

Recommendation Report for Planning Permission

REF NO: BR/259/14/PL

LOCATION: Unit 1
5 Waterloo Square
Bognor Regis

PROPOSAL: Change of use of 1st floor from 2No. flats to 1No. flat and an office for charity administration (Class B1).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application seeks permission to convert an existing first floor 1 bed flat into office space. No external alterations or internal are proposed. There would be 2 offices and these would share a kitchen and bathroom. There would be no alteration to the flat at the rear of the proposed office and this would retain its separate toilet, bathroom and kitchen.

SITE AREA

200 square metres.

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

The main building fronts directly onto Waterloo Square. To the side between the building and Manor Place is an open triangular area which is used for cafe seating and also a walled entrance area to which serves the cafe and the flats above. There are 2 doors opening onto a area which has a 1.5m wall on 2 sides and a 2m wall on the boundary with no.8 adjoining. This area also appears to be used as a bin store.

SITE CHARACTERISTICS

The site is presently occupied by a drop in centre/shop/office and adjoining cafe at ground floor level. At first floor there are 2 separate flats, each with their own facilities. The subject building faces onto to the open space in Waterloo Square which is readily accessible. At ground floor it has a shop type frontage. Above this the premises are unremarkable and have a relatively plain appearance. The site does not appear to enjoy any parking provision and there are on street

parking restrictions in the surrounding area.

CHARACTER OF LOCALITY

Whilst the subject building is of no special character, it is within The Steyne Conservation Area. This has a generally Georgian character and there are a number of Listed Buildings nearby. The majority of premises front directly onto the street and have little on site parking and very limited amenity areas.

RELEVANT SITE HISTORY

BR/48/05/	Change of use to after school education centre providing private tuition in English and Maths for age range 6-16	Withdrawn 21-03-2005
BR/349/05/	Change of use to rear of shop into office for counselling purposes and a Saturday drop in facility for disabled children	ApproveConditionally 10-11-2005
BR/146/14/PL	Change of use from flat to office	Withdrawn 01-09-2014

The previous application BR/259/14/PL was withdrawn as it was in an unsatisfactory form. The present application replaces the previous one following professional advice.

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

Bognor Regis Town Council - No objection.

No other representations.

Comments on Representations received:

Noted.

CONSULTATIONS

Conservation Officer

Consultations responses received:

Conservation Area Committee - No objection.

Comments on Consultation responses:

Noted.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area

The Steyne Conservation Area

Bognor Regis Town Centre Regeneration Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN2](#)
[GEN12](#)
[GEN32](#)
[AREA2](#)

Publication Version of the Local
Plan (October 2014):

Built-up Area Boundary
Parking in New Development
Noise Pollution
Conservation Areas
SD SP1 Sustainable Development
SD SP2 Built-Up Area Boundary
HER DM3 Conservation Areas
D DM1 Aspects of Form and Design
Quality
D SP1 Design
D DM4 Extensions and Alterations to
Existing Buildings (residential and non-
residential)
D DM2 Internal Space Standards
D DM3 External Space Standards
ECC SP2 Energy and Climate Change
Mitigation
QE DM1 Noise Pollution

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

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.

Arun District Council's Development Plans:

Paragraph 215 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.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered

alongside other development plan documents including Arun District Council's Local Plan. 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: Arundel; Barnham & Eastergate; Bersted; Felpham; Littlehampton; Yapton.

Bognor Regis has a Draft Neighbourhood Plan which has not yet been examined and has not been Made. The Plan therefore carries little weight.

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

There can be no objection in principle to the proposal, as there is no policy requiring the retention of first floor living accommodation in the area. The main issues are the floor areas of the remaining living accommodation, amenity space requirements and car parking.

In terms of floor areas, these are shown as remaining unchanged for the remaining flat. The gross floor space, kitchen, living and bathroom areas meet 1 person 1 bed standards and are therefore acceptable. There can therefore be no objection on floor space standards grounds.

Regarding external space standards, the only available area is the shared area serving the cafe and also the other accommodation on the upper floor. There is no specific open space for the flat or for the office (not required). However, given the public open space immediately opposite the premises, it is not considered that failure to provide external space will be detrimental nor could it be insisted upon specially given that the flat is existing. In this particular instance there is more than adequate open space available with immediate and easy access thereto. It is however, considered desirable that details of bin storage be require. This would also enhance the Conservation Area by making provision that could screen the existing rather untidy refuse storage arrangements.

Car parking provision for the proposed use would normally be required at 1 space per 30sqm. So the requirement is little different than it would be for the 1 flat lost. There is no on site parking or space for it. There is public parking nearby, both paid and also permitted. The site has excellent access to public transport. It is considered that it would not be reasonable to require on-site provision in this instance given the circumstances of this particular site.

Finally, the nature of the use as offices is unlikely to give rise to detriment to the amenity of existing occupiers as a result of noise or disturbance. This should however be restricted to Class B1 Offices and no other use in order to prevent possible unrestricted change to higher impact use without control.

It is therefore recommended that planning permission be granted subject to the above conditions.

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 for 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 (negative, Neutral or positive) 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).

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:

Drawing Number 2014/13/02 - Proposed First Floor Plan
Revised Site Location Plan Received 10 February 2015

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 Notwithstanding the provisions of any Town & Country Planning General Development Order or Use Classes Order, the use hereby permitted shall be restricted to Class B1(a) Office use only within Class B1, Business.

Reason: To enable the Local Planning Authority to consider the acceptability of alternative use within Class B1, in accordance with Arun District Local Plan policy GEN7 and in the interest of the amenity of nearby occupiers.

- 4 Details of provision for the storage of refuse on the premises or within the curtilage of the site shall be submitted to and approved in writing by the Local Planning Authority before the development hereby permitted is first commenced. The development shall not be occupied before the provision for the storage of refuse has been made in accordance with the details so approved.

Reason: To protect the amenities of nearby residents and in the interests of visual amenity in accordance with Arun District Local Plan policy GEN7.

- 5 **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 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.