

Recommendation Report for Planning Permission

REF NO: BR/270/17/PL

LOCATION: 56 High Street
Bognor Regis
PO21 1SP

PROPOSAL: Change of use from existing retail (A1 Shops) at ground floor to offices (A2 Financial & Professional Services), conversion of 1st floor to 3 No.2 bed flats, additional 2 storeys to make 2nd & 3rd floors for 6 No. 2 bed flats & external staircase to rear.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The building would increase in height from 7.36m to 13.7m and would have a flat roof. The plans include communal balconies to the first, second and third floors with access by the new external rear staircase. Five parking spaces to the rear along with 1.8m high timber fenced bin storage area and cycle racks. Each flat will have 2 bedrooms and 1 bathroom. The building would be finished in new cladding (colour to be confirmed).
SITE AREA	0.051 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	176 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The site has no boundaries other than a 2m high brick wall to one side of the parking area.
SITE CHARACTERISTICS	The application site comprises a two storey flat roofed red brick building with a rear parking area. The ground floor was vacant at the time of a site visit (19/10/17).
CHARACTER OF LOCALITY	The area is part of a commercial town centre street comprising a mix of building designs and heights. The predominant use of buildings in the locality is either retail or service based offices. Neighbouring uses consist of a bookmakers and a discount retail store. There are two existing flats above the bookmakers. The High Street also has a number of locally Listed Buildings.

RELEVANT SITE HISTORY

BR/262/16/CLP	Application for a Certificate of Lawfulness for a Proposed change of use from a shop (Class A1 Retail) to a Solicitors (Class A2 Financial & Professional).	Approve 22-12-16
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BR/585/81/A	One Non-Illuminated Shop Fascia Sign	PP Not Required 06-08-81
BR/584/81	New Shop Front And Shop Fitting To Empty New Shop Unit And Cold Store Box	ApproveConditionally 08-07-81
BR/632/80	Erection Of Two Storey Building To Form 4 Shops With Storage Accommodation	ApproveConditionally 10-09-80
BR/453/80	Demolition Of Existing Build- Ings & Erection Of 2 Storey Building To Form 3 Shops With Storage Accommodation	ApproveConditionally 25-06-80

This proposal was subject to pre-application advice given in October 2016. This proposal sought advice on a change the use of the ground floor from 100% retail to 39% retail & 61% office, a change of use of the first floor from ancillary offices to three, 2 bedroom flats and then the addition of two further floors each containing three, 2 bedroom flats.

The advice letter concluded that: "were an application for planning permission to be submitted it would likely be approved subject to the conditions covering a restriction on the office use of the ground floor (Class A2), requiring secure cycle storage and requiring matching materials. There may be other conditions that are identified as a result of consultation during the application process."

Since that time, a Certificate of Lawfulness application was made concerning a change from the larger part of the ground floor from Class A1 retail to Class A2 office (likely to be occupied as a solicitors office). This was granted in December 2016.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

"NO OBJECTION although the Committee is disappointed at the loss of retail units, preferring to see them remain as lettable shops."

COMMENTS ON REPRESENTATIONS RECEIVED:

It should be noted that the change of use of the larger part of the ground floor retail floorspace to Class A2 office has already been approved by virtue of BR/262/16/CLP. The change of use of the remaining space will be considered in the conclusions section.

CONSULTATIONS

Environmental Health
 Engineering Services Manager
 Engineers (Drainage)
 Economic Regeneration
 Environmental Health
 WSCC Strategic Planning
 Engineers (structural)

CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS - No objection: "In terms of highway safety and capacity the site will not attract any significant number of cars to the area. There is parking to the rear and the site is within a highly sustainable location directly opposite the main bus stopping area in the High Street, and a 5 minute walk to the station. There does not appear to be any cycle storage available which would be helpful, if these are to be sold as family residences. During construction should there be a need to use the public highway or footways then a licence will need to be obtained (see informative below)"

ADC ENVIRONMENTAL HEALTH - No comments.

ADC PRIVATE SECTOR HOUSING - Make general comments on fire safety, room sizes and ventilation but raise no objections.

ADC ECONOMIC DEVELOPMENT - No objection.

ADC STRUCTURAL ENGINEERS - No objection: "I have reviewed the engineers assessment and proposals for the existing structure and have no comments at this stage. The marginal increase in loads indicated is considered satisfactory however close monitoring of finalised construction materials is essential to ensure that the existing structure remains capable of supporting the additional floors. More detailed assessment of the new loads to foundations will be required as part of any Building Regulations submission if planning consent is given."

COMMENTS ON CONSULTATION RESPONSES:

The submitted drawings do show cycle racks within the rear parking area but as WSCC Highways preference is for secure covered cycle storage, it is necessary to require these details through a condition.

POLICY CONTEXT

Designations applicable to site:

Within the Built Up Area Boundary;
 Pagham Harbour Zone B;
 Principal Shopping Area; and
 Secondary Retail Frontage.

DEVELOPMENT PLAN POLICES

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

AREA13 Sites of International Importance for Nature Conservation
 AREA21 Re-use of Redundant Floorspace

GEN2	Built-up Area Boundary
GEN7	The Form of New Development
GEN12	Parking in New Development
GEN22	Buildings or Structures of Character
GEN32	Noise Pollution

Publication Version of the Local Plan (October 2014):

D DM1 Aspects of Form and Design Quality
D DM2 Internal Space Standards
D DM4 Extensions & Alterations to Existing Buildings
D SP1 Design
ECC SP2 Energy and climate change mitigation
ENV DM2 Pagham Harbour
RET DM1 Retail Development
H DM1 Housing Mix
QE DM1 Noise Pollution
QE SP1 Quality of the Environment
HER SP1 The Historic Environment
HER DM2 Locally Listed Buildings or Structures of Character
SD SP2 Built -Up Area Boundary
T SP1 Transport and Development

<u>Bognor Regis Neighbourhood Plan 2015 Policy 4</u>	Reducing underuse of property in the town centre
Bognor Regis Neighbourhood Plan 2015 Policy 5	Preferred Retail Uses in the primary retail area

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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 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. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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).

Policies 4 & 5 of the Bognor Regis Neighbourhood Plan are considered to be relevant to this determination and are discussed in the conclusions section below.

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 not considered to comply with relevant Development Plan policies in respect of the loss of the retail floor space at ground floor. However, the proposals are not considered to have a materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties and the proposals would not have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that regard should be had to the fact that under Schedule 2, Part 3, Class D of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), the remainder of the retail space (i.e. that not already having been changed to Class A2 use under BR/262/16/CLP) could also change to a Class A2 use without any form of planning application and such a change would not be subject to any restrictive conditions or limitations.

CONCLUSIONS

PRINCIPLE:

The site is in an urban and predominantly residential area. It is defined as being part of the built up area boundary area and is acceptable in principle subject to normal development control criteria such as residential amenity, highway safety and parking. It is noted that the National Planning Policy Framework (NPPF) supports the effective and efficient use of land for sites in the built up area but also advises that new housing should be well integrated with and should complement neighbouring buildings and the local area in terms of scale, density, layout and access.

Paragraphs 14 and 49 of the NPPF set out a presumption in favour of sustainable development. Paragraph 7 of the NPPF sets out the three dimensions to sustainable development - the economic, social and environmental roles. In order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

The application site lies within the central shopping area of Bognor Regis and as such, the site is within easy walking distance (on street lit pavements) of several shops, amenities and services including Bognor Regis railway station, the main shopping street and a large Morrisons Supermarket. It is therefore considered that the proposal is environmentally sustainable as residents will not need to rely on the private car to access basic services & facilities. These environmental factors weigh in the scheme's favour.

It is considered the proposal will result in localised economic benefits through the need to employ people to carry out the building and conversion works. The proposal will also result in a net gain of 9 dwellings and so an increase in Council tax receipts and new homes bonus payments. In addition, the flats could bring new people into the area who could then spend money on local goods & services thus supporting the town centre day and evening economy. These economic factors weigh in the scheme's favour. It is also considered that the proposal will have social benefits by providing new housing to meet local needs and this also weighs in the scheme's favour.

It is therefore considered the residential proposal would benefit from the NPPF presumption in favour of sustainable development.

Both Arun District Local Plan policy AREA21 and Bognor Regis Neighbourhood Development Plan (BNDP) Policy 4 state that support will be given to the reuse of empty and/or underused property above shops and commercial premises located along designated primary and secondary retail frontages. Policy 4 of the BNDP also indicates that extensions and energy efficiency measures may be appropriate.

Policy AREA21 has two criteria relating to residential amenity and to noise. These issues will be discussed elsewhere in these Conclusions. Policy AREA21 has also been taken forward into the emerging Local Plan (modified eLP) as part (5) of Policy RET DM1. This includes an additional criteria which requires that it be demonstrated that non-retail use of the upper floors will not inhibit business needs for workspace, storage or retail expansion. This will be discussed in the following section of this report.

The NPPF sets out support for the effective and efficient use of land in the built up area but also advises that new housing should be well integrated with and should complement neighbouring buildings and the local area in terms of scale, density, layout and access. Furthermore, Paragraph 23 of the NPPF suggests that town centres are the heart of a community and that local planning authorities should support their viability and vitality. As the proposal is to bring back underused premises into use for a mixed commercial & residential enterprise which will support the town centre economy, it is considered that the proposal is in accordance with this guidance.

LOSS OF RETAIL:

It is noted that the Town Council have stated their disappointment at the loss of the retail floor space and would prefer to see these units remain as lettable shops.

The site is within the principal shopping area of Bognor Regis and the Arun District Local Plan seeks to support and retain commercial premises in this area. Furthermore, the BNDP advises that proposals which result in the loss of retail uses at ground floor will be resisted. There would therefore be an in principle objection to the reduction in the Class A1 retail space at ground floor.

It is noted that proposed planning policy (part (2) of RET DM1 within the modified eLP) states that changes of use to Class A2 uses along primary & secondary retail frontages will be permitted provided that:

- (a) The proposal would not create a concentration of non-retail uses to the detriment of the vitality of the town centre;
- (b) Provision is made for a window display, appropriate to a shop front, which is in keeping with the character of the shopping area; and
- (c) There is no detrimental effect on the character or amenities of the area through smell, litter or noise.

Also that : "the Council will require evidence that the unit has not been made deliberately unviable, that marketing has been actively conducted for a reasonable period of time and that alternative retail uses have been fully explored."

Although the site lies within the principal shopping area, the street scene is currently characterised by a number of non Class A1 uses including banks, betting shops, coffee shops, leisure uses, hot food places with only a few retail premises. Therefore, it is likely that the change of use would increase an existing over concentration of non A1 uses.

However, it should be noted that 61% of the ground floor retail space has already been allowed, under permitted development rights, to change from retail to office and will likely be occupied as a solicitors office. Furthermore, under Schedule 2, Part 3, Class D of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), the remaining 39% could also change to a Class A2 use without any form of planning application and such a change would not be subject to any restrictive conditions or limitations.

It should also be noted that the Councils Economic Development officers have not raised any objection to the proposal. They also gave more detailed comments at the pre-application stage and stated that: Economic Development would support this application as it would bring additional life to the upper floors of the retail area as well as providing much needed residential accommodation." The applicants have submitted a brief Economic Development Statement which states that the premises have been vacant or used for storage for some time, that the Class A2 commercial premises at ground floor will continue to provide employment opportunities and that future residential occupiers will support the town centre economy.

It is not considered that Class A2 office uses require storage space and therefore, there would be no objection to the change of use of the existing first floor office/storage area to Class C3 dwelling particularly given the support to this element from Arun Local Plan AREA21, BNDP Policy 4 and part (5) of modified eLP Policy RET DM1.

It is therefore considered that although there is a policy conflict with the loss of Class A1 uses on the ground floor, material considerations indicate that a decision can be taken to override this objection.

DESIGN & CHARACTER:

Local Plan Policy GEN7 (ii) requires that new developments respond positively to the identified characteristics of a particular site to create developments which respect local characteristics.

Regard is also had to Policy D DM4 of the modified eLP which deals with extensions to residential and non-residential buildings and permits such provided they:

- (a) sympathetically relates to and is visually integrated with, the existing building in siting, massing, design, form, scale and materials;
- (b) are visually subservient to the main building and provide a high standard of amenity;
- (c) do not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties;
- (d) do not come to within a minimum of one metre of the side boundary; and
- (e) do not compromise the established spatial character and pattern of the place but is instead a positive addition.

It is also necessary to consider the guidance within the NPPF on design. Paragraphs 56 and 58 state that good design is a key aspect of sustainable development, and that developments should respond to local character & history, reflect the identity of local surroundings & materials, establish a strong sense of place and be visually attractive as a result of good architecture. Paragraph 60 advises that local planning authorities should promote or reinforce local distinctiveness. Paragraph 64 then confirms that planning permission should be refused for poor design that fails to improve the character or quality of an area.

Although it is proposed to extend upwards with two further floors (6.34m of additional height), it is noted that there are other similarly tall or taller buildings within the town centre area. Therefore, it is considered acceptable to have extensions to this building that are not subservient to the original building and which greatly increase the height of the building.

It is also noted that the extensions will match with the existing building in terms of design and although the building will be re-surfaced in new cladding material, the area has a mix of material types with other instances or cladding types on nearby buildings. In particular, no 54 next door previously had a brick front matching no. 56 but at some point in time has been clad with hanging tiles. The changes to no. 56 will give the building a new distinct appearance contrasting with no. 54 and thus move away from the current mismatched appearance of these two buildings.

It is also noted that BNDP Policy 4 indicates that energy efficiency measures will be appropriate when reusing floor space above commercial premises. It is considered that the new cladding may improve the energy efficiency of the building.

A metal staircase is proposed to the rear elevation. It is not considered that this will be visually imposing and it is noted that there are other metal staircases also with platforms on other nearby buildings such as the rear of 4 London Rd (2 storeys) and the rear of 52a High Street (3 storeys). It is also considered that the rear of the application site has a different character to it than the High Street being dominated by the rear elevations of premises along the High Street, London Road to the east, office blocks to the west, a multi-storey car park/supermarket to the north and a large car park adjacent.

The proposal is therefore considered to accord with policy GEN7 of the Arun District Local Plan, policy D DM4 of the modified emerging Local Plan and with the guidance on good design in the NPPF.

IMPACT ON NEARBY HERITAGE ASSETS:

It is noted that there are several designated Buildings of Character located on the opposite side of the High Street with the closest being at nos. 27-31. Arun District Local Plan Policy GEN22 indicates that planning permission will not be granted for development resulting in the loss of existing buildings which contribute to the character and appearance of the area. The policy further indicates that alterations, extensions or other developments which would adversely affect the appearance or setting of such buildings or structures will not be permitted.

As this policy is part of a 2003 Local Plan, it is also considered necessary to consider the guidance on non-designated heritage assets within the more recent NPPF. Paragraph 135 states that:

"The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."

It is accepted that the changes to the application building will have an impact on the street scene and in turn on the significance of nearby undesignated heritage assets. However, it is considered that the alterations to the building will add further visual interest to the street scene and will thus have a positive impact on the character of the area in which the undesignated heritage assets sit. Furthermore, it is not considered that the proposed extensions would block any existing direct views of these buildings and the appreciation of these assets from close range (i.e. from the High Street) will not be significantly affected. It is therefore not considered that the proposal conflicts with paragraph 135 of the NPPF or with Arun Local Plan policy GEN22.

RESIDENTIAL AMENITY:

Local Plan policy GEN7 (iv) indicates development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. One of the 'core planning principles' of the NPPF is to secure high quality design and a good standard of amenity (para 17). Both the adopted Local Plan policy GEN7 and the emerging Local Plan policy require regard to be had to the amenity & living conditions of neighbouring properties.

The Local Plan also contains Policy GEN32 which states that "Noise sensitive development will not be permitted if its users would be affected adversely by noise from existing or proposed noise-generating uses."

Regard is also had to Arun District Local Plan Policy AREA21 which permits the reuse of floorspace above commercial premises but requires that the development has no significant adverse effects for the occupiers of neighbouring properties and reflects the need to minimise noise intrusion.

The application site lies within a dense town centre location and although there are some residential properties nearby such as above the adjoining betting shop, this is not a location where a residential occupier would expect a high standard of amenity. There are also no private residential gardens to consider. The proposed extensions will not enlarge the existing footprint and given that the two flats on the adjoining building have windows facing north, west & south (none facing the application building), it is not considered that any of these would be affected by the proposed additional storeys. There are no flats above the discount retail store to the other side (no. 54).

The addition of balcony walkways to the rear of the building will allow future residential occupiers to stand outside of their flat and look out to the north or to each side. However, these views will not prejudice the amenity of any residential properties and instead will be of commercial property and a car

park. The introduction of residential views of this area may actually have positive implications for the reduction of crime as a result of the introduction of natural surveillance of the area at night time..

It is not considered that the occupiers of the new flats will be adversely affected by noise from the Class A2 office downstairs which will be limited to office conversation and use of office equipment (e.g. a printer/photocopier). Arun DC Environmental Health Officers have assessed the submitted Noise Survey but have not made any comments in respect of noise. It is not therefore considered that any objection can be made in respect of noise nor that any conditions would be required. The Building Regulations process would consider whether noise insulation measures are required.

The proposal is therefore considered to accord with policies AREA21, GEN7 and GEN32 of the Arun District Local Plan.

SPACE STANDARDS:

Policy D DM2 of the modified emerging Arun Local Plan states that: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance"

It is therefore necessary to assess the proposal against the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) in order to determine whether the individual flats are suitable for residential use. The following is a list of the requirements versus the actual measured internal space for each of the 9 flats:

Unit No. - No. of beds & Persons - Required Floor Space - Actual Floor Space

1	2B4P	70m2	70m2
2	2B4P	70m2	71.3m2
3	2B4P	70m2	71.7m2
4	2B4P	70m2	70m2
5	2B4P	70m2	71.3m2
6	2B4P	70m2	71.7m2
7	2B4P	70m2	70m2
8	2B4P	70m2	71.3m2
9	2B4P	70m2	71.7m2

Therefore, all of the flats comply with the standards and the proposal is in accordance with the emerging space standards policy.

In respect of external garden standards, the current modified version of the emerging Arun Local Plan proposes to delete policy D DM3 in favour of inclusion within a future design guide. It is not therefore considered appropriate to now refer to this policy. The proposal does not provide any amenity space other a shared 23m2 balcony walkway for each set of 3 flats. However, the building is only a short walk from Hotham Park and from the beach so there are other local opportunities available for recreation and for sitting outside.

HIGHWAY SAFETY & PARKING:

Arun Local Plan Policy GEN7 (vii) requires that new development allow for the safe movement of pedestrians and vehicles, giving priority to pedestrians. Regard should also be had to paragraph 32 of the National Planning Policy Framework which states that: "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".

Arun Local Plan policy GEN12 refers to the need to provide sufficient off-street parking. However, the standards within the appendices to the Local Plan which it refers to have been superseded by the West Sussex (Residential) Parking Demand Calculator. It should also be noted that Arun Local Plan policy AREA21 sets out that for the reuse of space above commercial premises, a reduction in car parking standards will normally be acceptable provided that there is no adverse effect on the levels of traffic congestion and road safety.

The application has been assessed by West Sussex County Council Highways who do not consider that it will result in any adverse impacts on highway safety and that there is sufficient car parking to meet the likely demand (as assessed by the West Sussex (Residential) Parking Demand Calculator).

On this basis, it must be considered that the proposal is in accordance with Arun District Local Plan policies GEN7 & GEN12. A condition will be imposed to ensure that secure & covered cycle storage is provided.

PAGHAM HARBOUR:

Policy ENV DM2 of the Emerging Local Plan (Publication Version) requires that all new residential developments within a 400m to 5km distance ('Zone B') of Pagham Harbour make a financial contribution towards the provision of accessible natural open green spaces to serve the area. An original contribution of £1,275 per new residential unit was agreed by the Councils Cabinet on 20 July 2015 and subsequently reduced down to £871 per new residential unit as of the 10th April 2017. The 2015 report to Cabinet stated that:

"The access management measures identified are referred to as Strategic Access Management and Monitoring (SAMMs). As these do not include the allocation of specific land, they are not classified as physical infrastructure, and are not included under the definition of infrastructure within Section 216 of the Planning Act 2008, meaning the pooling restrictions as set out under Regulation 123 of the CIL Regulations (2010) as amended, do not apply. It is common practice by many other authorities (for example Elmbridge) that contributions towards SAMMs are gathered through S106 planning obligations. This approach has also been confirmed within Counsel advice sought by the Council. As a contribution is required to make the development acceptable in planning terms, it is therefore in compliance with the tests under Regulation 122 of the CIL Regulations (2010) as amended"

Furthermore, this policy has a basis in the current development plan in that Local Plan policy AREA13 "Sites of International Importance for Nature Conservation" states that: "Where development is permitted, the use of conditions or planning obligations will be considered in order to avoid and minimise harm to the site, to enhance the site's nature conservation interest, and to secure any compensatory or mitigation measures and appropriate management that may be required."

This contribution is now required for all new residential developments within Zone B and this zone includes the application site. The application is accompanied by a complete signed legal agreement which secures a contribution of £7,839 towards the mitigation of the impacts of the development on the Pagham Harbour Special Protection Area.

SUMMARY:

The proposed extension and conversion of this property is considered to represent an efficient use of an existing sustainable town centre site and will do so without compromising the visual amenities and character of the area, highway safety or the amenities of any nearby residential occupiers. The proposal will result in the loss of retail floor space but it is not considered that this will harm the vitality & viability of

this retail area and in any case, the change of use from Class A 1 retail to Class A2 office could take place even without this planning permission.

The proposal is considered to be sustainable development and notwithstanding that it complies with all development plan policies, it therefore also benefits from the presumption in favour of development set out within the NPPF. The recommendation to approve is therefore made subject to the following conditions and the signed Section 106 Agreement.

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

This decision is accompanied by a Section 106 legal agreement relating to a payment of £7,839 towards the mitigation of the impacts of the development on the Pagham Harbour Special Protection Area. This is payable on commencement of development. The Section 106 Agreement has been signed by all parties and is considered to be complete.

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:

LOCATION AND BLOCK PLAN. DRG 012;
 PROPOSED GROUND FLOOR PLAN. DRG 04 Rev A;
 PROPOSED FIRST FLOOR PLAN. DRG 05 Rev C;
 PROPOSED 2ND FLOOR PLAN. DRG 06 Rev A;
 PROPOSED 3RD FLOOR PLAN. DRG 07 Rev A;
 PROPOSED ROOF PLAN. DRG 08 A;
 PROPOSED FRONT ELEVATION. DRG 09;
 PROPOSED REAR ELEVATION. DRG 010;
 PROPOSED WEST ELEVATION. DRG 011;
 BIN STORAGE PLAN AND ELEVATIONS. DRG 013
 PROPOSED CROSS SECTION A-A. DRG 014;
 EXISTING AND PROPOSED STREET ELEVATION. DRG 015; and
 PROPOSED PARKING LAYOUT. DRG 016.

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 No development above damp proof course (DPC) level shall take place unless and until details of the colour and texture of the new rainscreen cladding to be used for external walls on the building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the finish of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of the amenity of the street scene including with respect to nearby Buildings of Character in accordance with policies GEN7 and GEN22 of the Arun District Local Plan.

- 4 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority. The details so approved shall be maintained in perpetuity.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and the National Planning Policy Framework.

- 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.

- 6 INFORMATIVE: The applicant is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.

- 7 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to a contribution of £7,839 towards the provision of accessible natural open green spaces to serve the Pagham area.

- 8 INFORMATIVE: Please note the following Private Sector Housing comments:

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.

Ventilation

- Any bathrooms and kitchens without windows for natural ventilation should have adequate mechanical ventilation.

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).