

Recommendation Report for Planning Permission

REF NO: BR/239/18/PL

LOCATION: 9 London Road
Bognor Regis
PO21 1PQ

PROPOSAL: Change of use of first floor from retail (A1 Shop) to one 2 bed flat (C3 Residential) and conversion of roof space from storage area to studio flat involving infill to the rear at the ground floor level and extension of an existed flat roofed rear projection to the top. This application may affect the setting of a listed building.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The ground floor retail would not be affected; change of use of the first floor from retail (A1) to one 2 bed flat and change of use of roof space from storage room to a studio flat. This would involve external changes; infill to the rear at the ground floor with a new entrance door, extension of flat roofed 2 storey projection to the top by 1.7m to create a new staircase to the proposed studio flat; it would be characterised by hipped roof 8.6m high to the eaves and flat on the top with two roof lights One new landing obscured glazed window is proposed on its rear elevation. Matching materials is proposed. The front elevation remains unchanged.

SITE AREA 130 square metres

RESIDENTIAL DEVELOPMENT DENSITY (NET) 154 dwellings/hectare

TOPOGRAPHY Predominantly flat.

SITE CHARACTERISTICS Two storey mid-terrace building situated on the north-eastern side of London Road with retail at the ground and first floor and storage within a roof space. 2 flat roofed dormers face London Road.

CHARACTER OF LOCALITY Town centre of Bognor Regis. London Road 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 and commercial and residential at the first and second floor. The building to rear bounds a cul-de-sac with a two storey building with garages on the ground floor level and commercial at the first on the opposite site of No9 and an attached three storey residential building with a habitable roof to the right, Camden House with The William Hardwicke, Listed Building Grade II to the east.

RELEVANT SITE HISTORY

BR/392/79	Change Of Use Of First & Second Floors Of 9 London Rd From Ladies Hairdresser To Offices	ApproveConditionally 18-07-79
BR/649/88	Proposed shop front	ApproveConditionally 12-12-88
BR/266/87	Erection of a three-storey building for use as a retail shop with ancillary storage space	ApproveConditionally 27-07-87

Site history noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council
No objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Environmental Health
Conservation Officer
Economic Regeneration

CONSULTATION RESPONSES RECEIVED:

Economic Regeneration - no objection

Conservation Officer - no response

Environmental Health - no response

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Primary Retail Frontage
 Within the Pagham Harbour Protection Zone B
 Within the built up area boundary
 Pedestrianised street to front (London Road)

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM2	ENV DM2 Pagham Harbour
HERDM1	HER DM1 Listed Buildings
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary

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

SUPPLEMENTARY POLICY GUIDANCE:

SPD3	Parking Standards
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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.

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.

The development would create 2 new residential flats in the underused upper floors of a building in the town centre which is supported by Bognor Regis NDP policy 4:

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 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 proposal is considered to comply with relevant Development Plan policies in that the proposed would have a positive impact upon the listed building, would help to raise the overall profile and image of the area promoting the main tourism assets of the waterfront.

Section 66(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states:

"In considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

The proposal is considered to comply with this criteria in that it would not materially affect the character of the Grade II Listed Building,

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 lies within the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan and provided it is in accordance with other policies of the Local Plan covering such issues as character, residential amenity, noise, highway safety & parking and space standards.

Regard should also be had to policy SD SP1 of the Arun Local Plan which states that: "When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF)." It is considered that the site is in a sustainable location (town centre) within walking distance of a range of shops, facilities and services including bus stops, a large food store and a railway station.

Paragraph 118 (d) of the NPPF states that "Planning policies and decisions should: promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing". It goes on within the relevant footnote to state that: "As part of this approach, plans and decisions should support efforts to identify and bring back into residential use empty homes and other buildings".

CHARACTER OF THE AREA:

Policy D DM1 of the Arun Local Plan 2011-2031 requires that the Council have regard to certain aspects including:

(1) Character - "Make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features.";

(13) Density - "The density of new housing will make efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. Proposals should take into account the density of the site and its surroundings. The density of large sites should be varied to guard against uniformity"; and
(14) Scale - "The scale of development should keep within the general confines of the overall character of a locality unless it can be demonstrated that the contrary would bring a substantial visual improvement."

Furthermore, policy D SP1 "Design" states that: "All development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details. Development proposals should have been derived from: a thorough site analysis and context appraisal; adherence to objectives informing sustainable design (inclusivity, adaptability, security, attractiveness, usability, health and wellbeing, climate change mitigation and habitats); and the influence these objectives have on the form of the development. With major developments or allocated sites in the Development Plan, in addition to a Design and Access Statement, a context appraisal, context plan and analysis of the site will also be required."

Paragraph 127 of the NPPF states that "Planning policies and decisions should ensure that developments: (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)."

There are no changes to the front elevation facing to London Road; the existing 2 storey flat roofed projection to the rear would be extended to the top by 1.7m with a hipped roof attached to the main roof (partial extension of the main roof within the width (2.8m) of the rear projection. The proposed extension would be visually integrated with host property and would be subservient to it. Therefore it is considered that the impact of proposal on the established character of the area would be minimal. It is noted that the area is mixed with residential and offices on the upper floors and commercial (a parade of shops) at the ground floor. It is not therefore considered that a conversion to residential units would be out of character in this mixed location. On the contrary, it would be beneficial.

It is considered that the proposal complies with Arun Local Plan policies D DM1, D SP1 and & SD SP1 with the guidance on character within the NPPF.

HERITAGE:

The criteria e. of Policy HER DM1 stresses that proposals within or affecting the setting of statutory Listed Building will be required to protect, and where possible enhance the setting of the building.

NPPF part 16 states heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so they can be enjoyed for their contribution to the quality of life of existing and future generations. In para 190 the local planning authority is required to consider the significance of heritage assets (including the setting) that may be affected by the proposal.

NPPF para 193 states that considering the impact of a development on the significance of a designated heritage asset, the great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to significance; and where a development proposal (paragraph 196) will lead to less than substantial harm to the significance of designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In this case the works are considered to cause no harm to the heritage asset.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in considering whether to grant planning permission, or permission in principle, for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The setting of The William Hardwick (PH), grade II Listed Building situated to the east from the proposal property would not be affected by proposal given the scale of extension and its position screened from the High Street view by the rear of No1 London Road and Camden House to the rear.

RESIDENTIAL AMENITY:

Arun Local Plan 2011-2031 policy D DM1 requires that the Council have regard to certain aspects when considering new development including: (3) Impact - "Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance."

Furthermore, policy QE SP1 states that: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity, the natural environment or upon leisure and recreational activities enjoyed by residents and visitors to the District."

Policy QE DM1 seeks to protect against the impacts of new noise generating development. It states that: "Developers proposing new noise generating development must seek advice from an early stage to determine the level of noise assessment required."

It is not considered that a residential use would be considered to be a noise generating form of new development. The use as residential will have similar characteristics to other residential properties within the locality.

The proposed extension to the rear projection would not overshadow or would not have an overbearing impact on the neighbouring terrace properties due to its scale and design and the fact that there are no neighbouring windows in its vicinity.

There is one new window proposed, however it would be obscured glazed landing window and condition will be imposed to the decision. The only habitable window facing to the rear is an existing window serving the shopping area, proposed as a bedroom window within a distance of approximately 16m however the view from this window at the existing residential Camden House would be obscured by an extended rear projection of No 9. Therefore it is considered that the proposal would not cause any loss of privacy or light to users and occupiers of nearby properties. As such it is considered that the proposal complies with Arun Local Plan policies D DM1 and QE SP1.

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 list of the requirements versus the actual measured internal space for each of the flats:

Flat - No.of beds - Required Floor Space - Actual Floor Space

1	2	61m2	61m2
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2 1 39m2 38m2

Flat 2 is slightly below the required standard, however the difference is only 1m2 therefore acceptable. In respect of external standards, none of proposed 2 flats would have access to the private space however this is considered to be acceptable on the basis that the property is situated in the walking distance to the Hotham Park and the sea shore.

CAR PARKING & HIGHWAY SAFETY:

Arun Local Plan policy T SP1 seeks to ensure that development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. In respect of highway safety, it states that:

"The Council will support transport and development which: Explains how the development has been designed to: (i) accommodate the efficient delivery of goods and supplies; (ii) give priority to pedestrian and cycle movements and have access to high quality public transport facilities; (iii) create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter."

In respect of parking, it states that:

"The Council will support transport and development which: incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking"

Paragraph 108 of the NPPF states that: "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Regard should also be had to paragraph 109 which states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

No parking spaces or cycle storage are provided for the proposed development, however given its sustainable location in Bognor Regis Town Centre with shops, schools and Bognor Regis Railway Station within walking distance, where bicycle can be stored. Bognor High Street is approximately 3 minutes away on foot, and bus stops here offer connections towards Felpham, Littlehampton and Chichester.

Therefore it is considered that the proposal would satisfy policy T SP1 of the Arun Local Plan and with the guidance on highways within the NPPF.

IMPACT ON THE PAGHAM HARBOUR SPECIAL PROTECTION AREA:

ALP policy ENV DM2 requires that 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. The Councils Cabinet subsequently approved a reduction in the tariff from £1,275 to £871 as of the 10th April 2017.

The application site lies within the designated Zone B and accordingly it was necessary to apply this requirement. The applicant has agreed to the £1,742 contribution.

SUMMARY

The proposed conversion of the first and second floor of this property involving acceptable external changes is considered to represent an efficient use of urban land and does so without compromising the visual amenities or character of the area, highway safety or the amenities of existing nearby residential occupiers. The proposal is considered to be sustainable development and also complies with all development plan policies. The recommendation to approve is therefore made 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.

SECTION 106 DETAILS

£1742 for access contributions to Pagham Harbour

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:
DRW PA-287-10 'Proposed Side & Location Plan'
DRW PA-287-20 'Proposed & Existing Ground Floor Plan'

DRW PA-287-21 'First Floor Plans, Existing & Proposed'
DRW PA-287-22 'Second Floor Plans, Existing & Proposed'
DRW PA-287-23 'Proposed & Existing Roof Plan'
DRW PA-287-30 'Rear Elevations, Existing & Proposed'
DRW PA-287-30 'Side Elevation (North-West), Existing and Proposed'
DRW PA-287-40 'Sections 1-1'
DRW PA-287-41 'Sections 2-2'

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 3 The materials and finishes of the external walls and roof of the extension hereby permitted shall match in colour and texture those of the existing building.

Reason: In the interests of amenity in accordance with policies D DM1 of the Arun Local Plan.

- 4 No part of the development shall be first occupied unless and until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that the development will achieve energy efficiency measures that reflect the current standards applicable at the time of submission and includes the use of renewable energy supply systems. The approved scheme shall thereafter be implemented prior to occupation and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

Reason: To ensure that the development is energy efficient and in accordance with policy ECC SP2 of the Arun Local Plan.

- 5 Details for the storage of waste on the premises shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of development. The storage so approved shall be maintained in perpetuity.

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

- 6 The windows on the rear elevation of the extended rear projection shall at all times/be glazed with obscured glass/fixed to be permanently non-opening up to 1.7m above the floor level.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies D DM1 of the Arun Local Plan.

- 7 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to a contribution of £1742 towards the cost of delivering measures to avoid, or mitigate to an acceptable level, the harm caused to Pagham Harbour. To be paid upon the granting of the planning permission.

- 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 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.