

Recommendation Report for

REF NO: BR/231/20/PD

LOCATION: Knighton Chambers
39 Aldwick Road
Bognor Regis
PO21 2LN

PROPOSAL: Notification for Prior Approval under Class O for change of use from office use (Class B1a) to residential (Class C3) - Conversion of existing office building into 15 No. self-contained residential units.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks prior approval for the conversion of 15 offices to studio flats.
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The property fronts the street scene.
SITE CHARACTERISTICS	The site is occupied by a two storey detached building, located on a corner plot facing onto Aldwick Road and Victoria Road South.
CHARACTER OF LOCALITY	The area is mixed in uses situated to the west of Bognor Regis town centre and is in close proximity to commercial units with a parade of shops to the west and residential to the south and west.

RELEVANT SITE HISTORY

BR/99/93	Demolition of existing timber and erection of new steel fire escape staircase	ApproveConditionally 04-06-93
BR/220/94	Replace revolving door with hinged glass doors	ApproveConditionally 02-11-94
BR/151/20/CLE	Lawful development certificate for the existing office use as B1(a).	Approve 03-09-20

Noted.

A CLE was approved to confirm the use of offices.

REPRESENTATIONS

2 letters of objection received from nearby occupiers

- There is no allocated parking for the property and no nearby parking
- The property is not suitable for 15 bed sits.
- They would be small with no outdoor space.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and addressed in the conclusion.

Due to the type of application this is, only a limited number of aspects can be considered.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC Highways - In terms of traffic generation offices produce a higher trip rate than residential dwellings. On this basis there would be no intensification in trips on the network, if anything it would cause fewer trips too and from the site, therefore the LHA would raise no concerns. In terms of parking, there is none on site currently and there is none proposed. Whilst not ideal there are opportunities for parking in the area. The Local Highway Authority does not consider that the proposal would have an unacceptable impact on highway safety.

Natural England - As the proposal will result in a net increase in residential accommodation. We advise it is a matter for the authority to decide if an appropriate assessment is necessary.

An appropriate assessment was undertaken and following re consultation additional comments were received from Natural England.

1/12/20 - Natural England does not object to the granting of this permission subject to the advice given below. Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing harmful effects on the European Site(s) for the duration of the proposed development.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. A unilateral undertaking has been completed to mitigate against impacts.

POLICY CONTEXT

Built up area boundary
Pagham Harbour Zone B

DEVELOPMENT PLAN POLICIES

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

O. Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule.

Development not permitted

O.1 Development is not permitted by Class O if

(b) the building was not used for a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order

(i) on 29th May 2013, or

(ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use;

(d) the site is, or forms part of, a safety hazard area;

(e) the site is, or forms part of, a military explosives storage area;

(f) the building is a listed building or is within the curtilage of a listed building; or

(g) the site is, or contains, a scheduled monument.

Conditions

O.2.(1) Development under Class O is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to

(a) transport and highways impacts of the development,

(b) contamination risks on the site,

(c) flooding risks on the site,

(d) impacts of noise from commercial premises on the intended occupiers of the development, and

(e) the provision of adequate natural light in all habitable rooms of the dwellinghouses,

and the provisions of paragraph W (prior approval) apply in relation to that application.

(2) Development under Class O is permitted subject to the condition that it must be completed within a period of 3 years starting with the prior approval date.

Interpretation of Class O

O.3. For the purposes of Class O, "commercial premises" means any premises normally used for the purpose of any commercial or industrial undertaking which existed on the date of application under paragraph O.2(1), and includes any premises licensed under the Licensing Act 2003 or any other place of public entertainment.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the

CONCLUSIONS

TRANSPORT AND HIGHWAY IMPACT

WSSC provided have no objection. WSSC do not consider the change to a C3 use would have a material increase or a material change on the character of traffic in the vicinity of the site. The site is in a sustainable location.

FLOOD RISK

The property is not in an area of high flood risk and as such, there is not considered to be any flood risk to consider. Environment Agency has provided no response.

NOISE AND DISTURBANCE

The property is in a built up area with a number of commercial and residential properties. It is not considered the noise generated from the conversion would result in be intensified in which it is harmful upon the area.

CONTAMINATION

There are no records of the site being contaminated and the proposal is considered to be acceptable on the grounds of contamination.

PROVISION OF ADEQUATE NATURAL LIGHT TO ALL HABITABLE ROOMS

Submitted drawings indicating the dimensions and proposed use of each room, the position and dimensions of windows, doors and walls show the provision of adequate natural light to all habitable rooms therefore the proposed change of use would satisfy the requirement.

SUMMARY

As a result of the above assessment it is considered that the proposed change of use accords with Schedule 2, Part 3, Class O, of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). Therefore, it is recommended that no objection is raised in relation to the proposed change of use.

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.

CIL DETAILS

The application is for flats within Zone 4 and is zero rated and not CIL liable.

RECOMMENDATION

NO OBJECTION

- 1 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to Pagham Harbour.