

Recommendation Report for Planning Permission

REF NO: BR/275/14/PL

LOCATION: 11 & 11A Station Road
Bognor Regis

PROPOSAL: Conversion & rear extension to part of ground floor to create 1 No studio flat & conversion of first floor flat to create 2 No 2 bedroom flats.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. The studio flat is a single room with kitchenette, sliding door to bathroom and a cupboard. Both of the first floor flats have 2 double bedrooms. The two storey extension at the rear will be 4.5m deep but it part replaces an existing half width ground floor extension. The height will match with the existing. A couple of new windows/doors are proposed in the southern, eastern and western elevations. There are no changes proposed to the Station Road elevation.

SITE AREA 187m2.

RESIDENTIAL DEVELOPMENT DENSITY (NET) 160dph.

TOPOGRAPHY Predominantly flat.

TREES None affected by the proposed development.

BOUNDARY TREATMENT 1.6m high wall to the rear side boundary with 13. No rear boundary.

SITE CHARACTERISTICS Ground floor cafe with flat at first floor. The building is two storeys in beige render with a flat roof. An existing rear single storey extension covers approximately half of the width of the site. There are existing external stairs leading up to the first floor accommodation.

CHARACTER OF LOCALITY The Station Road frontage is decidedly commercial with residential flats above. However, Crescent Road to the east and Merchant Road to the south are residential in nature. The site is within easy walking distance of the Bognor railway station, the beach and Hotham Park. The property adjoins with a tanning salon (No. 13) and a recruitment

agency (No. 9). Both have flats above. The rear of no. 13 includes a storeroom accessed from the rear passage. The rear of no. 9 is occupied by a 4 bay parking area for the recruitment agency/first floor flat.

RELEVANT SITE HISTORY

BR/171/87	Temporary change of use for first floor only for two year period. Area to be used by charity for handicraft work.	ApproveConditionally 08-06-1987
BR/657/88	Renewal of Temporary Planning Permission BR/171/87 for use of first floor for a 3 year period as a handicraft workshop for people with mental handicaps.	ApproveConditionally 03-01-1989
BR/177/98/	Removal of shopfront glazing bars	ApproveConditionally 20-11-1998
BR/207/01/	Change of use to day centre for the homeless	Refused 02-11-2001
BR/106/06/	Proposed first floor conversion from storage area to 2 No. self contained flats	ApproveConditionally 16-05-2006
BR/8/07/	Conversion of first floor and additions to create 6 No. flats	Refused 21-03-2007
BR/182/07/	Conversion of first floor and additions to create 3 No. flats (Resubmission following BR/8/07)	ApproveConditionally 05-09-2007

The applicant has confirmed that neither BR/182/07 nor BR/106/06 were ever implemented but that there has been some portioning on the first floor to form new rooms for a residential unit. As per the current application, BR/182/07 also sought permission for a two storey rear extension.

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

Bognor Regis Town Council - no objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Environmental Health

Consultations responses received:

ADC Environmental Health (HMO Officer) - "1st Floor flat 2 the means of escape from the bedrooms is via a corridor and the living room/kitchen, therefore passing through a room of

significant risk. Consideration should be given to moving the flat entrance door closer to the head of the communal staircase and adding a FD30S door to the kitchen living room. No grant of Planning or Building Regulations approval is inferred or implied".

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Principal Shopping Area;
No Public Sewer; and
Class C Road.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN2](#)
[GEN7](#)
[GEN9](#)
[GEN12](#)

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

Built-up Area Boundary
The Form of New Development
Foul and Surface Water Drainage
Parking in New Development
D DM1 Aspects of Form and Design Quality
D DM2 Internal Space Standards
D DM3 External Space Standards
D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)
D SP1 Design
ECC SP2 Energy and Climate Change Mitigation
H DM1 Housing Mix
SD SP2 Built-Up Area Boundary
T SP1 Transport and Development
W DM3 Sustainable Urban Drainage Systems

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

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

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

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Arundel; Barnham & Eastergate; Bersted; Felpham; Littlehampton; Yapton and Ferring.

The Bognor Regis Neighbourhood Plan has recently been out to consultation (12th November to 24th December 2014) and will now be reviewed prior to submission to Arun District Council.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE & PLANNING HISTORY

The site is within the built up area boundary where development is acceptable in principle subject to normal development control criteria being satisfied such as visual amenity, highway safety and residential amenity. The site also lies within the Bognor Regis town centre shopping area, however, there are no policies in the adopted local plan that would prevent a first floor residential conversion in this area and it is noted that the retail (cafe) use on the ground floor will remain.

In addition, the site was subject to a previous planning approval for a conversion to flats on the first floor together with a rear two storey extension. Although this permission expired in 2010, it is considered that the situation on the ground remains the same and that therefore, this previous approval is a material consideration in the determination of the application.

CHARACTER & DESIGN

The proposed two storey rear extension will replace an existing half width ground floor rear extension. The depth of the building will be extended and the extension will not be subservient to the existing building. However, this will only really be apparent from the Crescent Road frontage which in itself is not particularly attractive and it is not considered that the extension will be prominent or obtrusive.

INTERNAL & EXTERNAL SPACE STANDARDS

Certain policies within the emerging local plan have been approved for development management purposes. These include policies which seek to ensure that future residential occupants are provided with a satisfactory amount of indoor living and outdoor garden space. Following a thorough analysis of the proposal versus the internal and external space standards policies, it is considered that:

* 66% of the three dwellings comply with Policy D DM2. The exception is that one of the 2bed 4 person flats is 9m² off the required 70m². However, the second 2 bed 4 person flat exceeds the same requirement by 9m². The studio flat exceeds the 13m² requirement by almost 17m²; and

* None of the flats include the required amount of private amenity space. However, the site is located within the town centre and within only a short walk of Hotham Park and the seafront. It is considered that the private amenity space can be waived in this location.

HIGHWAYS & PARKING

The proposal does not include any parking but there are mitigating factors. Firstly, that there is no space to provide any parking. Secondly, that the site is within the defined town centre and within only a very short walk of the railway station, of public car parks and bus stops. It is therefore considered that this is a highly sustainable location within which a zero car parking use is acceptable.

RESIDENTIAL AMENITY

The adjoining flats above 9 and 13 do not face onto the application site and would not therefore be adversely affected by overbearing or overlooking impacts. Furthermore, the extension is adjacent to a storeroom at the rear of no. 13 and a car park at the rear of no. 9.

SUMMARY

It is not considered that there are any reasons to refuse this application and it is recommended that permission be granted subject to conditions which includes a requirement to remove the advertising on the front first floor window to improve the outlook for the new occupiers of the proposed front facing flat.

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:

Location and Block Plan Dwg PP-054-01;
Existing and Proposed Ground Floor Plan Dwg PP-054-02;
Existing and Proposed First Floor Plan Dwg PP-054-03;

Roof Plans Dwg PP-054-04;
Northern and Southern Elevation Existing and Proposed Dwg PP-054-05;
Eastern Elevation Existing and Proposed Dwg PP-054-06; and
Western Elevation Existing and Proposed Dwg PP-054-07.

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 first floor front facing flat shall not be occupied unless and until the existing cafe advertising on the first floor bay window has been completely removed. The window shall thereafter be maintained free of advertising.

Reason: In the interests of the amenity of future occupiers in accordance with Policy GEN7 of the Arun District Local Plan.

- 4 The materials and finishes of the external walls and roof of the extension hereby permitted shall match in colour and texture those of the existing building.

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

- 5 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 6 INFORMATIVE: Please note the following comments from the Council's HMO Officer (Private Sector Housing & Public Health Team):

"1st Floor flat 2 the means of escape from the bedrooms is via a corridor and the living room/kitchen, therefore passing through a room of significant risk. Consideration should be given to moving the flat entrance door closer to the head of the communal staircase and adding a FD30S door to the kitchen living room."