Recommendation Report for Planning Permission

REF NO: **BR/280/14/PL**

LOCATION: 80B Aldwick Road
Aldwick

PROPOSAL: Part conversion of rear ground floor storerooms to form new one bedroom flat with rear single storey extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application proposes the formation of a unit of living accommodation at ground floor level to the rear of the existing takeaway at these premises. The present use of this part of the premises is as ancillary storage. The living accommodation would be accessible from the rear car parking area serving the site, which is accessed off Oxford Street. A small rear extension of 2.025m in depth into the rear area of the site, this would be 4.45m wide and would form a part of the lounge area. The accommodation is 1 bedroom, a kitchen, a shower/toilet and the lounge. A current door between the commercial unit and the accommodation would be sealed. The submitted scheme does not show any facilities for refuse or amenity area and the car parking is not marked out although the application indicates that none will be lost.
SITE AREA	0.0115 hectares.
TOPOGRAPHY	Predominantly flat.
TREES	None of affected by the proposed development.
BOUNDARY TREATMENT	The rear boundary is open. side boundaries are a 1.8m panel fence on one side and a 1.8m rendered wall on the other side.
SITE CHARACTERISTICS	The ground floor of the site is a commercial premises with ancillary storage. First floor and second floor accommodation is 2 self contained flats (BR/303/88/PL). The premises were formerly a shop with offices above. Parking is located to the rear off Oxford Street. There is a public layby to the front of the

premises.

CHARACTER OF LOCALITY

The general character of the area is retail/commercial. Upper floor uses are a mixture of commercial and living accommodation, either ancillary or self-contained. The majority of the retail/commercial units on this north side of the road have rear access/servicing/parking of Oxford Road.

RELEVANT SITE HISTORY

BR/303/88	Proposed conversion of first floor offices to 2no self contained flats	ApproveConditionally 11-07-1988
BR/143/90	Change of use from estate agent (A2) to restaurant (A3) on ground floor	ApproveConditionally 29-05-1990
BR/258/90	Shop refurbishment and erection of oven extract duct at rear side of property and new shopfront	ApproveConditionally 06-08-1990
BR/240/97	Change of use to Indian Takeaway	ApproveConditionally 06-01-1998

Upper floor residential use is already permitted/established in the form of 2 self-contained flats.

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

None received other than Bognor Regis Town Council which has no objection.

Comments on Representations received:

None.

CONSULTATIONS

Economic Regeneration
Engineering Services Manager
Engineers (structural)

Consultations responses received:

Arun DC Engineers (Structural) have no comments.

Economic Regeneration and the Engineering Services Manager have not commented.

Comments on Consultation responses:

None.

POLICY CONTEXT

Local Plan 2003:

Within Built Up Area.
Class B Road.

Local Plan 2011-2031:
Within Built Up Area.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	GEN12	Parking in New Development
	GEN32	Noise Pollution
	DEV19	Extensions to existing residential buildings
Publication Version of the Local Plan (October 2014):		SD SP1 Sustainable Development SD SP2 Built-Up Area Boundary D SP1 Design 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) ECC SP2 Energy and Climate Change Mitigation

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; Ferring and Yapton.

Bognor Regis has a Draft Neighbourhood Plan which has not yet been examined.

Affordable Housing policy has not been referred to in this report as Government Guidance states that contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floor space of no more than 1000sqm in areas such as the one where the site is located. (Planning Practice Guidance, Planning Obligations, Paragraph 12 refers).

Car Parking is dealt with in West Sussex County Council's Guidance for Parking in New Residential Developments, September 2010 and will be dealt with in the Conclusions section of this report.

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 or on pedestrian/highway safety.

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

The application site is located in an area with a commercial character at ground floor level and there is a mix of either residential units or other commercial uses such as offices on other floors. The proposed development is therefore consistent with other development in the area and the key considerations are the detail of the proposal and impact on amenity/amenity of the occupiers of

the proposed unit if permitted. As a matter of principle, there can be no objection on policy grounds to the proposal.

The location of the site is a sustainable one, with ready access to public transport and facilities, including social and commercial.

The layout of the development is such that the side windows of the unit are screened by the 1.8m side boundary fence. This also protects the privacy of the rear conservatory of the adjoining property. It is not considered that the proposal therefore results in amenity loss or that the residential amenity of occupiers of the proposed unit would be unacceptable.

The application does not indicate the location of bin storage nor is there a parking layout. Space for parking provision and servicing is limited, but there is a layby to the front of the premises which could accommodate servicing (more likely to be used for this, given greater ease of access).

At the present time and taking into account the small rear extension, the rear of the site could accommodate 2 sets of tandem car spaces, giving a total of 4 car spaces. The proposed extension would not result in the loss of space for car parking. At the present time, the parking serves the shop at ground floor and the 2 upper floor units. The proposed unit requires 1 car space (0.76 by the WSCC calculator).

Taking into account the lost commercial floor space into which the business use could expand, it is evident that the additional parking demand created would not be likely to exceed the parking demand generated by an increase in commercial space, which itself would not require planning permission as it is unrestricted. Additional parking is not therefore considered to be justified, particularly given the sustainable location.

In terms of external and internal space standards, the development proposed has an internal floor area of 54sqm and therefore meets the 1 bed 2 person standard. The proposal also meets the standards in terms of room sizes set out in Policy D DM2. There is a 4sqm requirement for external space and this limited requirement can be met within the site within the remaining rear area, excluding parking area.

Sustainability measures are included in the application.

It is considered that the development proposed is consistent with policy and that planning permission should be granted subject to conditions.

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 for 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 (negative, Neutral or positive) 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).

SECTION 106 DETAILS

The submitted Unilateral Undertaking is now of no account.

Whilst the applicant has submitted a completed and signed/dated Unilateral Undertaking (UU) which makes provision for a financial contributions of £6085.00p, Affordable Housing and £150.00p, Monitoring Fee this UU can be ignored as irrelevant since 28 November 2014 and the DCLG's introduction of a prohibition on affordable housing contributions for developments of 10 dwellings or less in urban areas and which have a maximum combined gross floor space of no more than 1000sqm.

The above financial contribution is now no longer required as this application is for 1 unit and the unit is 63sqm. (Planning Practice Guidance, Planning Obligations, Paragraph 12 refers).

An Informative on the decision notice is recommended.

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 materials and finishes of the external walls and roofs of the extension hereby permitted shall match in colour and texture those of the existing building(s).

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

3 The development hereby permitted shall not commence until a plan has been submitted to and approved in writing by the Local Planning Authority indicating the location, number

and size of parking spaces to serve the site. The development shall not be occupied until the parking has been provided in accordance with the details so approved and the parking so provided shall thereafter be kept available for the flat.

Reason: To ensure that parking is provided in accord with approved guidance and to prevent parking on the adjacent public highway in the interests of highway safety in accordance with policy GEN7 of the Arun District Local Plan.

4 Details of provision for the storage of refuse on the premises or within the curtilage of the site shall be submitted to and approved in writing by the Local Planning Authority before the development hereby permitted is first commenced. The development shall not be occupied before the provision for the storage of refuse has been made in accordance with the details so approved. The details so approved shall be retained in perpetuity.

Reason: To protect the amenities of nearby residents and in the interests of visual amenity in accordance with Arun District Local Plan policy GEN7.

5 INFORMATIVE: The submitted Unilateral Undertaking is now of no account.

Whilst the applicant has submitted a completed and signed/dated Unilateral Undertaking (UU) which makes provision for a financial contributions of £6085.00p, Affordable Housing and £150.00p, Monitoring Fee this UU can be ignored as irrelevant since 28 November 2014 and the Department of Communities & local Governments introduction of a prohibition on affordable housing contributions for developments of 10 dwellings or less in urban areas and which have a maximum combined gross floor space of no more than 1000sqm.

The above financial contribution is now no longer required as this application is for 1 unit and the unit is 63sqm. (Planning Practice Guidance, Planning Obligations, Paragraph 12 refers).

Given the above, the Council would not seek to enforce payment of the sums referred to in the UU in the manner set out therein.

The applicant may wish to obtain their own legal advice as to securing revocation of the UU.