

Recommendation Report for Planning Permission

|           |                                                                                                          |
|-----------|----------------------------------------------------------------------------------------------------------|
| REF NO:   | BR/218/17/PL                                                                                             |
| LOCATION: | 12 London Road<br>Bognor Regis<br>PO21 1PY                                                               |
| PROPOSAL: | Creation of ground floor entrance to the rear; formation of 4No. new two bed flats at second floor level |

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| <b>SITE AND SURROUNDINGS</b> |
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|                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|---------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION            | <p>Limited external alterations. To the ground floor rear, one set of double doors will be removed to the rear service yard and bricked up with materials to match existing. The high level windows at first floor rear (west elevation) will be replaced with 1no 3 light windows and 1no single light window, these will serve a the bedrooms for flat 4. The first floor includes an unspecified room with single toilet and wash basin, this could be used as Landlord storage room, laundry room or for bicycle storage.</p> <p>A rear pedestrian access to Bedford Street for the flat 4 will be created, this will include a single inward opening door. This will include an access code box for servicemen of the flats. The other flats 1,2 and 4 will be accessed from the entrance (to front) on London Road. The retail ground floor unit will retain access from the front and rear.</p> <p>Flat one would be at second floor level and be served by the two bay windows to front. Flats 2 and 3 would be behind this. Number 2 would be served by 4 no roof lights and flat three would have windows onto the internal courtyard and 6 no roof lights.</p> <p>All flats will be 2 bedroom and include bathrooms and kitchens.</p> |
| SITE AREA                             | 0.04 hectares (424m2 approx.)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| RESIDENTIAL DEVELOPMENT DENSITY (NET) | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| TOPOGRAPHY                            | Predominantly flat.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| BOUNDARY TREATMENT                    | None, building bounds directly onto highways.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| SITE CHARACTERISTICS                  | Three storey terraced building of special character merit, on the Primary retail frontage of Bognor Regis. The building to rear bounds Bedford Street. From the front, the building has a retail unit at ground floor and attractive Victorian facade with                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

bay windows to first floor. The building was extended to top and rear in the 60s to create third floor and has a utilitarian appearance with flat roof from the rear street scene. There is two entrances to front, one to the shop unit and one to the upper floors. The upper floors are currently used as storage for the retail unit but are largely vacant. The rear of the building has an undercroft area which is a storage/delivery yard for the existing unit onto Bedford street.

#### CHARACTER OF LOCALITY

Town centre of Bognor Regis. London Road to front is the pedestrianised primary retail area of the town. The area varies in terms of building scale, form and design but, in general is formed of terrace buildings with retail and other commercial uses at ground floor.

#### RELEVANT SITE HISTORY

|            |                                                                                                                                                    |                                  |
|------------|----------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| BR/55/57/B | Ext & Alts                                                                                                                                         | Approve<br>07-08-64              |
| BR/332/08/ | Change of use of part of first floor from retail ancillary accommodation to 2 flats. Relocation of retail ancillary accommodation to rear of shop. | ApproveConditionally<br>28-01-09 |

Third floor added following approval of planning permission in 1964.

BR/332/08/ approved two no flats at the second floor of number 10. These have no consented windows facing the new windows to courtyard of flats 3 or 4.

#### REPRESENTATIONS

##### REPRESENTATIONS RECEIVED:

Bognor Regis Town Council  
No objection.

##### COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

#### CONSULTATIONS

WSCC Strategic Planning  
Environmental Health  
Economic Regeneration

**CONSULTATION RESPONSES RECEIVED:**

Economic Development

"Economic Development are keen to support proposals that bring additional accommodation to the area and potential footfall to town centres. However, we consider it critical that this should not be to the detriment of existing businesses and from the submitted plans we are unable to see how the existing retail unit will be serviced in terms of toilet facilities and storage. If these matters are suitably resolved we would have no objection to this application."

WSCC Strategic Planning, Highways

"It is proposed to convert vacant first floor to 4 x 2-bedroom flats. London Road is pedestrianised in this location within Bognor Town Centre where a range of retail, services and amenities are within walking distance. Bognor train station is a 4 minute walk distant and regular bus services are within the vicinity.

A nil car parking provision is proposed for the new flats, under WSCC Car Parking Standards, three 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. Considering the sustainable location the LHA would request that details for secure and covered bicycle storage for at least one space per flat are secured via condition.

No highway safety or transport grounds to resist the application.

Cycle parking

No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies."

Environmental Health

No comments provided.

**COMMENTS ON CONSULTATION RESPONSES:**

Comments noted.

The retail unit will retain a storage yard to rear and a large floor space area at ground floor. It is not considered the development would impinge negatively on the operation of the retail unit at ground floor.

It is not considered reasonable or necessary to include the cycle parking provision for the flats, this could only be located in the rear yard for the retail unit and would have a negative effect on the operation of the retail unit. Residents can store cycles at nearby cycle parking facilities in the street. It is noted these are not weatherproof, the site is also very sustainably located in a town centre with essential amenities in walking distance and good access to public transport and local green spaces.

## POLICY CONTEXT

Designation applicable to site:

Primary Retail Frontage

Within the Pagham Harbour Protection Zone B

Within the built up area boundary

Building or Structure of Character

D Class road to rear (Bedford Street)

Pedestrianised street to front (London Road)

## DEVELOPMENT PLAN POLICES

### Arun District Local Plan (2003):

|        |                                      |
|--------|--------------------------------------|
| AREA19 | Primary Shopping Frontages           |
| GEN15  | Cycling and Walking                  |
| GEN22  | Buildings or Structures of Character |
| GEN2   | Built-up Area Boundary               |
| GEN7   | The Form of New Development          |

### Publication Version of the Local Plan (October 2014):

|         |                                                     |
|---------|-----------------------------------------------------|
| RET DM1 | Retail Development                                  |
| D DM1   | Aspects of Form and Design Quality                  |
| D DM2   | Internal Space Standards                            |
| D DM3   | External Space Standards                            |
| D DM4   | Extensions & Alterations to Existing Buildings      |
| D SP1   | Design                                              |
| HER DM2 | Locally Listed Buildings or Structures of Character |
| ECC SP2 | Energy and climate change mitigation                |
| ENV DM2 | Pagham Harbour                                      |
| ENV DM1 | Designated Sites of Biodiversity or Geological Imp  |
| ENV SP1 | Natural Environment                                 |
| SD SP1  | Sustainable Development                             |
| SD SP2  | Built -Up Area Boundary                             |
| T SP1   | Transport and Development                           |

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 |

## 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).

The development would create 4 new residential flats in the underused upper floors of a building in the town centre which is supported by Bognor Regis NDP policy 4:

#### "POLICY 4- REDUCING UNDERUSE OF PROPERTY IN THE TOWN CENTRE:

Development Proposals concerned with the reuse of empty and or/underused property above shops and commercial premises located along designated primary and secondary retail frontages will be supported. Applicants should where appropriate apply for improved access, extensions, sub-division of plots and energy efficiency measures to increase the suitability and marketability of town centre properties and lands for local employment and residential uses."

#### **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. The development would preserve and enhance the appearance of the host building of special character and provide 4 new residential units in a sustainable location, reducing the underuse of floor space at upper floor level and above within a town centre and primary retail frontage, without detrimentally impacting the use and operation of the retail use at ground floor.

#### 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 development is located in a highly sustainable location and would create 4 new residential units in the town centre, in underused upper floors with commercial above. As such the development is considered to be sustainable development within the built up area boundary which will not inhibit or restrict the ground floor retail use within the primary shopping frontage. In terms of principle the development is considered to comply with saved policies AREA19, GEN2, GEN7 and emerging policies, SD SP2 and RET DM1 and supported by Bognor Regis NDP plan policy 4.

##### Visual Amenity

The external alterations are limited and the new windows to rear are considered to enhance the appearance of the BSC from Bedford Street. The new windows to the courtyard will not be visible from the public realm, nor will the new roof lights so will have a limited visual impact on the host dwelling and street scene. The materials and appearance of the new windows is considered to respect and preserve the character and appearance of the host BSC and area.

The development is considered to be acceptable in terms of visual amenity and the preservation of the character & appearance of the BSC in line with saved policies GEN7, GEN22 emerging policies HER DM2 D DM1, D DM4 and D SP1.

##### Neighbouring Residential Amenity

New windows will not face into any neighbouring residential windows and the external alterations are limited to an extent there will be little impact on residential amenity. The neighbouring, facing upstairs side wall (that forms part of an upper floor residential flat) at number 10 London Road has no side windows. There will be no, facing habitable room windows from flat 4 to flat 3. The kitchen windows of flat 4 will be high level as stated on the submitted plan no 112.

The use of the upper floors as 4 no. 2 bed flats is not considered to create noise and disturbance which could have an unacceptably detrimental impact on neighbouring residential amenity.

The development is considered to be acceptable in terms of impact on residential amenity in line with saved policy GEN7 and emerging policies D DM1 and D DM4.

## Residential Amenities of the proposed flats

The flats meet the internal space requirements for 2 bedroom properties contained in Central Govt. guidance: "Technical housing standards - nationally described space standard". And would all receive enough natural light (albeit for flat two from roof lights only) to be considered acceptable in planning policy terms. No private external amenity space is proposed but given the location of the site near to the beach and other public open spaces, and the sustainable nature of the area, it is not considered external amenity space is required in this instance.

The development is considered to comply with emerging policies D DM2 and D DM3.

## Transport

The site is in a highly sustainable location with amenities in walking distance. As such parking facilities are not to be required and bicycles could be storage on street bike lock ups if required. The development is considered to meet with saved policy GEN15 and emerging policy TSP1.

## Pagham Harbour Conservancy

The site is within the 5km buffer zone (Zone B) of Pagham Harbour (a Special Protection Area (SPA) and Sites of Special Scientific Interest (SSSI) ) .

The applicant has agreed to pay £871 per unit (£3484 in total) via a unilateral undertaking, S106 agreement. This is for the preservation of the Harbour as a protected site from the potential increase in footfall to the Harbour from the future occupants of the units. Thus the development complies with emerging policies ENV SP1, ENV DM1 & ENV DM2.

The application is considered to comply with the development plan and is recommended for conditional permission.

## 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 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

A contribution of £871 per unit via submitted unilateral undertaking, S106 agreement toward the preservation of Pagham Harbour (a Special Protection Area (SPA) and Sites of Special Scientific Interest (SSSI) ) to be paid or collected in full on commencement of development.

## 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:-  
  
110  
112  
114  
  
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: This decision has been granted in conjunction with a Section 106 legal agreement relating to the payment of a financial contribution of £3484 on commencement of the development towards the preservation of Pagham Harbour as a SPA and SS1, protected site from the potential increase in footfall to the Harbour from the future occupants of the units to comply with emerging Arun District Local Plan Publication version) 2011-2031 policies ENV SP1, ENV DM1 & ENV DM2.
- 4 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.