

Recommendation Report for Planning Permission

REF NO: BR/220/17/PL

LOCATION: Central House
18 Waterloo Square
Bognor Regis
PO21 1SU

PROPOSAL: Change of use of first & second floors to form 2 No. dwellings & reversion of ground floor area to retail use. This application affects the character & appearance of The Steyne, Bognor Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The first floor flat will have 2 double bedrooms. The second floor flat will have one double and one single bedroom. The ground floor space shows two linked retail units with shared kitchen & toilet. These could be occupied separately or as one large retail space.
	Bike storage is integrated into the building at the rear Bin storage provisions would be as before (within the rear access passageway). Alterations to the building comprise a replacement dormer within the north roof plane which will match in scale and appearance to the existing dormer; the replacement / enlargement of 5 windows; removal of 1 window and 1 door; and the creation of a new door to the rear eastern elevation (opening into the rear passage). Proposed materials include PVCu doors, matching natural slate to dormer cheeks and matching painted render.
SITE AREA	107 square metres.
RESIDENTIAL DEVELOPMENT DENSITY	187 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	None except to the western side where there is a low wall topped with railings. Otherwise, the building is the boundary.
SITE CHARACTERISTICS	Existing two and a half storey corner building, cream smooth rendered with a slate roof. Two existing leaded dormers on the northern roof plane each of different size & design. Further dormer on the western roof plane which matches the larger of the other two. The northern elevation of the building has a square bay type window and then several recessed windows. The western elevation has flush windows and includes a parapet roof on the gable. The buildings has two 'shop fronts'. The first onto Little High Street has a leaded

'canopy' above. The second is to Waterloo Square and there is a small forecourt area to the front. An access passageway runs along the back of the building providing service access. On-street parking is restricted by double yellow lines but there is a pay & display parking on the opposite side of Waterloo Square.

CHARACTER OF LOCALITY

The building sits within the Bognor Regis Steyne Conservation Area which has a mixed character of building heights, styles and designs. The area is also mixed in terms of land use with some retail shops, some restaurants & cafes, some pubs, some residential accommodation and some leisure uses. Neighbouring uses consist of a restaurant on Little High Street with no flat above, a two storey building on Waterloo Square which shares a party wall and has a pub at ground floor with a flat above. There is a further restaurant on the opposite side of Little High Street with a flat above.

RELEVANT SITE HISTORY

BR/128/00/A	1No internally illuminated projecting box sign	Refused 03-07-00
BR/339/92	Application under Regulation 3 of the Town & Country Planning General Regulations 1992 for residential property to be used as a Young Persons Drop In Centre.	File Closed 03-03-93
BR/373/89	Temporary Change Of Use (2 years, 1st September 1989 - 31st August 1991) from Elim Church to Amusement Arcade	ApproveConditionally 30-08-89
BR/102/55/B	Use Of Shop Premises As Place Of Worship	Approve 11-03-63
BR/102/55/A	Alts & Adds	ApproveConditionally 19-08-55

The property was previously occupied under ref BR/339/92 by a "young persons drop in centre" comprising of a cafe at ground floor with counselling rooms above. This would have had a sui-generis use. The shop fronting onto Little High Street was excluded from this application and so retains an A1 retail use class.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

"No objection".

1 letter of support from the occupier of a flat on Little High Street almost opposite the site stating that this is a good use of the building but asking also that provision for bin storage within the property is provided. The writer also states that they assume the flat entrance will be from Little High Street.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

In response to the supporter, the entrance to the flats will be via the rear access passageway. Bin storage will be as existing (within the passageway).

CONSULTATIONS

WSCC Strategic Planning

Engineers (Drainage)

Engineering Services Manager

Economic Regeneration

Estates Manager

Conservation Officer

Environmental Health

CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS - No objection. Do not have any road safety concerns. In respect of parking comment that:

"A nil car parking provision is proposed for the new flats. Under the WSCC Car Parking Standards, two 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 detriment 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."

Recommend a cycle storage condition.

ADC CONSERVATION OFFICER - No objection as subject to a condition re timber window frames, the proposal will enhance the host building.

ADC ECONOMIC DEVELOPMENT - Support on the basis that the ground floor retail space is retained thus creating an active frontage.

ADC ENVIRONMENTAL HEALTH - No comments.

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

CONSERVATION AREA ADVISORY COMMITTEE (CAAC) - No objection. Materials to be submitted for approval. Sash windows would be better with four pane joinery.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The comments of CAAC are noted but outweighed by the Conservation Officer who does not request conditions about materials only that windows should have timber frames. A condition on materials to match (slate/render) will be imposed. The comment about four pane windows will be incorporated into an Informative. Parking will be discussed in the conclusions section.

POLICY CONTEXT

Designations applicable to site:

Within the Built Up Area Boundary; and
Conservation Area.

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

AREA2	Conservation Areas
AREA13	Sites of International Importance for Nature Conservation
DEV26	Criteria for Retail Development
DEV27	Retail Development Outside the Principal Shopping Areas
GEN2	Built-up Area Boundary
GEN7	The Form of New Development
GEN12	Parking in New Development
GEN32	Noise Pollution

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

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
ECC SP2	Energy & Climate Change Mitigation
RET DM1	Retail Development
SD SP2	Built -Up Area Boundary
T SP1	Transport and Development
ENV DM2	Pagham Harbour
QE DM1	Noise Pollution

[Bognor Regis Neighbourhood Plan 2015 Policy 1](#)

Delivery of the Vision

[Bognor Regis Neighbourhood Plan 2015 Policy 2](#)

Promoting the Seaside Identity

[Bognor Regis Neighbourhood Plan 2015 Policy 3](#)

Old Town Restaurant and Cultural Quarter

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 relevant policies of the Bognor Regis Neighbourhood Plan (policies 1, 2 & 3) have been taken into account in this determination. It is also noted that 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.

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 commercial floorspace, it is considered that the proposal will support the town centre and therefore benefits from the advice in the NPPF.

IMPACT ON COMMERCIAL FLOORSPACE:

Part of the proposal is to change the ground floor cafe into a new retail unit under use class A1.

The site lies within the Town Centre Area as defined by the adopted Local Plan, emerging Local Plan and the Bognor Regis Neighbourhood Development Plan (BRNDP). However, it does not fall within a Principal Shopping Area and is neither primary nor secondary retail frontage. Adopted Local Plan policy DEV27 states that non-food retail outside the principal shopping areas will only be acceptable if:

- (i) the proposal does not adversely affect the vitality & viability of the Principal Shopping Areas and local shopping areas;
- (ii) it is easily accessible by the highway network and public transport;

- (iii) it includes provision for access by cycle and on foot; and
- (iv) it includes appropriate provision to enable access for people with disabilities.

It is not considered that the proposed retail space (either as two separate or one larger shop) is of a scale that could undermine the vitality & viability of the nearby principal shopping area. It is noted that there is support for the proposal from the Councils Economic Development team. The retail space is also considered to comply with the other criteria given its edge of centre location and existing level access.

The site also falls within the "Old Town Restaurant and Cultural Quarter" as designated within the BRNDP. Policy 3 states that "Changes of use from restaurant and cafe use (A3) to other uses will be resisted". It is considered that the ground floor cafe use was a part of the wider use of the building as a young person drop in centre and did not therefore have its own A3 use class. Further, the building does not appear to have any noise/odour extraction systems in place further supporting the integration of the cafe into the drop in centre use. Therefore, the loss of this cafe area is not technically contrary to this policy. However, in any case, it is not considered that the change from young persons cafe to retail would be so significant as to undermine the character or vitality of the Old Town area.

It is therefore considered that the proposal would be in accordance with the neighbourhood development plan, adopted Local Plan and with respect to paragraph 23 of the NPPF.

HERITAGE, DESIGN AND CHARACTER:

The building lies within the Bognor Regis Steyne Conservation Area and is therefore a designated heritage asset.

Policy AREA2 of the Arun District Local Plan states that: "Planning permission will be granted for development which preserves or enhances the character or appearance of a Conservation Area or its setting". Meanwhile, policy GEN7 (ii) requires that new developments respond positively to the identified characteristics of a particular site to create developments which respect local characteristics.

Policies 1 and 2 of the Bognor Regis Neighbourhood Development Plan (BRNDP) require that great care is taken in respect of extensions and alterations to designated heritage assets.

The proposals in respect of the exterior of the building comprise a slightly larger replacement roof dormer and several changes to windows & doors. The replacement dormer is not significantly larger than the existing and will in any case match with the other two existing dormers. The fenestration changes are not considered to be significant either. Material's are proposed to match the existing. The Councils Conservation Officer considers that, provided the window frames are timber, the changes will enhance the building.

It is therefore considered that the proposal is in accordance with the relevant part of Policy GEN7, with AREA2 and with BRNDP policies 1 & 2.

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. 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.

The new dormer will replace an existing and will be within a roof where there are existing dormers. However, there are no dormers within the roof of the building opposite and therefore no potential; for direct overlooking. It will be possible to look down towards the first floor windows of the flat above the property opposite but there is already overlooking between first floor windows across this narrow street, albeit that the existing building is not yet in residential use. It is noted that there are no objections from existing nearby residents and it is not considered that the new windows will materially exacerbate any existing overlooking between the two. All new bathroom windows will be obscure glazed.

It is therefore considered that the proposal is in accordance with Local Plan policy GEN7 (iv) and the guidance within the NPPF.

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 (FF)	2B3P	61m ²	84.1m ²	Y
2 (2F)	2B3P	61m ²	74.1m ²	Y

The scheme exceeds the standards and is therefore in accordance with the internal space standards.

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 2 bed flats should have 5 square metres of private amenity space. It would not be possible to provide the flats with private amenity space without compromising the privacy of neighbouring properties (i.e. through the use of balconies). However, this is an edge of town centre location site and the site is only a short distance from a nearby public park plus the seafront. Therefore, it is considered acceptable to not require any private amenity space and on this basis, the proposal is in accordance with Policy D DM3.

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.

It is considered that the site is located in a highly sustainable edge of 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 detriment 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 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. However, the Council is not able to enter into a legal agreement with itself and could not take itself to court if payment was not made. Furthermore, a planning condition cannot be used to secure a financial contribution. Therefore, it is not possible to secure the necessary contribution other than through the good will of the Council's Estates department.

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 whilst retaining a retail use on the ground floor. As the cafe was an integral part of the drop in centre use, it is not considered that its loss would be contrary to policy 3 of the Bognor Regis Neighbourhood Development Plan. However, in any case, it is not considered that the change from young persons cafe to retail would be so significant as to undermine the character or vitality of the Old Town area. It is also not considered that the proposal will result in any harm 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.

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.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
- Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby approved shall be carried out in accordance with the following approved plans:
- Dwg. 699/07 "Site Location and Block Plans";
Dwg. 699/06 "Proposed Floor Plans";
Dwg. 699/05 "Proposed Elevations"; and
Dwg 699/08 Existing and Proposed Roof Plans.
- Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies AREA2 and GEN7 of the Arun District Local Plan.
- 3 The materials and finishes of the altered external walls and roofs of the building shall match in colour and texture with those of the existing building.
- In the interests of preserving the character and appearance of the Conservation Area in accordance with Policy AREA2 of the adopted Local Plan and the National Planning Policy Framework.
- 4 The new/replacement windows and doors in the western and northern elevations shall have timber frames in accordance with details to be submitted to and approved by the Local Planning Authority prior to the occupation of any of the flats. The approved timber frames shall thereafter be permanently retained and maintained.
- Reason: In the interests of preserving the character and appearance of the Conservation Area in accordance with Policy AREA2 of the adopted Local Plan and the National Planning Policy Framework.
- 5 No part of the development shall be first occupied until the internal bike store as shown on drawing 699/06 Rev B has been provided. The bike store shall thereafter be permanently retained for the storage of bicycles.
- 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.
- 6 The ground floor of the building shall be used for retail purposes only under Class A1 and for no other purpose (including any other purpose in Class A of the Schedule to the Town & Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any other Statutory Instrument revoking and re-enacting that Order).
- Reason: To enable the Local Planning Authority to maintain control in the interests of the amenities of the area in accordance with Arun District Local Plan policies GEN7, GEN32 and GEN33.
- 7 The first and second floor bathroom windows on the eastern elevation shall at all times be glazed with obscured glass.
- Reason: To protect the amenities and privacy of future occupiers in accordance with policy GEN7 of the Arun District Local Plan.
- 8 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.

9 INFORMATIVE: It is recommended that new/replacement sash windows have a four pane joinery design.

10 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"; and
- There should be adequate fire separation between the commercial unit on the ground floor and the residential flats above.

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).

11 INFORMATIVE: The applicant is advised that this application would have resulted in the requirement for a contribution of £1,742 towards the provision of accessible natural open green spaces to offset the impact on the Pagham Harbour Special Protection Area. The applicant should make arrangements to transfer this sum to the relevant part of the Council in order to discharge this requirement.