Recommendation Report for Planning Permission

REF NO: BR/264/19/PL

LOCATION: 9-11 Water Tower Buildings
London Road
Bognor Regis
PO21 1PN

PROPOSAL: External alterations for separation of building into 2 separate buildings for use as A1 (Shops) & new pedestrian access from new rear unit to Sudley Road.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application proposes external alterations to facilitate the separation of the building into 2 no. separate buildings for use as A1 (shops) and new pedestrian access from new rear unit to Sudley Road.
SITE AREA	410 sq/m
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	All boundaries are defined by hard landscaping owing to the site's town centre location.
SITE CHARACTERISTICS	The application site comprises a dual fronted building. The principal elevation fronts the primary shopping frontage of Bognor Regis High Street (London Road). The rear elevation front Sudley Road. The building was used as a singular retail unit in A1/B2 use but appears to be currently vacant. Floor space above the retail unit comprises residential accommodation. Existing servicing and refuse collection arrangements comprise access off Sudley Road.
CHARACTER OF LOCALITY	The application site falls within the Bognor Regis Economic Growth Area and is sustainably located. Bognor Regis Railway Station is within walking distance of the application site, a number of public car parks are located off Sudley Road and a number of bus stops are located within the immediate vicinity. Sudley Road is used for parking of vehicles for persons accessing Bognor Regis High Street. The character of this area is therefore defined by passing footfall. The southern side of Sudley Road provides for the servicing of buildings that front London Road. The northern side of Sudley Road, in contrast, comprises namely residential properties in the terraced layout.

RELEVANT SITE HISTORY

BR/268/75	Proposed Alteration To Existing Shopfront Entrance And Proposed New Fascia	Approve 28-05-75
BR/88/61/A	Exit Doors	Approve 26-01-62
BR/304/19/PL	Installation of new entrance doors to shopfront, installation of air conditioning & re-colouring of existing shopfront.	

None relevant.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

No objection.

CONSULTATIONS

Environmental Health

Economic Regeneration

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

WEST SUSSEX COUNTY COUNCIL HIGHWAYS
No objection to the changes. Servicing and deliveries to the shops should be clarified with a servicing management plan. Renovations of the site will require a construction management plan to be submitted to the LPA for approval to ensure the highway is not affected by the work and, if it is, measures have been undertaken to keep the public safe (please see full consultation response for recommended conditions).

ARUN DISTRICT COUNCIL ECONOMIC REGENERATION
Economic Development would welcome the rear of this property being brought back into appropriate, retail use and for that reason support this application.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and responses detailed in the below assessment.

POLICY CONTEXT

Designation applicable to site:
- Bognor Regis Town Centre Boundary
- Primary Shopping Frontage
- Built up Area Boundary
- 2km Buffer of Bognor Reef & Felpham SSSIs

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
EMPSP2	EMP SP2 Economic Growth Areas
TSP1	T SP1 Transport and Development
TDM1	T DM1 Sustainable Travel and Public Rights of Way

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

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and the Bognor Regis (2015-2030) Neighbourhood Development Plan August 2015.

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

The policies contained within the Bognor Regis Neighbourhood Plan have been considered within this assessment.

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 the development accords with the policies contained within the Development Plan and there have been no material considerations that outweigh this compliance.

OTHER MATERIAL CONSIDERATIONS

There are no material considerations that have been indicated within this assessment that warrant a decision otherwise in accordance with Development Plan policies.

CONCLUSIONS

PRINCIPLE

The application site falls within the Bognor Regis Economic Growth Area. Policy EMP SP2 of the Arun Local Plan states that retail developments will be directed to the Economic Growth Areas to promote their vitality, viability and regeneration. Local Plan Policy EMP SP2 sets out that new development within the town centre will be expected to respect the character of the local area and provide for additional or enhanced retail activities.

Policy RET SP1 of the Arun Local Plan states that Bognor Regis will be the main focus for major retail, leisure, commercial, office, tourism, cultural, community and residential development. The Council will positively welcome developments and initiatives aimed at the sustainable economic growth and social wellbeing of the town centres. Such developments will diversify customer choice, aid economic resilience, improve quality both in design and the range of facilities and enhance competitiveness.

Policy RET DM1 of the Arun Local Plan requires Town Centre uses that accords with the hierarchy will be permitted provided that:

a. The proposal is of a high standard of design, materials and layout and has due regard to the character of the site and its surroundings, however this does not limit the potential for outstanding or innovative design to enhance the character of the area;
b. It is easily accessible by public transport;
c. It includes provision for access by cycle and on foot;
d. It includes appropriate provision to enable access for people with disabilities; and
e. The design incorporates crime prevention measures

Paragraph 85 of the NPPF states that planning decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Criteria (c) of paragraph 85 requires planning policies to retain and enhance existing markets and, where appropriate, re-introduce or create new ones.

A full assessment of this criteria is undertaken in the relevant sections below. On the basis of the above, the development would accord with the Development Plan in principle. However, all applications are required to be assessed against the Development Plan when taken as a whole, unless material considerations indicate otherwise.

DESIGN

Policy D SP1 of the Arun Local Plan requires 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.

Policy D DM1 of the Arun Local Plan sets out a 15 point criteria against which development is assessed. This criteria includes character, appearance/attractiveness, density, scale and aspects of form and design quality.

The proposed development does not propose to alter the primary elevation fronting Bognor Regis High Street. The overall scale, form, size and massing of the building is retained as existing. The building would retain its existing materials, finish and subsequent appearance.

The Sudley Road elevation, which would allow for pedestrian access to the building, would comprise 4 horizontal glazing panes at ground floor level. The left hand side glazing pane, shown on the elevations,

would be split to allow for a pedestrian entrance. This elevation does not have any wider visibility of any significance or sensitivity. Most design along the western side of Sudley Street follows the principles of function over form and such a minor alteration to an external glazing panel would not be problematic.

Taking the above factors into account, the development would preserve the overall visual aesthetic of the building, whilst allowing for an enhanced retail offering in a sustainable location. Therefore, the development would accord with the contents of Policies D SP1 and D DM1 of the Arun Local Plan.

TRANSPORT & HIGHWAYS

Policy T SP1 of the Arun Local Plan requires that development provides safe access on to the highway network and promotes sustainable transport. It states that the Council will support development which is designed to reduce the need to travel by car. Paragraph 109 of the NPPF makes clear 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.

The development is sustainably located for consumer access with a number of public car parks being located along Sudley Street and within the immediate area. These public car parks serve the existing High Street of Bognor Regis and the utilisation of a site that is located in close proximity to existing vehicular parking is in accordance with Local Plan Policy T SP1.

Policy T SP1 requires development to accommodate the efficient delivery of goods and supplies. As existing, deliveries of goods, supplies and collection of refuse waste occurs along the north western elevation of the building. An area of off-street parking allows for vehicles to deliver goods to the unit without interfering with the operation of the public highway. Existing dropped kerb arrangements facilitate vehicular access to this area. For refuse collections, an open area off Sudley Street allows for temporary siting of refuse bins. This allows for drive-by collection on bin days which is a typical and acknowledged arrangement.

Such an arrangement is required to be controlled by way of condition. The consultation response received from West Sussex County Council recommended imposition of conditions requiring a Servicing Management Plan which should set out the arrangements for the loading and unloading of deliveries, in terms of location and frequency, and set out arrangements for the collection of refuse. This would ensure no adverse impacts on the operation of the highway network would result.

The consultation response from West Sussex County Council Highways also noted concerns relating to impacts upon highways throughout the construction phase of the development. A condition will be imposed requiring the submission of a Construction Management Plan prior to the commencement of development. Such a condition accords with the tests outlined in paragraph 56 of the NPPF.

Taking the above factors into account, and subject to the imposition of the above condition, the development accords with the contents of Policy T SP1 of the Arun Local Plan and paragraph 109 of the NPPF.

USE RESTRICTION

The use of the building is not defined within the application description and it is therefore necessary to restrict the use of the building to A1 purposes only. Whilst it is noted from the submitted plans that the current unit fronting London Road is in A1/B2 use, A1 uses are considered to be acceptable within these town centre locations. Therefore, a condition will be imposed requiring the new retail unit created fronting Sudley Road to comprise an A1 use only. This would ensure the Local Authority sufficient control over any future change of uses in respect of this new self-contained unit. The unit fronting London Road would be retained in its existing use.

SUMMARY

This assessment has considered that the development conforms with the policies in the Development Plan having had regard to the principle of development, design, transport & highways, and the use of the building. There have been no material considerations raised within the application period that outweigh the conformity with the Development Plan.

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 077.19/04 - Proposed Ground Floor Plan & Site Plan, 077.19/05 - Proposed First Floor Plan (Rear) Elevations and 077.19/06 - Proposed Detail.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D SP1 of the Arun Local Plan.

3 No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area in accordance with policy TSP1 of the Arun Local Plan. This matter is requires agreement as a pre-commencement condition to safeguard the any associated harm deriving from the commencement of development.

4 No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area in accordance with policy TSP1 of the Arun Local Plan.

5 No part of the new retail unit hereby permitted by this permission shall be first occupied until such time as until a Servicing Management Plan for the development has been submitted and approved in writing by the Local Planning Authority. This shall set out the arrangements for the loading and unloading of deliveries, in terms of location and frequency, and set out arrangements for the collection of refuse. Once occupied the use shall be carried out only in accordance with the approved plan.

Reason: To ensure safe and sufficient access that does not detriment highways safety in accordance with policy T SP1 of the Arun Local Plan.

6 Notwithstanding the provisions of any Town & Country Planning General Development Order or Use Classes Order (or any Order revoking or enacting that Order), the use hereby permitted of the new retail unit shall be restricted to A1 only as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended), as detailed in the approved plans, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To enable the Local Planning Authority to consider the acceptability of alternative use, in accordance with policy RET DM1 of the Arun District Local Plan.

7 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 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.

8 INFORMATIVE: This permission conveys consent under planning legislation only and contravention with other legislation e.g. protection of wildlife etc. should be considered.