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the asset.

The application site falls within the setting of a designated grade II listed heritage asset. The significance

of the setting of this asset comprises visibility from along High Street.

Policies HER SP1 and HER DM1 of the Arun Local Plan requires the setting of designated heritage assets to be protected and, where possible, enhanced. Paragraph 196 of the NPPF states that 'where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'.

The development would comprise an internal conversion which would not result in any material external alterations that would be visible within the setting of the designated and non-designated heritage assets.

On this basis, the development would not affect the significance of the designated and non-designated heritage assets and would not result in any form of harm. Therefore, the development would accord with paragraphs 196 and 197 of the NPPF and Policies HER SP1 and HER DM1 the Arun Local Plan.

HIGHWAYS, TRANSPORT AND PARKING

Policy T SP1 of the Arun Local Plan states that development will be supported where it incorporates appropriate levels of parking in line with West Sussex County Council guidance; taking into account consideration the impact of development upon on-street parking.

The consultation response received from WSCC states that they are unsure whether this application proposes any parking provision for the proposed flats. The proposed site plan indicates there is a car park to the rear of the site, but it is unclear whether this is proposed to provide any parking for the development.

The applicant has confirmed in writing that the development would comprise a nil parking ratio. Having regard to the studio nature of flats, combined with the highly sustainable location and access to wider public services, balanced against the Government's direction contained within the NPPF for reducing reliance upon private motor vehicle, this level of parking provision is appropriate on balance.

BIN AND CYCLE STORAGE

Policy T SP1 requires that development reduces congestion and promotes sustainable transport including use of bicycles. The West Sussex County Council: Guidance on Parking at New Developments requires 4 cycle spaces for 4 apartments where communal storage is provided.

The submitted floor plans detail a communal cycle store within the building which, owing to its internal size, would allow for in excess of 4 secure cycle spaces. A condition will be imposed requiring provision of the secure cycle store shown on the submitted plans, prior to the occupation of the dwellings.

Subject to the above condition the development would accord with Policy T SP1 of the Arun Local Plan and according West Sussex County Council SPG guidance.

The plans detail the use of the existing bin store which is located within the external adjacent car parking area. Such provision would provide communal storage serving the existing first and second floor apartments. No details have been provided regarding the capacity of this store and therefore a condition will be imposed to secure this provision. Subject to the imposition of this condition Policy WM DM1 of the Arun Local Plan would be fulfilled.

INTERNATIONALLY DESIGNATED SITE OF IMPORTANCE

The application site falls within the 2km Buffer of the Bognor Reef and Felpham SSSIs. SSSIs comprise Nationally Designated Sites of Importance under paragraph 17.1.9 of the Local Plan. Policy ENV DM1 requires does not permit proposed development that is likely to have an adverse effect on land with the

designated features of any Site of Biodiversity or Geological Importance.

The proposed development, comprising an internal conversion of existing floor space, would not result in an adverse effect on the designated features of any Site of Biodiversity or Geological Importance. Therefore, the development would comply with Policy ENV DM1 of the Arun Local Plan.

INTERNALLY DESIGNATED SITES OF IMPORTANCE

Policy ENV DM2 of the Arun Local Plan requires that within Zone B (0 - 5km) for all new residential development to make developer contributions towards the agreed strategic approach to access management at Pagham Harbour. The applicant has provided an according S106 agreement which provides for the required contribution. On this basis the development would not result on detrimental effects on Pagham Harbour. Therefore, the development would accord with Policy ENV DM2 of the Arun Local Plan.

OPERATING HOURS OF CONSTRUCTION

The consultation response from the Environmental Health Officer has recommended restrictions on the hours of operation of construction to protect the amenity of local residents, in accordance with Policy QE SP1 of the Arun Local Plan. Owing to this consultation response, and the concerns raised regarding residential amenity within the public consultation period, such a condition would meet the tests outlined in paragraph 56 of the NPPF.

5 YEAR HOUSING LAND SUPPLY POSITION

Arun District Council are unable to demonstrate a 5 Year Housing Land Supply on the date of this assessment. The National Planning Policy Framework (July 2019) makes clear at paragraph 117 that planning decisions should promote an effective use of land in meeting the need for new homes.

Paragraph 68(c) of the NPPF states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should support the development of windfall sites through their policies and decisions - giving great weight to the benefits of using suitable sites within existing settlement for homes.

Paragraph 85(f) of the NPPF states that planning decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.

Paragraph 118(c) of the NPPF requires planning decisions to give substantial weight to the value of using suitable brownfield land within settlements for homes.

Paragraph 118(d) of the NPPF states that planning decisions should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops).

Paragraph 121 of the NPPF requires that Local planning authorities should take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to:

a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be

compatible with other policies in this Framework; and

b) make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to open space

These relevant sections to the NPPF, dated July 2019, are given significant weight as a material consideration on the basis that the Council is unable to demonstrate a 5 year Housing Land Supply.

SUMMARY

The application has been assessed having had regard to the principle of development/loss of D1 use, design, residential amenity, internal space standards, heritage assets, highways, transport and parking and bin and cycle storage. It has been found to accord with the policies contained within the development plan and the material considerations identified within the assessment have not been found to be of such significance that they outweigh the conformity with the Development Plan as a whole.

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

S106 agreement has been provided which will deliver a contribution of £3,484 towards the Pagham Harbour Access Management contribution in accordance with Local Plan Policy.

RECOMMENDATION

- 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 YO361-001 Site Location and Block Plan, YO361-120 Proposed Ground Floor Plan, YO361-200 Proposed South Elevation, YO361-201 Proposed East Elevation and YO361-202 Proposed North Elevation.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D SP1, D DM1, D DM4 and QE SP1 of the Arun Local Plan.

- 3 Prior to the occupation of the dwellings hereby approved, a scheme to demonstrate that the internal noise levels within the residential units will conform to the 'Indoor ambient noise levels for dwellings' guideline values specified within Table 4 under section 7.7.2 of BS 8233:2014. Details compiled by a competent, independent acoustician on sound insulation and noise reduction for buildings shall be submitted to and approved in writing by the Local Planning Authority. The scheme should take into account the correct number of air changes required for noise affected rooms. The works specified in the approved scheme shall be carried out in accordance with the approved details prior to occupation of these premises and retained thereafter.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Arun Local Plan.

- 4 No construction activities shall take place, other than between 0800 hours and 1800 hours (Monday to Friday) and 0800 hours and 1300 hours (Saturday) with no audible work on Sunday or Bank Holidays which exceed ambient noise levels.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of the Arun Local Plan.

- 5 The windows shown on the approved plans as comprising opaque glazing shall be provided as such prior to the occupation of the dwellings hereby permitted and retained as such in perpetuity, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To enable the Local Planning Authority to safeguard the amenities of the future occupants of the dwellings in accordance with policy QE SP1 of the Arun Local Plan.

- 6 No part of the development shall be first occupied until details outlining the sufficient bin storage capacity on site have been submitted to and approved in writing by the Local Planning Authority and retained as such in perpetuity.

Reason: To protect the amenities of nearby residents in accordance with Arun Local Plan policy WM DM1.

- 7 No part of the development shall be first occupied until secure cycle parking spaces have been provided in accordance with plans hereby approved by the Local Planning Authority under this permission and retained as such in perpetuity.

Reason: To provide alternative travel options to the use of the car in accordance with policy T SP1 of the Arun Local Plan and WSCC Parking Standards Guidance SPG.

- 8 INFORMATIVE: Please note that related to this permission there is an agreement under Section 106 of the Town & Country Planning Act 1990.

- 9 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.

- 10 INFORMATIVE: This permission conveys consent under planning legislation only and contravention with other legislation e.g. protection of wildlife etc. should be considered.