

Recommendation Report for Planning Permission

REF NO: BR/315/19/PL

LOCATION: 98-100 Chichester Road
Bognor Regis
PO21 5AA

PROPOSAL: Conversion of the existing first floor office space (B1 Business) into 1 No. two bedroom flat (C3 Dwelling house) including rear access, amenity space & general storage facilities.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Conversion of first floor office (B1 Business) into 1 No. two bed flat (C3 Dwellinghouse) including rear access, amenity space & general storage facilities and provision for the secure cycle storage.
SITE AREA	66 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	303 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by development.
BOUNDARY TREATMENT	2m part wall & part fence to the side boundary of 92's garden. No other boundaries.
SITE CHARACTERISTICS	Two storey terraced building in brick and tiles. Glazed shop front to Chichester Road. The building is in Class A2 use at ground floor (Financial Planners) with ancillary offices above. There is a small rear courtyard accessed by a side passage between. Air Conditioning units attached to the first floor rear wall. On-street parking layby to the front restricted to Mon-Sat 8am to 6pm 1 hour.
CHARACTER OF LOCALITY	Part of a short parade of commercial uses with flats or offices above. Single storey retail premises to the west and adjoining end terraced building to the east with takeaway & flat above. Two dwellings to the north.

RELEVANT SITE HISTORY

BR/173/19/PD	Notification for Prior Approval under Class O for change of use from an office (Class B1) to a dwelling (Class C3).	No Objection 30-08-19
BR/187/16/PL	Conversion of first floor office to 1 No. 1 bedroom flat & 1 No. studio apartment	Refused 10-05-17

BR/213/07/	Change of use of offices on 1st floor to domestic two bedroom flat.	ApproveConditionally 17-10-07
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BR/18/00/	New extensions forming offices and tea room with new office in roof space	ApproveConditionally 25-02-00
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BR/173/19/PD - Prior Approval granted for change of use of first floor from an office (Class B1) to a dwelling (Class C3).

BR/187/16/PL for Conversion of first floor office to 1 1 bed flat & 1 studio apartment was refused due to the lack of external amenity space and the unsatisfactory amount of internal living accommodation.

Permission for change of use of offices on 1st floor to domestic two bed flat granted under BR/213/07/ was not implemented and has expired.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council
No objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

N/A

CONSULTATIONS

Economic Regeneration
WSCC Strategic Planning
Environmental Health
Natural England

CONSULTATION RESPONSES RECEIVED:

HMO comments:

No grant of Planning or Building Regulations is inferred or implied and it should be noted that the Housing Standards, including room sizes and facilities must be complied with. In cases where it is found that Housing Standards have not been met, this may result in enforcement action being taken by the Private Sector Housing department.

Environmental Health comments:

The applicant has not provided details of any assessment regarding potential odour nuisance from the restaurant next door impacting on future residents. Could this be provided to assess odour impact?

Economic Development:
No objection.

Natural England:
No objection.

WSSC Highways:

Would not 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 (para 109), and that there are no transport grounds to resist the proposal.

COMMENTS ON CONSULTATION RESPONSES:

Due to Corona virus restrictions the applicant couldn't provide required assessment. Pre-commencement condition requiring odour nuisance assessment will be imposed to the decision.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary;
Class A Road;
Public Sewer on Site; and
Pagham Harbour Zone B.

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)
ECCDM1	ECC DM1 Renewable Energy
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM2	ENV DM2 Pagham Harbour
HDM1	H DM1 Housing mix
QEDM3	QE DM3 Air Pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WMDM1	WM DM1 Waste Management

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11 Arun Parking Standards 2020

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.

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).

There are no relevant Bognor Regis Neighbourhood Development Plan policies.

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 complies with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or 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:**

The site forms part of a small commercial parade in an otherwise residential area in the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan 2011-2031 provided it accords with other policies of the Local Plan covering such issues as the change of use, visual/residential amenity, highway safety and parking.

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

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 National Planning Policy Framework." The site is in a sustainable urban location with various local amenities, shops and services all in walking distance along street lit footway links. Bognor Regis Railway Station is a walk of 1.2km and there is a large Tesco food

store in 1km. 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.

Para 118 (d) of the NPPF states "Planning policies and decisions should: promote and support the development of under-utilised land and buildings ...". Para 85 states: "Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation."

Para 123 states where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. In particular, higher densities will be encouraged for city/town centres and other locations that are well served by public transport. The Council cannot currently demonstrate an NPPF compliant 5 year supply of housing land and it is important to boost housing numbers in the district. The proposal accords with policies SD SP1 and SD SP2 of the Arun Local Plan.

CHARACTER & DESIGN:

Policy D DM1 of the Arun Local Plan requires the Council seek to make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area. It requires the Council to consider scale, massing, aspect, siting, layout, density, building materials, landscaping, and design features. It is necessary that development demonstrates a high standard of architectural principles, use of building materials and hard and soft landscaping to reflect the local area. D DM1 requires new housing makes 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. The policy requires the scale of development keep in the general confines of the overall character of a locality.

ALP policy D SP1 "Design" requires development to make efficient use of land and reflect local character. Arun Design Guide Supplementary Planning Document (SPD), a material consideration in the determination of applications, was published under consultation until 21 February 2020. 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 will make a valuable contribution to meeting housing.

The area is predominantly residential in but with a small commercial parade fronting Chichester Road. There are residential properties opposite and behind these commercial sites. The proposal seeks to change use of the existing first floor office space to a two bedroom self-contained flat, provided with its associated access via a rear courtyard and shared access, side footpath together with amenity and storage area. Minor alterations are proposed to the lower section of pitched roof above No100 Chichester Road, raising marginally the ridge and rear eaves. Two rather small roof-lights would be inserted to its front roof plane. A timber decked terrace of an L-shape on pedestals is proposed on the rear elevation with galvanized & obscured glazed balcony guarding; 1.8m on the sides facing to the rear private garden of No 92 and 1.1m facing west. The rear window of bedroom 2 would be obscured glazed and non openable up to 1.7m from the floor level to prevent overlooking the private garden to the north (No 92). The terrace would be accessed via French doors from both bedrooms. Minor internal alterations to the layout of the ground floor offices, incorporating a new toilet/kitchen area are proposed.

The conversion would require minimal external alteration it would not have an adverse effect on the character of the street scene and generally on the character of the area responding to a local pattern of development. There are flats above adjacent properties and other residential dwellings in the vicinity.

Therefore it is not the conversion to residential use would be out of character with the surrounding form of development. The proposal complies with ALP policies D DM1 and D 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 proposed first floor 2 bed/4 person flat would have an internal space area of 86.7sqm, whilst the requirement according to the space standards is 70sqm. The floor space area exceeds the minimal space standard required by the Nationally Described Space Standards.

Arun Local Plan policy D DM1 refers to the need for compliance with the Arun Design Guide. This is to part replace D DM3 "External Space Standards" which was deleted at the request of the Local Plan Inspector. Para 127 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.

Due to the restricted nature of the site only 20.6 square metres of amenity space would be provided (10.4 sqm in a courtyard and 10.2sqm in the terrace. The site is approximately 100m from nearby public playing fields to the south-west. The proposal complies with policies D DM1 & D DM2 and with the guidance in the NPPF (para. 127).

RESIDENTIAL AMENITY:

The Arun Local Plan policy D DM1 requires the Council have regard to certain aspects when considering development including having minimal impact to users and occupiers of nearby property and land. 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". Para 127 of the NPPF which states that developments should provide a high standard of residential amenity for existing and future users.

Environmental Health Officer expressed concern regarding vicinity to a restaurant at ground floor at No 96, and required an assessment with regard to potential odour nuisance impacting on future residents. Due to Corona virus restrictions the applicant was unable to provide this and will be conditioned.

The development is not considered to have unacceptable impacts on the residential amenity of any neighbouring properties given the provision of obscured glazed window (even though this window is an existing, however it served an office) and balcony guarding on the sides facing to the private garden of No92 (1.8m high obscure glazed side screening) to the north to overcome overlooking issues. The proposal results in residential and commercial uses located next to each other, however due to the nature of the proposed uses it is unlikely that there will be an unacceptable impact to residential amenity above and to both sides and to the rear of the proposal site.

Therefore it is considered that the flat would not have an unacceptable impact to users and occupiers of nearby properties in terms of loss of sunlight, privacy and outlook. The proposed development would comply with policies D DM1 and QE DM1.

HIGHWAYS & PARKING:

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 parking, it states:

"The Council will support transport and development which: incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking"

Policy T DM1 requires that development be located within easy access of established non-car transport modes/routes and also seek to contribute to the improvement of such routes & facilities.

Para 108 of the NPPF 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 109 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."

Parking Standards Supplementary Planning Document, January 2020 cites a Paragraph 105 of the National Planning Policy Framework: 'parking standards should take into account:

- a) the accessibility of the development;
- b) the type, mix and use of development;
- c) the availability of and opportunities for public transport;'

In Principle 4 informs that In some locations, limiting parking provision will form part of a strategy to exploit the potential for sustainable transport.

Application BR/187/16/PL for the similar development was refused, however not on the Highways ground. Officer in his report stated:

'The West Sussex County Council Car Parking Demand Calculator advises that in this location the likely parking demand for the two new flats is 2 spaces. There is no parking provision and no opportunity to include any. However, this is a sustainable built up area location and it is considered that residents can access shops, services and public transport hubs without the need to use a car.'

The plans show nil car parking provision which would not satisfy the requirements of the Arun Parking Standards which requires for one 2 bed flat in Parking Behaviour Zone 4 a provision of 1 space. Considering the above and given the proposed flat is in a sustainable urban location with various amenities, shops and services all in walking distance along street lit footway links, Railway Station is a walk of 1.2km and the fact that WSCC Highways have not objected and not considered that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, it is not possible to substantiate a reason for refusal.

The proposal is in a general compliance with policy T SP1 of the Arun Local Plan, Arun Parking Standards (SPD) and NPPF guidance.

IMPACT ON PAGHAM HARBOUR

Policy ENV DM2 of the Arun Local Plan 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. A contribution of £1,275 per new residential unit was agreed by the Councils Cabinet on 20 July 2015 and was then reduced to £871 in April 2017. This contribution is now required for all new residential developments within Zone B. Proposals that fail to provide the necessary contribution will be considered to be contrary to policies ENV DM2 of the Emerging Local Plan. The 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"

This contribution is required for new residential developments within Zone B. The Planning Obligation by the way of Unilateral Undertaking has been signed by applicant on 06/03/2020.

SUMMARY:

There is no in principle objection to mixed use development on this site in the built up area and the proposal complies with development control criteria concerning highway safety, change of use, internal space standards, character and residential amenity. Permission exists for the conversion to an office. It is considered the application is acceptable in all regards and should be approved 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 £871 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 P14, Location and Block Plan
Dwg No P01, Site Location Plan
Dwg No P09, Proposed Ground & First Floor Plan
Dwg No P10, Proposed Site Roof Plan
Dwg No P11, Proposed Front Elevation & Section
Dwg No P12, Proposed Elevations & Section

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 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 policies D DM1 of the Arun Local Plan.
- 4 The glazed screen of the proposed terrace on the north/west elevation of the building shall be erected prior to the flat first being used. It shall at all times be glazed with obscured glass and be 1.8m high on the sides facing to the north and to the west.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policy D DM1(3) of the Arun Local Plan.
- 5 No development shall commence until details of an assessment with regard to potential odour nuisance from the next door restaurant and details of any mitigation measures are submitted and approved in writing by the Local Planning Authority. The approved mitigation measures shall be implemented prior to the occupation of the dwelling and thereafter be maintained in accordance with the approved details.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Adopted Arun Local Plan 2011 - 2031. This is required to be a pre-commencement condition because it is necessary for the implementation of mitigation measures prior to commencement of the proposed use.

- 6 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources (as described in the glossary at Annex 2 of the NPPF) unless it can be demonstrated that a fabric-first approach would achieve an equivalent energy saving. Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority before any development above damp proof course (DPC) level begins. The development shall be implemented in accordance with the approved details and timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to secure on site renewable energy in accordance with national planning policy, and in accordance with Policy ECC SP2 of the Arun Local Plan.

- 7 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.