

Recommendation Report for Planning Permission

REF NO: BR/262/18/PL

LOCATION: Bradlaw House
5 Sudley Road
Bognor Regis
PO21 1EJ

PROPOSAL: Change of use from mixed use development consisting of Dental Surgery (D1 Non-Residential Institutions), night club (Sui Generis) & part residential (2 No. units existing) (C3 Dwellinghouse) to conversion to 6 No. flats with associated services (6 No. new units). This application may affect the setting of a listed building - Resubmission of BR/52/18/PL

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TOPOGRAPHY	Predominantly flat.
TREES	None.
BOUNDARY TREATMENT	This is an urban site with range of boundary treatments. The site is effectively enclosed to the North and South by adjacent development. To the rear part of the boundary is a wall which separates the site from the car park of a pub beyond. To the front the site still has traditional metal railings.
SITE CHARACTERISTICS	The underlying building is a pleasant traditional building which still retains much of its original character, although the closure of the nightclub means that part is boarded up.
CHARACTER OF LOCALITY	The site location is just behind the main retail street in an area of mixed development.

RELEVANT SITE HISTORY

BR/709/75	Cou - To Convert Existing Offices Into Club Premises With Structural Alterations	ApproveConditionally 07-01-76
BR/52/18/PL	Change of use from mixed use development consisting of Dental Surgery (D1 Non-Residential Institutions), night club (Sui Generis) & part residential (2 No. units existing) (C3 Dwellinghouse) to conversion to 8 No. flats with associated services (6 No. new units). This application may affect the setting of a listed building.	Refused 08-08-18

BR/343/10/CLE Application for Certificate of Lawfulness for Existing Use - Approve
Continued use of the ground floor rooms as a Dental 27-01-11
Surgery.

BR/52/18/PL was refused for the following reasons:

The proposal, if permitted would cause significant harm to the appearance and character of and a building designated as a local building of character and its setting within the wider townscape by reason of the unsympathetic addition of a mansard roof to the building contrary to the aims and intentions of policies 1 and 2 of the Bognor Regis Neighbourhood Plan and policies HER DM2, D DM1 and D DM4 of the Arun Local Plan 2011 -31.

The proposal, if permitted would result in an overdevelopment of the site by reason of the deficient unit sizes, poor parking arrangements, lack of external amenity area and poorly sited waste storage facilities giving rise to substandard residential accommodation and a poor residential environment overall, contrary to the aims and intentions of policies D DM1 and D DM2 of the Arun Local Plan 2011 - 31.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

No objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

WSCC Strategic Planning

Environmental Health

Environmental Health

Env. Amenities & Comm. Safety

Engineers (Drainage)

Engineering Services Manager

Economic Regeneration

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

CONSERVATION OFFICER

Change of use from mixed use development consisting of Dental Surgery (D1 Non-Residential Institutions), night club (Sui Generis) & part residential (2 No. units existing) (C3 Dwellinghouse) to conversion to 8 No. flats with associated services (6 No. new units).

The building has been identified by the council as a building or structure of character; as such it is a

heritage asset for the purposes of planning policy. It is located almost opposite the Bognor Club Building, which is listed, Grade II. Development in this location has the potential to affect the setting of that building.

The building is located within a street containing a number of mature, attractive buildings, which all form part of the character of the area. Land to the north is occupied by a ground level car park which allows the building to be viewed from some considerable distance away, when looking southwards down the road. Alterations to the exterior of the building are minimal, and can be supported.

The proposed change of use from leisure and health to fully residential is considered to be acceptable, as it will ensure that the building is brought back in to a sustainable use. It is noted that a significant number of new windows are proposed. These should match the existing ones in terms of appearance and material.

Additional comments:

Further to my previous comments on the above planning application, I provide the following:

The building has been identified by the council as a building or structure of character; and as such it is a heritage asset for the purposes of planning policy. Development should therefore ensure that the established character of the building is not harmed as part of any proposal.

Further, it is located almost opposite the Bognor Club Building, which is listed, as Grade II. As previously mentioned, any development to the external appearance of the property covered by this application could affect the setting of that Listed Building. The Bognor Club Building is located as part of a terrace of similar looking rendered properties.

I note that the current application proposes to make a limited number of minor alterations to the exterior of the building. As such, it is considered that the proposal will not harm the significance of either the host dwelling, or the nearby Listed Building.

ECONOMIC DEVELOPMENT

This is a somewhat untidy building on the periphery of the Town Centre and although the dental surgery employment space would be lost it would rehabilitate an elegant building in poor condition as well as increase footfall in this part of the town centre via the residential space.

ENGINEERS

The proposals are for a slight decrease in roof area via the demolition of a lean-to and workshop. Therefore, we have no conditions to request. Any alterations to the surface water drainage should be designed and constructed to comply with building regulations.

COUNTY HIGHWAYS

The highway authority does not object to planning consent for the proposal. However we strongly suggest that a condition be attached to any consent to ensure that the parking is laid out satisfactorily before occupation of the flats. The condition should also cover an appropriate number of covered and secure bicycle parking spaces - I suggest two per dwelling. We would also wish to see a construction management plan condition to ensure that all construction activities including parking are confined to the site itself.

COMMENTS ON CONSULTATION RESPONSES:

Noted.

POLICY CONTEXT

Designation applicable to site:
 Pagham Harbour Buffer Zone B
 Economic Growth Area
 Within built up area boundary
 Building of Character

DEVELOPMENT PLAN POLICES[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
TDM1	T DM1 Sustainable Travel and Public Rights of Way
ECCDM1	ECC DM1 Renewable Energy
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM2	ENV DM2 Pagham Harbour
HERSP1	HER SP1 The Historic Environment
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
QEDM1	QE DM1 Noise Pollution
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
EMPSP2	EMP SP2 Economic Growth Areas

<u>Bognor Regis Neighbourhood Plan 2015 Policy 1</u>	Delivery of the Vision
Bognor Regis Neighbourhood Plan 2015 Policy 2	Promoting the Seaside Identity

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD9	Buildings or Structures of Character
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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.

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 in the Bognor Regis Neighbourhood Plan have been taken into account.

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 will not have an adverse effect on the character of the area nor the residential amenities of prospective occupiers.

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

The main issues to be considered in respect of this proposal are.

- 1 - The principle of residential development
- 2 - The impact of the proposed changes on the appearance and character of the building.
- 3 - The residential amenity of the occupiers of the proposed units.
- 4 - parking arrangements
- 5 - Re-use of buildings
- 6 - Pagham Harbour

The principle of residential development

Whilst located outside the town centre boundary the site is located adjacent to Bognor's main town centre retail centre. The location is very sustainable with good access to all the normal facilities and amenities. The comments of the Town Council and Economic Regeneration team are noted. The loss of the space for the dentist surgery, whilst regrettable would not be by itself sufficient reason to reject this proposal, particularly given that the access is not suitable for disabled persons because of the steps. Overall, there is no policy objection to the residential use of the whole building. The net increase in the number of residential units is a positive factor which flows in favour of the proposal. Whilst located in the Bognor Regis Economic Growth Area policy EMP SP2 of the Local Plan applies to local employment proposals and not residential development as is the case here.

The impact of the proposed changes on the appearance and character of the building.

In reducing the number of units from 8 to 6 the scheme has been amended by deleting the proposal for a mansard roof to provide accommodation for two flats. Therefore the roofscape remains as existing whereby the existing chimneys will remain as will the existing twin pitched roof and there will therefore be nil impact from the proposal on the character and appearance of the locality in compliance with policies DDM1 and DDM4 of the Arun Local Plan.

The changes to the building itself, which is designated as of character, are minimal and where new windows are proposed it is expected that these match those already present.

The Council's Conservation officer has amplified on the need to measure the level of harm that the works will have on this building which is considered to be a heritage asset. He confirms that given that only limited alterations are proposed to the exterior of the building the proposal will not harm the significance of either the host dwelling, or the nearby Listed Building.

The proposal is therefore considered to comply with policy HERDM2 of the Local Plan.

The residential amenity of the occupiers of the proposed units.

An assessment of the room sizes reveals that they accord with the National Guidelines:

flat 1 - 2 bed 3 persons - 66 sq m is in excess of the national standard of 61 sq m

flat 2 - 2 bed 2 persons - 72 sq m is in excess of the national standard of 61 sq m

flat 3 - 2 bed 3 persons - 71 sq m is in excess of the national standard of 61 sq m

flat 4 - 2 bed 2 persons - 63 sq m is in excess of the national standard of 61 sq m

flat 5 - 2 bed 2 persons - 65 sq m is in excess of the national standard of 61 sq m

flat 6 - 1 bed 2 persons - 53 sq m is in excess of the national standard of 53 sq m

Concern was had before regarding the poor location of the bin store in relation to the parking spaces. The layout has been revised and the plan shows a reduction of car parking spaces which provides for an acceptable circulation space of refuse bins when taking them to the front for collection day.

Whilst it is still regrettable that there is no allocation for external amenity space, the fact that the site is in close proximity to the sea front and Hotham Park means that to refuse on this ground alone would not be sustainable.

Overall, the changes made will result in an acceptable level of amenity for future occupiers.

In terms of the additional windows proposed these provide no more views out that are currently available by existing and proposed to be retained windows.

Policy ECC SP2 of the Local Plan requires that all new residential development is expected to provide energy efficient measures. The proposal will be required to meet current standards for energy efficiency through building regulation controls to meet ECC SP2(a). The design and layout of the proposal is constrained, as a result of the layout of the existing building, therefore, it is not considered that ECC SP2(b) can be met. Additionally, the proposal does not demonstrate how it is intended to incorporate decentralised, renewable and low carbon energy supply systems, therefore, a condition is recommended to ensure that the proposal will meet the requirements of ECC SP2(a) and (c). Whilst none are specified a condition is recommended to provide a scheme for the charging of electric vehicles, as stated in Policy T SP1(iv) of the Arun Local Plan.

Parking arrangements

The layout plan for the site now shows 4 car parking spaces reduced from the previous 7 car parking spaces. Highways are satisfied that this now provides for acceptable turning space when all four spaces are simultaneously used. Whilst the site provides for less than one space per flat and is an undersupply as per the parking standards, the site is in a sustainable urban location with good access to public transport. Therefore there would not be an objection to the reduction in the number of spaces available.

In terms of cycle parking the Highways department are requesting bicycle storage comprising two spaces per dwelling (a total of twelve spaces). The building proposed in revised plan number ADS-011P will not accommodate such a number and is therefore not appropriate. A condition is recommended requesting that details be submitted to provide a sufficiently sized building, so as to accord with policy T DM1 (c) of the Local Plan.

Re-use of buildings

Only part of the building is currently in use (former nightclub area is closed) and so any proposal which brings the building fully back into use is a positive consideration which flows in favour of the proposal.

Given that the building is intended to remain and reused for residential purposes there is no requirement for any additional/new drainage/water measures. The fall back use would have been as, partly, a nightclub so there will be no additional impact by way of noise nuisance from this proposal.

Pagham Harbour

The applicant has provided a s106 agreement to address the harm arising from the development being within 5km of the Pagham Harbour SPA

Given the above planning permission is recommended 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

A s106 has been provided and signed to address the mitigation issues relating 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: ADS-011P & ADS-001P REV A (this plan is to exclude part entitled Site Plan which is superseded by ADS-011P).

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 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use and in accordance with policy T SP1 of the Arun Local Plan.
- 4 No part of the development shall be first occupied until covered and secure cycle storage spaces for twelve bicycles have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority. Such approved cycle storage spaces shall thereafter be retained in good working condition.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and policy T SP1 of the Arun Local Plan.
- 5 No development shall be commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details for all temporary contractors buildings, plant and stacks of materials, provision for the temporary parking of contractors vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: To avoid undue congestion of the site and consequent obstruction to access in accordance with policy T SP1 of the Arun Local Plan.
- 6 The materials and finishes of the proposed new windows hereby permitted shall match those of the existing building.

Reason: In the interests of amenity in accordance with policies HER DM2 of the Arun Local Plan.

- 7 Prior to the occupation of the dwellings, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings shall be submitted to the Local Planning Authority for approval and thereafter implemented in accordance with the approved details and the charge point shall thereafter be permanently retained and maintained in good working condition.

Reason: New petrol and diesel cars/vans will not be sold beyond 2040, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policies QE DM3 (c), T SP1 (f) and ECC SP2 of the Arun Local Plan, the Arun District Council Electric Vehicle Infrastructure Study (November 2017) and the National Planning Policy Framework.

- 8 During the construction phase no machinery/vehicles or plant shall be operated on the site, no process shall be carried out and no deliveries taken at or despatched except between the hours of:

8.00 a.m. and 6.00 p.m. on Mondays to Fridays inclusive

8.00 a.m. and 1.00 p.m. on Saturday

Not at any time on Sundays or Public Holidays

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

- 9 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 of the residential unit 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.

- 10 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.