

Recommendation Report for Planning Permission

**REF NO:** BR/266/17/PL

**LOCATION:** First Floor & Second Floor Offices  
2-10 Queensway  
Bognor Regis  
PO21 1QT

**PROPOSAL:** Alteration to previously implemented scheme for 24 flats to include a further 2 bedrooms & a further 2 bathrooms on a fifth floor. This application affects the character & appearance of The Steyne, Bognor Regis Conservation Area & may affect the setting of a Listed Building.

**SITE AND SURROUNDINGS**

|                            |                                                                                                                                                                                                      |
|----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION | Extend the width of the approved fourth floor with fifth floor atop with flat roof and roof terrace to front. Materials to match existing approved are proposed.                                     |
| SITE AREA                  | 0.15 hectares.                                                                                                                                                                                       |
| TOPOGRAPHY                 | Predominantly flat.                                                                                                                                                                                  |
| TREES                      | None of any significance affected by the proposed development.                                                                                                                                       |
| BOUNDARY TREATMENT         | Development on upper floors. No boundary treatment.                                                                                                                                                  |
| SITE CHARACTERISTICS       | 3 storey flat roofed building. Overhang above ground floor public house unit. Some of the application units are currently empty. Elevations comprise crittal windows and light grey rendered panels. |
| CHARACTER OF LOCALITY      | The area is part of a town centre setting with mixed uses, predominantly commercial. Buildings vary in height.                                                                                       |

**RELEVANT SITE HISTORY**

|               |                                                                                                                |                                  |
|---------------|----------------------------------------------------------------------------------------------------------------|----------------------------------|
| BR/296/10/DOC | Application for approval of details reserved by condition 2 of planning application BR/235/07.                 | DOC Approved<br>18-10-10         |
| BR/87/09/     | Provision of additional 1 bed flat to previously approved scheme (to provide 2 no flats at fourth floor level) | ApproveConditionally<br>15-07-09 |
| BR/278/08/    | Addition of one residential unit to 4th floor of previously implemented scheme                                 | ApproveConditionally<br>10-11-08 |

|            |                                                                                                                                                                                                                                     |                                  |
|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| BR/134/08/ | Extension & conversion of 3rd floor to form additional 4 no. 2 bed flats following BR/275/06 & BR/13/07 and lift over run to top of 3rd floor                                                                                       | ApproveConditionally<br>16-07-08 |
| BR/235/07/ | Conversion of 1st, 2nd and 3rd floors to form 19 flats - Amendments to previously approved applications BR/275/06 and BR/13/07                                                                                                      | App Cond with S106<br>01-10-07   |
| BR/13/07/  | Extension & conversion of 2nd & 3rd floors to form 5 No. 2 bed. flats (Resubmission following BR/275/06)                                                                                                                            | ApproveConditionally<br>13-03-07 |
| BR/275/06/ | Conversion of the 1st & 2nd floors of 2-10 Queensway to form 7no. 1 bedroom & 3 no. 2 bedroom flats to first floor and 2 no. 1 bedroom & 3 no. 2 bedroom flats to second floor involving change of use at first floor from D2 to C3 | ApproveConditionally<br>25-10-06 |
| BR/109/02/ | Change of use to licensed club                                                                                                                                                                                                      | ApproveConditionally<br>19-08-02 |
| BR/264/00/ | Night Club - lifting of Condition no.2 imposed on planning permsiion BR/58/96 restricting the hours of opening                                                                                                                      | Refused<br>12-12-00              |
| BR/69/97   | Re-instatement of external cladding to second floor only                                                                                                                                                                            | Approve<br>25-04-97              |

The application is an amendment to BR/87/09/ which approved the additional flats at 4th floor and renewed the permission for all 24 flats.

Original permission granted has been materially started on site and is considered to have been commenced. A former Arun Strategic Planning Officer wrote to the applicant formally to agree works had commenced in October 2010. Thus development last approved in 2009 has commenced.

## REPRESENTATIONS

### REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

No objection.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Comments noted.

|                      |
|----------------------|
| <b>CONSULTATIONS</b> |
|----------------------|

Environmental Health

Engineering Services Manager

Engineers (Drainage)

Conservation Officer

Listed Building Officer

**CONSULTATION RESPONSES RECEIVED:**

Conservation Officer

The proposal is an alteration to a previous scheme, by the addition of 2no. bed/bathrooms to 5th floor.

The proposal will have no adverse effect on the setting of a listed building, nor the Steyne Conservation Area which is opposite.

There is therefore no objection.

Environmental Health

No comments

Private sector housing

Fire Safety

- Appropriate fire precaution facilities and equipment must be provided of such type, number and location as are considered necessary. Guidance on fire safety is contained in the LACORS guidance document - "Housing - Fire Safety, Guidance on fire safety precautions for certain types of existing housing"

Room Sizes

- Room sizes should meet the minimum standards for houses in multiple occupation if the flats are intended to be rented.

General

- Must meet the requirements of the Housing Act 2004 and be free of Category 1 and significant Category 2

Hazards;

- Must meet the requirements of the Arun District Council Houses in Multiple Occupation Standards (2016);

**COMMENTS ON CONSULTATION RESPONSES:**

Comments noted. Private sector housing comments will be included as an informative.

**POLICY CONTEXT**

Designation applicable to site:

Within the built up area boundary

Opposite the Steyne Conservation Area

Within the setting of Buildings of Special Character and a Grade 2 listed building

Secondary retail frontage

**DEVELOPMENT PLAN POLICES**

[Arun District Local Plan \(2003\):](#)

|       |                                              |
|-------|----------------------------------------------|
| AREA2 | Conservation Areas                           |
| DEV19 | Extensions to existing residential buildings |
| GEN12 | Parking in New Development                   |
| GEN2  | Built-up Area Boundary                       |
| GEN22 | Buildings or Structures of Character         |
| GEN7  | The Form of New Development                  |

[Publication Version of the Local Plan \(October 2014\):](#)

|         |                                                     |
|---------|-----------------------------------------------------|
| D DM1   | Aspects of Form and Design Quality                  |
| D DM2   | Internal Space Standards                            |
| D DM3   | External Space Standards                            |
| D DM4   | Extensions & Alterations to Existing Buildings      |
| D SP1   | Design                                              |
| HER DM2 | Locally Listed Buildings or Structures of Character |
| HER DM3 | Conservation Areas                                  |
| SD SP1  | Sustainable Development                             |
| SD SP2  | Built -Up Area Boundary                             |
| T SP1   | Transport and Development                           |

[Bognor Regis Neighbourhood Plan 2015 Policy 1](#)

Delivery of the Vision

Bognor Regis Neighbourhood Plan 2015 Policy 2

Promoting the Seaside Identity

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:**

|      |                                      |
|------|--------------------------------------|
| SPD2 | Conservation Areas                   |
| SPD9 | Buildings or Structures of Character |

**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.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017. The plan was then modified in line with Inspector comments and published for re-consultation In January 2018.

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. 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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

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 development is considered to comply with relevant Bognor Regis NDP policies 1, 2 and 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 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. It is considered to preserve the character of the adjacent conservation area, buildings of special character and grade 2 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

### USE

Policy 4 of the Bognor Regis NDP encourages the reuse of empty property above commercial premises along primary secondary retail frontages. Whilst the main bulk of this development has an extant permission, this part of the development will still assist in the reuse of vacant property above a commercial use in the secondary retail frontage. This the development complies with Bognor Regis NDP policy 4.

### DESIGN AND VISUAL AMENITY

The proposed development is considered acceptable because the form of the extensions would reflect and harmonise the character of the approved scheme and existing building, with flat roof, basic design and materials to match existing approved. And is considered to promote the existing identity of the area and adjacent heritage assets.

It is not considered that the development would have a significant impact on the nearby conservation area, listed building or buildings of special character as, overall, the addition and fifth floor would not add significant scale to the approved development.

The development is considered to be acceptable in terms of impact on design and visual amenity in compliance with saved policies GEN7, DEV19 & AREA2 and Bognor Regis NDP policies 1 and 2.

### RESIDENTIAL AMENITY

In this case, it is considered that the proposed development would be acceptable on the residential amenities of neighbouring properties because the residential properties affected by the proposal (1-15 Fitzleet House) are set forward of the west elevation of the subject site so the overshadowing/overbearing impact would be limited. Furthermore, the staircase element would not have a much more significant impact than the approved extensions to the building. No additional north facing windows or terraces are proposed thus the impact in terms of overlooking on the neighbouring flats to the north would be limited.

### SPACE STANDARDS

National Policy indicates good design should contribute positively to making places better for people. The National Planning Policy Framework (NPPF) further indicates that creating places, streets and spaces which meet the needs of people, are visually attractive, safe, accessible, functional, inclusive, have their own distinctive identity and maintain and improve local character. Policy GEN7 of the Arun District Local Plan further indicates that development will be permitted provided that amongst other considerations the proposal creates attractive places and spaces with the needs of people in mind. On this basis, well designed and adequate amenity space provision for residents is considered essential to meet the policy requirements of the local plan and Central Government Advice.

The proposal is considered to be acceptable but the increase in the size of the flat on the upper floors (which will reduce approved roof terraces) must retain a suitable amount of private outdoor amenity space. This is provided at 5th floor level thus an acceptable amount of private outdoor amenity space is proposed.

The development is considered to comply with the development plan and is recommended for conditional approval.

## 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 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:-

9 Rev:1

01

02 Rev: A

03 Rev: A not "West Street (South) elevation"

06 Rev: A

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 The materials and finishes of the external walls and roofs of the development hereby permitted shall match in colour and texture those as approved by BR/296/10/DOC or to be similar to the existing building.

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

- 4 INFORMATIVE: Arun District Council Private Sector Housing requirements:

Fire Safety

- Appropriate fire precaution facilities and equipment must be provided of such type, number and location as are considered necessary. Guidance on fire safety is contained in the LACORS guidance document - "Housing - Fire Safety, Guidance on fire safety precautions for certain types of existing housing"

Room Sizes

- Room sizes should meet the minimum standards for houses in multiple occupation if the flats are intended to be rented.

General

- Must meet the requirements of the Housing Act 2004 and be free of Category 1 and significant Category 2

Hazards;

- Must meet the requirements of the Arun District Council Houses in Multiple Occupation Standards (2016);

- 5      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.