

Recommendation Report for Planning Permission**REF NO:** BR/319/11/**LOCATION:** 206 London Road
Bognor Regis**PROPOSAL:** Change of use from residential dwelling (C3 dwelling house) to ground floor chiropractors (D1 non-residential institution) with 1st floor residential accommodation to include demolition of existing garage/store & erection of single storey extension**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	The proposal is to change the use of the ground floor from residential to a chiropractor surgery with the demolition of an existing side garage and replacement with a single storey conservatory. A two bedroom flat will be provided at first floor.
SITE AREA	0.033
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Wall and fencing to rear along pavement, and fencing to side with neighbour in East Lake.
SITE CHARACTERISTICS	Corner of London Road and East Lake. Two storey dwelling, Roman cement. Car garage. Single storey rear extension. Access in East Lake. Detached garage at the bottom of the garden.
CHARACTER OF LOCALITY	Flat in London Road and rear of Berry Mill Close. Flats opposite Lake Lane/London Road Corner. To the rear of the site are dwellings in Berry Mill Close.

RELEVANT SITE HISTORY

BR/129/61	Garage & store	Approve Cond 07-11-1961
BR/774/71	Extension	Approve 31-12-1971
BR/644/77	Change of use of shop to residential	Approve Cond 07-12-1977

report

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

No objection.

Comments on Representations received:

Town Council: Noted.

CONSULTATIONS

WSCC Local Development Divis.

Environmental Health

Consultations responses received:

County Highways:

Access to the property is obtained via East Lake which is a classified D road, which is protected by yellow lines and controlled parking zone bays. The proposal will not result in the loss of any of these bays. The property has an existing dropped kerb in East Lane, the proposed widening will provide three off street spaces and the existing garage is to be retained. This provides a shortfall in parking provision, however the site is in a sustainable location within a short distance from public car parks. It is therefore not considered to be detrimental to highway safety. Cycle parking is also being provided. Whilst there is no turn on site, the widened access provides sufficient visibility. Therefore no objections raised.

District Environmental Health:

No objection in principle. There is a potential for noise from the proposed ground floor commercial use to impact upon the residential use at first floor level if this is in separate occupation. The significance of the impact will depend upon the hours of operation and the structure of floor ceiling partition which should confirm to Building Regulations.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Within the Built Up Area Boundary

Class C Road

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

[GEN7](#)
[GEN12](#)
[GEN32](#)

The Form of New Development
Parking in New Development
Noise Pollution

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

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:

The site lies within the Built Up Area Boundary where development is acceptable in principle subject to normal development control criteria such as neighbour and visual amenity being satisfactory.

THE PROPOSAL:

The proposal is to change the use of the ground floor house to a Chiropractor Therapy Centre with a flat above. It is proposed to demolish the existing garage/store projection and erect a single storey conservatory. The business called Mirage is presently trading at 11 Linden Road and is seeking to move to this site because this building can provide improved services including disabled access.

NATIONAL PLANNING POLICY FRAMEWORK:

There is a presumption in favour of sustainable development. The principles of the framework are to build a sustainable economic growth by supporting business sectors and to facilitate flexible working practices such as the integration of residential and commercial uses within the same unit (Para 21). It is considered that this proposal is in accordance with this policy.

VISUAL AMENITY:

The dwelling is located on a corner position fronting onto London Road and wrapping around into East Lake where the vehicular access provides off street parking and a garage, plus a garage that has been converted into a store. It is proposed to demolish the existing garage/store and replace with a slightly bigger conservatory by approximately 1m to the rear to provide an improved reception area. the existing garage will remain. It is considered that this change would be de minimus. The proposed widening of the access is not considered to cause any visual harm within East Lake as it is effectively an access road with a car parking area for flats opposite.

RESIDENTIAL AMENITY:

As stated above, the proposed extension to the rear is single storey and 1m extended over the existing structure. It is therefore considered that the proposal will not adversely harm neighbouring properties by any significant increasing in overlooking or overshadowing.

HIGHWAY ISSUES:

The proposal is to remove one integral garage that has been converted into a store and to retain

the garage at the rear of the dwelling and to provide three car parking spaces. County Highways have raised no objections. They have commented that the visibility with regard to the widened access is acceptable and that the garage for the flat is acceptable but that the three car parking spaces for the business is a slight shortfall, however, as there is a public car park opposite in London Road and there are two on street parking spaces directly to the side of the property, no objections have been raised. The site is close to Bognor Regis Town Centre, it is therefore considered that the proposal does not result in any significant impact on highway safety.

CONCLUSION:

The proposed change of use is considered to be acceptable. It provides a mixed use close to the town centre and it is not considered that it would cause any significant harm to visual or residential amenity or highway safety. Therefore it is recommended that the application is approved subject to the following 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) 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 none of 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).

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 drawings sheet number 1, 2a, 3, and 4

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 of the Arun District Local Plan.

- 3 The materials and finishes of the external walls and roofs of the extensions hereby permitted shall match in colour and texture those of the existing building.

Reason: In the interests of amenity in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

- 4 The change of use shall not be implemented until the parking spaces shown on the submitted plans have been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than the parking.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways in accordance with policy GEN7 of the Arun District Local Plan.

- 5 The use hereby permitted shall not be carried on until provision for secured covered bicycle storage has been made within the site in accordance with details to be submitted to and approved by the Local Planning Authority and such provision shall thereafter be used only for the storage of cycles.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles clear of adjacent highways in accordance with policy GEN7 of the Arun District Local Plan.

- 6 The access to the proposed site/dwelling shall be laid out to provide visibility splays on each side of the access in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

These splays shall be:-

- (1) 2 metres by 2.4 metres on each side of the proposed access based on the existing highway boundary, together with sight lines defined by:-
- (2) (a) A line 4.8 metres long measured along the centre line of the proposed access from the line of the nearer edge of the carriageway of East Lake.

No other work shall be carried out on the site until the above-mentioned sight lines and splay lines have been provided and thereafter the said sight lines and splay areas shall be kept free from any obstruction to visibility in excess of 0.6 metres above the level of the adjoining carriageway.

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

- 7 The premises shall not be open to the public or operational except between the hours of:

8.30 a.m. and 6.00 p.m. on Mondays to Fridays inclusive
8.30 a.m. and 5.00 p.m. on Saturday
10.00 a.m. and 5.00pm Sundays and Bank Holidays

Reason: In the interests of amenity in accordance with Arun District Local Plan policies GEN7 and GEN32.

- 8 The change of use hereby permitted shall not begin until full details of a scheme for sound insulation has been submitted to and approved by the Local Planning Authority. The insulation shall be installed before the premises are first brought into use and shall be maintained in an effective manner thereafter.

Reason: To protect the amenities of occupiers of adjoining properties in accordance with Arun District Local Plan policies GEN7 and GEN32.

- 9 INFORMATIVE:

The applicant is advised to contact the Coastal Team, Community Development and Big Society, Communities and Infrastructure Directorate, Centenary House, Durrington Lane, Durrington, Worthing BN13 2Qb (Tel 01243642105) to obtain a license for the site access works.

- 10 INFORMATIVE: Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY

This planning permission is granted because it complies with the policies listed below in that (the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character)and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN7, GEN12, GEN32

NATIONAL PLANNING POLICY FRAMEWORK

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.