

Recommendation Report for Planning Permission

REF NO: BR/277/21/PL

LOCATION: 1 Spencer Street
Bognor Regis
PO21 1AP

PROPOSAL: Conversion of office building into 2 No 1 bedroom dwellings. This site is in CIL Zone 4 (Zero Rated) as flats.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is for the conversion of offices into two 1 bed self-contained maisonettes with courtyard to the rear, all within the existing building fabric. No vehicular access to the site is proposed. The proposals do not change pedestrian access arrangements which is via a pedestrian door and a rear access door from the private courtyard accessed via the secure side alley.
SITE AREA	79.00 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	25 dwelling per hectare.
TOPOGRAPHY	Predominantly flat.
BOUNDARY TREATMENT	Approximately 1.6m high brick wall to the south-west; the rear yard is enclosed by a 2m high brick wall.
SITE CHARACTERISTICS	A two storey detached narrow gabled roof office building on the east side of Spencer Street directly abutting the pavement. The building sits in a plot with a small yard to the rear. To the south-western side is a secure gated private pedestrian access which serves to gain access to the rear courtyard and also the rear of other residential properties over retail units facing London Road.
CHARACTER OF LOCALITY	The area is in close proximity to Bognor Regis town centre in the vicinity of the railway station with mixed uses; residential use is predominant. The property faces north-west, on the eastern side of Spencer Street. On the opposite side of the road is Covers builders yard and to the south. To the north is the rear yard to a printing company in London Road and then the larger Gasden House flats.

RELEVANT SITE HISTORY

BR/37/89	Change of use from St John Ambulance Head Quarters to offices.	ApproveConditionally 20-02-89
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Site history noted.

REPRESENTATIONS

Bognor Regis Town Council: No objection.

No letters of representation received.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS: Do not consider this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network.

ENVIRONMENTAL HEALTH: To demonstrate that internal noise levels in the flats meet the guidance given in BS8233:2014 and the WHO standards a pre-commencement condition will be imposed to the decision.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Pagham Harbour Access Management Zone B;
Built-Up Area Boundary;
The area is prone to Groundwater Flooding.

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
EMPDM1	EMP DM1 Employment Land: Development Management
ENVDM2	ENV DM2 Pagham Harbour
ENVDM5	ENV DM5 Development and biodiversity
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment

SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
NPPDG	National Design Guide

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021
SPD3	Parking Standards

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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

There is no relevant policy in the Bognor Regis Neighbourhood Plan to the determination of this application.

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 as the amendments and imposed pre-commencement condition mean that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties and it is not considered that it would have an adverse impact on the character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS**KEY ISSUES**

The key issues are principle, conversion, design and visual amenity, residential amenity, highways and

traffic, space standards and impact on Pagham Harbour.

PRINCIPLE

The site is in the built up area where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan and provided it is in accordance with other policies of the Local Plan covering such issues as principle of conversion, character, residential amenity, noise, highway safety & parking and space standards.

Regard should be had to policy SD SP1 of the Arun Local Plan which states "When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF." Para 120 (d) of the NPPF states planning policies and decisions should "promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops)".

The NPPF supports the effective and efficient use of land for sites in the built up area but advises new development should be well integrated with and should complement neighbouring buildings and the local area in terms of scale, density, layout and access.

The development complies with policies SD SP2 and SD SP1 of the Arun Local Plan and relevant paragraphs of the NPPF.

IMPACT ON THE VITALITY & VIABILITY OF THE TOWN CENTRE

Policy EMP DM1 of the Local Plan seeks to protect and enhance existing employment sites and premises and they will be protected where there remains a reasonable prospect of employment use. Excepting Permitted Development Rights, change of use from Business Class uses will not be permitted unless the evidence is provided.

The site forms a mixed use development with estate and letting agents and other uses like private business offices, light industry and retail, however with a prevailing residential use the change of use to residential would maintain the viability of the area.

Class O of the GPDO 2015 allows for the conversion of offices to any number of dwellings. Therefore the proposal would be in a general conformity with policy EMP DM1 of the ALP.

CHARACTER OF THE AREA:

Policy D DM1 of the Arun Local Plan requires the Council have regard to certain aspects including:

(1) Character - "Make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features.";

(13) Density - "The density of new housing will make efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. Proposals should take into account the density of the site and its surroundings. The density of large sites should be varied to guard against uniformity"; and

(14) Scale - "The scale of development should keep within the general confines of the overall character of a locality unless it can be demonstrated that the contrary would bring a substantial visual improvement."

Policy D SP1 "Design" states: "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.

The Arun Design Guide Supplementary Planning Document (SPD) adopted 25th January 2021 is a material consideration in the determination of applications. Part R.O1 which deals with Apartments, requires development to provide flatted developments which integrate well with and respond sensitively to their setting. Well-designed apartment buildings make a valuable contribution to meeting housing.

Para 130 of the NPPF 2021 states: "Planning policies and decisions should ensure that developments: (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)."

The National Design Guide in Part C1 maintains that well-designed places are:

- based on a sound understanding of the features of the site and the surrounding context, using baseline studies as a starting point for design;
- integrated into their surroundings so they relate well to them;
- influenced by and influence their context positively; and
- responsive to local history, culture and heritage.

The building with offices at both levels would be converted to two residential units, one at ground floor and the second at first floor. There is no extension proposed and external changes involve the insertion of windows on the front elevation at first floor level alongside with new fenestration at the ground floor level. The painted render and the slate roof with the feature parapet would remain; rainwater goods and fascia boards would be upgraded.

The changes in fenestration would demonstrate the change of use from offices to residential and they would not differ entirely from development to the north-west which consists of flats. The proposal transforms the building into two self-contained flats. The changes would be visually integrated with the building in sitting, massing/design and responds to the pattern of surrounding development.

It is not considered that the development would detract from the local and wider area's character. The proposal complies with Arun Local Plan policies D DM1, D SP1, Arun Design Guide, National Design Guided and with the guidance on character in the NPPF.

NOISE & RESIDENTIAL AMENITY:

Arun Local Plan policy D DM1 requires that the Council have regard to certain aspects when considering new development including: (3) Impact - "Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance."

Policy QE SP1 states: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity, the natural environment or upon leisure and recreational activities enjoyed by residents and visitors to the District."

Policy QE DM1 seeks to protect against the impacts of new noise generating development. It states that: "Developers proposing new noise generating development must seek advice from an early stage to determine the level of noise assessment required."

It is not considered a residential use would be a noise generating form of development especially in an

area of a mixed use development. The use would have similar characteristics to other properties in the locality.

All new habitable windows of the south elevation face the street with Covers builders yard on the opposite side of the road. The first floor window on the south-eastern elevation is a bathroom window and all existing windows of the south-western elevation are facing to the flank windowless wall of the neighbouring property (Henry Adams Lettings). Given the position of the property and the character of locality it is not considered the proposal would cause unacceptable loss of privacy to users and occupiers of nearby properties.

Environmental Health initially recommended refusal on noise grounds, believing that future occupiers of the flats will be exposed to significant amount of noise from commercial activities in the area. The applicant is required to provide a scheme to demonstrate that the internal sound pressure levels achieve an appropriate standard. Environmental Health concluded the development is acceptable subject to a pre-commencement condition.

As such it is considered that the proposal complies with Arun Local Plan policies D DM1 and QE SP1.

INTERNAL & EXTERNAL SPACE STANDARDS

Policy D DM2 states: "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 necessary to assess the proposal against internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if the building is suitable for residential use.

The requirement for a studio flat is 37 sqm: proposed flat A would have 33.3sqm and flat B 35sqm. It means none of the flats satisfy the requirement of the Nationally Described Space Standards. Given the fact that the proposal property is an existing building in a highly sustainable location and the standards deal with internal space in new dwellings it is considered the internal space of the 1 bed flats converted from the offices is acceptable.

Arun Local Plan policy D DM1 refers to the need for compliance with the Arun Design Guide. Para 130 of the NPPF states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Arun Design Guide part H.04 advises on Residential Outdoor Amenity & External Space Standard:

- All development should provide residents with access to outdoor amenity space, whether private or communal. It advises that Residential Communal Shared Spaces should be minimum 40sqm plus 10sqm for each unit. These standards are applicable in the majority of cases, but innovative approaches to more compact building layout may be supported by ADC, where appropriate.

The proposal does not benefit from a rear garden. A small rear yard would serve for a cycle shed and waste bins enclosure. However, Hotham Park and the beach are in walking distance of the site. Residents will be able to easily access outdoor places for recreation etc.

Whilst the proposal fails to comply with the relevant internal standards, and external standards providing no amenity space, the proposed development is considered to be acceptable given the fact that it involve the conversion of an existing building and the property is situated in a vicinity of public open space and the coast within a highly sustainable location.

CAR PARKING & HIGHWAY SAFETY:

Arun Local Plan policy T SP1 seeks to ensure development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. In respect of highway safety, it states that:

"The Council will support transport and development which: Explains how the development has been designed to: (i) accommodate the efficient delivery of goods and supplies; (ii) give priority to pedestrian and cycle movements and have access to high quality public transport facilities; (iii) create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter."

Para 110 of the NPPF (2021) states: "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Regard should be had to para 111 which states:

"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."

According to the requirement of the Arun Parking Standards 1 parking space for a 1 or 2 bed flat in Parking Behaviour Zone 4 is required. If nil car parking provision is proposed according to ADC Parking Standards, Principle 2.13 it will be necessary to demonstrate through a parking capacity survey that there is sufficient capacity to accommodate the expected parking demand.

No vehicular access exists to the site and this application proposes no alterations to this arrangement. A nil car parking provision is proposed. Given the building had a previous use as an office that would have generated parking demand a parking capacity survey was not required in this particular case.

The site is in a highly sustainable location in walking and cycling distance of a range of public services, amenities and employment options. Buses and the rail station provide a realistic travel opportunity for longer trips as such the future occupiers would not rely on use of private cars.

WSCC do not consider this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the NPPF (paragraph 111) and that there are no transport grounds to resist the proposal.

Residents would have access to secure cycle storage, located within the rear yard alongside with a refuse storage. There are no changes to the access arrangements of the site.

It is considered the proposal would satisfy policy T SP1 of the Arun Local Plan, Arun Parking Standard and with the guidance on highways in the NPPF.

CLIMATE CHANGE

The ALP policy ECC SP2 requires residential development be energy efficient and incorporates decentralised, renewable and low carbon energy supply systems.

No decentralised, renewable and low carbon energy supply systems are proposed by applicant therefore a condition would be necessary to secure compliance with the policy.

IMPACT ON THE PAGHAM HARBOUR SPECIAL PROTECTION AREA

ALP Policy ENV DM2 requires 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. A contribution of £1,275 per new residential unit was agreed by the Councils Cabinet on 20 July 2015. The Councils Cabinet subsequently approved a reduction in the tariff from £1,275 to £871 as of the 10th April 2017.

NPPF, paragraph 174 a) stresses that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status).

The site lies in designated Zone B and this application results in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance.

The application for the conversion of offices to 2 residential units results in recreational disturbance only to Pagham Harbour. Having considered mitigation and avoidance measures to be provided in-perpetuity through the contribution to the Joint Pagham mitigation scheme, Arun District Council conclude that with mitigation the plan or project will not have an adverse effect on the Integrity of the European protected site(s).

On the basis of a net gain of 2 units the applicant has agreed to the £1742 contribution at the current rate. The applicant provided a signed Section 106 legal agreement to this effect. Therefore it is considered that the application would comply with policy ENV DM2 of the Arun Local Plan.

BIODIVERSITY

Policy ENV DM5 of the Local Plan requires development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. They shall incorporate elements of biodiversity including green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitats (whether designated or not)."

The proposal is for a conversion of an existing building with no external changes except a new fenestration. However, submission of further information demonstrating what will be included within the scheme and what level of net gain will be created is required.

The opportunity to increase biodiversity and mitigation measures will be secured via conditions and complies with ENV DM4.

CONCLUSION

The conversion of offices into two residential units represents an efficient use of urban land without compromising the visual amenities or character of the area, highway safety or the amenities of nearby residential occupiers. The proposal represents a sustainable development.

The policies most relevant to this application are not considered out of date in accordance with paragraph 11 of the NPPF. The scheme is acceptable when applying the Local Plan policies (that are relevant and up to date) and therefore it is recommended that in accordance with paragraph 11c of the NPPF that permission is granted subject to conditions.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may

arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

SECTION 106 DETAILS

This decision will be granted with a S106 legal agreement relating to a contribution of £1,742 towards the cost of delivering measures to avoid or mitigate to an acceptable level, the harm caused to Pagham Harbour by the Development.

CIL DETAILS

This application is not CIL liable as it falls within in Zone 4 and the 'Flats' element is Zero rated.

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:

Dwg No PL-01	Location & Block Plan;
Dwg No PL-02	Site Plan;
Dwg No PL-03 Rev A	Proposed Floor Plans;
Dwg No PL-04 Rev A	Proposed Elevations.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.
- 3 Prior to commencement the applicant shall provide the local planning authority with a scheme

to demonstrate that the internal sound pressure levels inside the flats achieve Table 4 conditions laid down in BS8233:2014. The approved measures shall be implemented during construction and thereafter be maintained in accordance with the approved details.

Reason: To safeguard the amenities of future occupiers of the hereby approved flats in accordance with Arun Local Plan policies QE SP1, QE SP1 and D DM1.

- 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 facilities shall thereafter be retained in perpetuity.

Reason: To provide alternative travel options to the use of the car in accordance with policy T SP1 of the Arun Local Plan.

- 5 The flats shall not be occupied unless and until a scheme has been submitted for approval by the Local Planning Authority to demonstrate that the development will incorporate energy efficiency measures that reflect standards at the time of submission, together with decentralised, renewable and low carbon energy supply systems. The approved scheme shall thereafter be implemented prior to occupation and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

Reason: To ensure that the development is energy efficient and in accordance with policy ECC SP2 of the Arun Local Plan.

- 6 Within 3 months of commencement of development details of improvements to secure biodiversity net gain shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be completed within a month of 1st occupation of hereby approved flats and retained thereafter.

Reason: In accordance with Arun Local Plan policy ENV DM5 and the National Planning Policy Framework.

- 7 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to a contribution of £1742 towards the cost of delivering measures to avoid or mitigate to an acceptable level, the harm caused to Pagham Harbour by the Development.

- 8 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.