

Recommendation Report for Planning Permission

REF NO: BR/242/13/

LOCATION: 2 Sidlaw Terrace
Clarence Road
Bognor Regis

PROPOSAL: Change of use from office (A2 Financial & Professional Services) to 1 x 1 bedroom flat (C3 Dwelling Houses).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. No external changes are proposed but the submitted site plan illustrates that there is existing space for refuse & recycling storage at the rear. One parking space on the car park at the rear will be for the flat. The application is accompanied by a section 106 legal agreement relating to the payment of £1104 for affordable housing.

SITE AREA

80 m2 (internal space only).

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

Low rendered part pillared wall to the front. Part 1m, part 30cm (approx.) high brick wall to the rear.

SITE CHARACTERISTICS

No. 2 Sidlaw Terrace is an existing ground floor office previously occupied by a class A2 office but currently vacant. The office accommodation formed part of a larger office space shared between units 1 and 2. Within unit 2, there are two offices, a reception, staff room and a file store.

The lower ground floor of Sidlaw Terrace includes residential flats and an existing office, whilst above on the first floor, there are more flats. The parking area to the rear has space for 10-15 cars but is currently not marked out.

CHARACTER OF LOCALITY

Aside from the Bognor Town Council Offices a short distance to the south, this area is predominantly residential but is only a short walk from the centre of Bognor and also from the sea front. There is on-street parking

available on surrounding roads.

RELEVANT SITE HISTORY

BR/101/87	Conversion of existing office into two flats and conversion of storage into offices	ApproveConditionally 21-04-1987
BR/124/01/	Conversion of first floor from office accommodation to 2-bedroomed flat	ApproveConditionally 20-06-2001
BR/111/13/CLP	Application for a Lawful Development Certificate for a Proposed use - change of use from offices (A2 Financial & Professional Services) to 2 flats (C3 Dwelling Houses)	PP Not Required 06-06-2013
BR/81/13/	Install replacement windows to both properties	Refused 05-08-2013
BR/24/57	Accommodation to be used as offices	Approve 11-03-1957
BR/24/57/A	Use of basement as club	Refused 01-06-1959
BR/110/84	Conversion of existing two large flats to five smaller self-contained flats	ApproveConditionally 28-03-1984
BR/233/85	Conversion of first floor flat to two self contained bedsits	ApproveConditionally 17-04-1985
BR/433/85	Conversion of one large flat into two small flats	ApproveConditionally 19-08-1985

Sidlaw Terrace has an extensive planning history of change of use to either offices or from offices to flats. Recently, a Certificate of Lawfulness for a Proposed Use (CLP) was granted in respect of the adjoining unit 1. The applicant had originally sought a CLP for both units 1 and 2 but was informed that this was not possible as only unit 1 had an A2 office use below it and there was no permitted change to residential for an office located above existing flats.

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

Bognor Regis Town Council - no objection.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Environmental Health

Consultations responses received:

Environmental Health - no information is provided in respect of attenuation to the passage of sound provided by the floor/ceiling partition although this may be considered under the Building Regulations?

The Council's HMO Officer responded separately to state no objection.

Comments on Consultation responses:

Comments noted. Acoustic insulation will be required as part of the Building Regulations stage.

POLICY CONTEXT

Designations applicable to site:

Building or Structure of Character; and
Class C Road.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	GEN12	Parking in New Development
	GEN22	Buildings or Structures of Character
	DEV17	Affordable Housing

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

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

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry 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.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published.

Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making 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

This office premises is located within the built up area and within an existing building which has seen a number of office to residential conversions over the years including on floors above, below and to the side of unit 2. There are no policies in the local plan to protect vacant office space. It is therefore not considered that there can be any in principle objection to this change of use.

Given that there are no external changes such as new openings and that the building is already an adequate distance from nearby residential properties, there are no issues with respect to overlooking or loss of light. However, the nature of the noise emanating from the floor area will change. Building Control officers have confirmed that acoustic insulation will be sought as part of the building regulations process.

The flat will benefit from a parking space in the existing rear parking area and is in any case located in a highly sustainable area. There is also space within the site for the storage of waste and recycling. A legal agreement has been submitted covering the required affordable housing payment.

Therefore, all matters considered, it is recommended that planning 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: "Site Plan" Ref 1232/12; "Floor Plans as Existing" Ref 1232/01; and "Proposed Ground Floor Plan, South Elevation, Site, Location and Existing South Elevation" Ref 1232/10 Rev B.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 of the Arun District Local Plan.

- 3 **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 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.

- 4 **INFORMATIVE:** This decision has been granted in conjunction with a Section 106 legal agreement relating to an affordable housing contribution and dated 11 November 2013.