Recommendation Report for Planning Permission

REF NO: **BR/20/13/**

LOCATION: Flint House and The Old Bakery
Bakery Lane
Bognor Regis

PROPOSAL: Change of use from existing office units (A2 Financial and Professional Services) to 2 No 2 bed Town Cottages, 1 No 1 bed Town Cottage together with 2 No 2 bed flats units (C3 Dwelling Houses).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application is to convert the former offices to residential use. This application is retrospective.
SITE AREA	0.0288 hectares
RESIDENTIAL DEVELOPMENT DEN	174 dwellings per hectare.
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Brick and flint wall at rear. Front and side open onto a couryard or the street.
SITE CHARACTERISTICS	The building consists of two sections, the old bakehouse which is to the rear of the site and is two storey rendered with a replacement windows and Juliette balconies and a garage on the ground floor level. This part of the building is currently under scaffold and the roof materials under cover. The front section is flint with a slate roof.
CHARACTER OF LOCALITY	Predominantly residential close to the town centre.

RELEVANT SITE HISTORY

BR/106/87	Change of use to offices including parking and refurbishment with external alterations to existing storage building	Approve Conditionaly 18-05-1987
BR/85/90	Installation of 7 No new windows to first floor office space	Approve Conditionaly 04-06-1990
BR/23/63	Light engineering & storage	Refused 13-05-1963

BR/395/85	Conversion of stable building to 3 - 1 bedroom cottages for elderly people	Refused 09-10-1985

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

No objection subject to suitable parking being made available on the site.

Others:
8 letters of Objection - Currently unable on occassions to get car out of garage which is in Bakery Lane, because cars are parked in front of the drive. To add another 5 dwellings would be impossible. The builders have been working on the site since December 2012. There are no proposals for parking. The matter of privacy and overlooking has been considered by the placing of opaque glasing already in the rooms that appear to be the only light source for lounge/diner and hallway, however, what is to prevent this from being removed? It is currently difficult to walk to the Bungalow at the end of Bakery Lane with shopping. Street sign has been removed. Emergency vehicles could not get through Bakery Lane. There is no space in Bakery Lane, Scott Street or West Street for parking currently. The proposal could effect the marktet value of my property. Will cause overlooking.

Comments on Representations received:

Noted. Hoses prices are not a material planning consideration. Opaque windows could be conditioned to any approval.

CONSULTATIONS

Environmental Health
Engineering Services Manager
Economic Regeneration
WSCC Strategic Planning
Listed Building Officer

Consultations responses received:

District Engineers
No comment.

District Environmental Health
Flat 1 - Natural lighting is insufficient to the living room and kitchen. There is no provision for natural ventilation in the kitchen and a risk of an increase in the likelihood of condensation through lack of adequate natural ventilation. Flat 4 - the kitchen is too small a minimum floor area of at least 5.5sqm is recommended. A number of units have inadeqate means of escape from bedrooms with escape being via other rooms of significant risk.

County Highways
The properties will keep their existing access off Bakery Lane, a private road, which accesses onto Scott Street which is a cul-de-sac. It is expected that limited traffic movements will occur within this area. A minimum of 5 parking spaces is required by the County standards, no parking is being provided. However, the existing use is as offices and this is expected to have a greater demand for parking compared to a residential use. There is space for some on street parking, however, it is not known how available these spaces will be to the occupiers. A turn on site facility also looks to be difficult down Bakery Lane which may lead to vehicles reversing out

onto the higway. However, on balance this is envisaged to be limited traffic movements.

The site is in a sustainable location within walking distance of public transport links which would mitigate the demand for a private car in the area. Cycle storage should be conditioned.

Historic Buildings Advisor
Awaited.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:
Within the built up area boundary.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	GEN10	Tidal Flooding and Coastal Defence
	GEN11	Inland Flooding
	GEN12	Parking in New Development
	DEV17	Affordable Housing

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework

POLICY COMMENTARY

PLANNING
The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

In accordance with paragraphs 214 of the NPPF, the South East Plan is afforded full weight as part of the development plan. Footnote 41 (page 49) states the Governments clear policy intention to revoke regional strategies.

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

PLANNING
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 conflict with relevant Development Plan policies in that it would be a cramped form of development which would provide insuffient amenity space for the proposed residents and a form of overlooking of neighbouring properties which is considered to be unacceptable.

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 and residential amenity.

HISTORY OF THE SITE:
The site lies on the corner of Scott Street and Bakery Lane and is on the edge of the town centre, close to a shopping parade. The building was originally a bakery with attached stable (the flint building) which have been converted into offices approved under reference BR/106/87. Approval was granted under reference BR/85/90 for new windows to the Old Bakery. Application BR/395/85 for the conversion of the stable building to 3 x 1 bedroom cottages was refused for four reason, with reason 1 being the limited area of the site and its relationship to existing properties the proposal would give rise to development which would prejudice the amenities and environment of the locality. The other reasons were car parking and visibility reason.

This application is retrospective.

THE PROPOSAL:
The proposal is to convert the two buildings into residential accommodation, consisting of 3 cottages and 2 flats. The stable building is proposed as 2 x 2 bed cottages and 1 x 1 bedroom cottage. It is proposed to convert the Old Bakery to two flats. This proposal is a more cramped form of development than that previously refused.

RESIDENTIAL AMENITY:
The proposed residents would have no garden area and no allocated carparking, that is to say, no external amenity space, therefore this is considered to be an overdevelopment of the site. The proposed flats at first floor level have 6 windows proposed 3 of which would be lounge windows looking onto the car port of the houses to the rear and 3 other windows which serve landing corridors, would be 7.5 metres directly from the existing dwellings and would directly overlook their garden areas. At the rear of the site four bedroom windows, one bathroom and one landing window are proposed. These would directly overlook the Bungalow. Due to the close relationship between the propteries, with no rear amenity area, it is considered that this would be overbearing

and unneighbourly. Paragraph 17 of the National Planning Policy Framework states that Local Planning Authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It is therefore considered that the proposal is totally contrary to this policy and is considered to be unneighbourly.

It should be noted that the layout would fail under the Housing Acts regarding natural light provision, ventilation, minimum room sizes and inadequate means of escape being via other rooms.

VISUAL AMENITY:
The stable building is a flint building with a slate roof. Inappropriate fenestration is currently on this building consisting of a modern door and upc window above, and other modern windows. The Old Bakery is a rendered building with modern windows and Juliette balconies, which have been previously approved under ref BR/85/90. The proposed fenestration on the east elevation of the Stable Building, which is the prinicpal elevation, is inappropriately modern for this flint building and is not considered to be of the design quality required under paragraph 17 of the National Planning Policy Framework. On the east elevation of the Old Bakery, whilst the inappropriate Juliette balconies are proposed to be removed, the proposed fenestation matches that proposed on the Stable building which is considered to be inappropriately modern and of insufficient quality to conform to the National Planning Policy Framework.

EFFECTS ON THE HIGHWAY:
The site currently has a garage for 2 cars which will be lost to the development. There is very limited car parking provision in the surrounding area. The County parking standard requires 5 parking spaces and no spaces have been allocted for this development. However, County Highways have raised no objections despite concerns regarding the potential for traffic to reverse onto the public highway because of the lack of turn on site. County highways have stated that on balance, it is considered that the car parking and traffic movements would not be any worse than when the site was used previously as offices. The site is considered to be in a sustainable location close to public transport.

DRAINAGE ISSUES:
The site is in flood zone 1 and therefore not within a flood risk area. The Council's drainage engineers have raised no objections.

SUMMARY:
The proposal is considered to be an unneighbourly form of development, which would appear cramped and with no allocated car parking provision or external amenity space. It is recommended that the application is refused for the reason given 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 (8), Article 1 of the First Protocol (protection

of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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 none of the following impacts (negative, Neutral or positive) 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).

RECOMMENDATION

REFUSE

1 Having regard to the limited area of the site and its relationship to existing residential properties the proposal would give rise to an unneighbourly form of development which would appear cramped and the lack of amenity garden area would be prejudicial to the amenities of the proposed residents as well as the environment of the locality in conflict with policy GEN7 of the Arun District Local Plan.

2 The proposal is unacceptable in that the design and materials proposed for the fenestration are inappropriately modern for this historic flint building.

It therefore conflicts with policies GEN7 of the Arun District Local Plan.

3 INFORMATIVE:
The room sizes, ventilation and natural lighting and means of escape are below the standards requiered under the Housing Acts. The applicant is advised to consult with the Council's Environental Health Officer.

4 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 identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.