

Recommendation Report for Planning Permission

REF NO: BR/39/18/PL

LOCATION: First & Second Floor Offices
 2-8 Queensway
 Bognor Regis
 PO21 1QT

PROPOSAL: Alterations to previously permitted & implemented scheme for 24 units to form balconies to flats 1-10; external lift & staircase shaft; external walkway; winter gardens to flats 11-18; a further bedroom & shower room to flat 19 & an extension to living room to flat 22. This application may affect the character & appearance of The Steyne Conservation Area & may affect the setting of a listed building.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

Alterations to the scheme approved under BR/266/17 including the following;

1) Glass & steel Balconies to Flats 1-10- A total number of 14 balconies would be installed at first floor level measuring 3.5 metres in width projecting 1.3 metres from the existing elevations (on all 4 sides).The balcony screens would be 1.1 metres in height.

2) External lift and staircase shaft on the north western corner of the existing block extending 3.6 metres to the north and 2.4 metres to the west. The stairwell would be 3.6 metres by 3.6 metres in floor area with a height of 12 metres. It is shown to have glazed elevations.

3) An external covered walkway is to be constructed projecting 1.1 metres from the northern elevation at 2nd storey level leading from the proposed external lift and staircase to a communal entrance door leading to a shared hallway at 2nd storey level and further internal stairs/lifts to third, fourth and fifth stories. The walkway at 2nd floor level would be 19 metres in length and would be covered with a series of windows facing out to the north along its length.

4) Winter gardens (conservatories) to flats 11-18 at second floor level. These proposed conservatories would occupy part of the roof terraces approved under the previous application BR/266/17. The conservatories would serve 8 apartments and would be accessed from the rear elevations of the properties as approved and would leave a balcony of between 1.4 to 3 metres beyond the rear elevation of the conservatory to the edge of the roof terrace. They would have the appearance of a

conservatory with glazed bars and fenestration on all sides and on the roof.

5) Additional Bedroom, Shower Room & Terrace to Flat 19

An additional bedroom and ensuite bathroom would be added at first floor level of approximately 3.5 by 5 metres in floor area bringing the apartment to have an elevation in line with the main northern elevation of the building. In addition, a further area of balcony would be created on top of the existing roof measuring 6 metres by 3 metres facing out to Queensway on the south elevation.

6) Living room extension Flat 22

An extension to the living room to Flat 22 The north elevation of the apartment would be brought forward over an area of existing roof to match the line of the primary north elevation at ground and first floor levels.

7) Alteration of ground floor garden landscaping and boundary treatments.

8) Alteration of bin storage.

Approx. 0.1 hectare

SITE AREA

RESIDENTIAL DEVELOPMENT N/A

DENSITY (NET)

TOPOGRAPHY

Predominantly flat.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

A yard to the rear of the building to the northwest has a 2 metre boarded wooden fence. Otherwise the building is adjacent to the footpath on all sides with no outdoor areas.

SITE CHARACTERISTICS

3 storey flat roofed building. Overhang above ground floor public house unit. Some of the application units are currently empty. Elevations comprise crittal windows and light grey rendered panels.

CHARACTER OF LOCALITY

The area is part of a town centre setting with mixed uses, predominantly commercial. Buildings vary in height.

RELEVANT SITE HISTORY		
PAA/15/18/	Erection of a 56No. unit block of flats including a 30% affordable provision.	Refuse Pre App 20-03-18
BR/266/17/PL	Alteration to previously implemented scheme for 24 flats to include a further 2 bedrooms & a further 2 bathrooms on a fifth floor. This application affects the character & appearance of The Steyne, Bognor Regis Conservation Area & may affect the setting of a Listed Building.	ApproveConditionally 22-01-18

PAA/46/15/	Extension to 4th floor of previously permitted scheme to provide additional bedroom and bathroom to both Flats 23 & 24 together with associated lift, staircase and access walkway.	Approve Pre App 26-05-15
BR/296/10/DOC	Application for approval of details reserved by condition 2 of planning application BR/235/07.	DOC Approved 18-10-10
BR/87/09/	Provision of additional 1 bed flat to previously approved scheme (to provide 2 no flats at fourth floor level)	ApproveConditionally 15-07-09
BR/278/08/	Addition of one residential unit to 4th floor of previously implemented scheme	ApproveConditionally 10-11-08
BR/134/08/	Extension & conversion of 3rd floor to form additional 4 no. 2 bed flats following BR/275/06 & BR/13/07 and lift over run to top of 3rd floor	ApproveConditionally 16-07-08
BR/235/07/	Conversion of 1st, 2nd and 3rd floors to form 19 flats - Amendments to previously approved applications BR/275/06 and BR/13/07	App Cond with S106 01-10-07
BR/13/07/	Extension & conversion of 2nd & 3rd floors to form 5 No. 2 bed. flats (Resubmission following BR/275/06)	ApproveConditionally 13-03-07
BR/275/06/	Conversion of the 1st & 2nd floors of 2-10 Queensway to form 7no. 1 bedroom & 3 no. 2 bedroom flats to first floor and 2 no. 1 bedroom & 3 no. 2 bedroom flats to second floor involving change of use at first floor from D2 to C3	ApproveConditionally 25-10-06

The application is an amendment to BR/266/17/PL which extended the flats at the fourth floor and added a fifth floor.

The original permission for residential development was granted under BR/275/06/PL. It has been amended 6 times prior to this application. The planning permission has been materially started on site and is considered to have been commenced. A former Arun Strategic Planning Officer wrote to the applicant formally to agree works had commenced in October 2010. The proposed residential

development has been subject of further permissions extending the residential beyond that originally applied for.

The s106 agreement originally applied to application BR/275/06 has been discharged.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

No objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Conservation Officer

Environmental Health

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

WSCC - No highway related concerns are attributed to the above changes. No objection.

Environmental Health - No objection subject to an informative relating to Private Sector Housing.

ADC Conservation Officer - No comments received.

COMMENTS ON CONSULTATION RESPONSES:

Noted. Conservation comments not considered necessary as the scheme is substantially the same as previously approved (BR/266/17/PL) where no objections were raised.

POLICY CONTEXT

Designation applicable to site:

Within the built up area boundary

Opposite the Steyne Conservation Area

Within the setting of Buildings of Special Character and a Grade 2 listed building

Secondary retail frontage

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

GEN2	Built-up Area Boundary
GEN7	The Form of New Development
DEV19	Extensions to existing residential buildings
GEN12	Parking in New Development

AREA2 Conservation Areas
 GEN22 Buildings or Structures of Character

Publication Version of the Local Plan (October 2014):

SD SP2 Built -Up Area Boundary
 D SP1 Design
 D DM1 Aspects of Form and Design Quality
 D DM4 Extensions & Alterations to Existing Buildings
 T SP1 Transport and Development
 HER DM1 Listed Buildings
 HER DM2 Locally Listed Buildings or Structures of Character
 HER DM3 Conservation Areas

Bognor Regis Neighbourhood Plan 2015 Policy 1	Delivery of the Vision
Bognor Regis Neighbourhood Plan 2015 Policy 2	Promoting the Seaside Identity
Bognor Regis Neighbourhood Plan 2015 Policy 4	Reducing underuse of property in the town centre

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework
 NPPG National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, Modified - Arun Local Plan - January 2018 Consultation Version, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation and a further examination in public has on these has taken place. The examination was completed in September 2017.

The Main Modifications have been amalgamated with the Arun District Local Plan 2011-2031 (Publication Version) October 2014 to form the 'Modified - Arun Local Plan (2011-2031) - January 2018 Consultation Version' which was out for Public Consultation over a six week period starting on Friday 12 January 2018 until 5pm on Friday 23 February 2018.

In conclusion the emerging Local Plan, the 'Modified - Arun Local Plan - January 2018 Consultation Version', is at a very advanced stage and carries significant weight.

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

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. 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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

The development is considered to comply with relevant Bognor Regis NDP policies 1, 2 and 4.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLANNING

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.

It is considered to preserve the character of the adjacent conservation area, the setting of buildings of special character and grade 2 listed buildings.

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 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.

It is considered that the proposal is acceptable in principle given its location in a highly sustainable town centre location. The National Planning Policy Framework (NPPF) supports effective and efficient use of land for sites in the built up area but also advises that new housing should be well integrated with and should complement neighbouring buildings and the local area in terms of scale, density, layout and access.

Furthermore, paragraph 23 of the NPPF suggests that town centres are the heart of a community and that local planning authorities should support their viability and vitality. As the proposal contributes to a more efficient use of existing space and provides additional outdoor amenity space in accordance with para. 17 of the NPPF.

In summary it is considered that the proposal will support the town centre and therefore complies with policy guidance within the the NPPF.

The development proposed complies with Bognor Regis NDP policy 4 in that it would support the re-use of a town centre building.

DESIGN AND VSUAL AMENITY

The proposed development is considered acceptable because the addition of balconies, winter gardens, apartment extensions and an additional stairwell with external access corridor would improve the design in that the residential amenity of the occupiers of the apartments and it would provide improved accessibility to upper floor apartments as well as providing additional passive surveillance of the streets below resulting in improved neighbourhood security.

The appearance of the somewhat austere modern building would be improved by the addition of balconies creating a more active frontage to the property concerned.

The materials to be used on the additional balconies, winter gardens, stairwell and walkway would be approved by condition.

The proposal is considered to promote the existing identity of the area and adjacent heritage assets. It is not considered that the development would have a significant impact on the nearby conservation area, listed building or buildings of special character as, overall, the additional development would not add significant scale to the approved development.

The approved amendments to the bin store, boundary treatments and external landscaping are considered acceptable and an improvement to the visual amenity of the scheme

The development is considered to be acceptable in terms of impact on design and visual amenity in compliance with saved policies GEN7, DEV19 & AREA2 and Bognor Regis NDP policies 1 and 2.

RESIDENTIAL AMENITY

In this case, it is considered that the proposed development would be acceptable on the residential amenities of neighbouring properties because the residential properties affected by the proposal (1-15 Fitzleet House) are set forward of the west elevation of the subject site so the overshadowing/overbearing impact would be limited.

The only concerns regarding the development are that the stairwell on the north elevation to the property extending west of the existing rear elevation would face the balconies on the side elevation of the block of flats at Fitzleet House. The separation distance from the balconies to the stairwell would be approximately 8 metres and the stairwell structure itself would be glazed. A condition could be applied to ensure that stairwell glazing facing north toward residential properties at Fitzleet House and the walkway windows at second floor level would be obscure glazed preventing any possible loss of privacy.

It is noted that habitable room windows on the north elevation of the proposed development already face the apartments at Fitzleet House as approved under planning permission BR/266/17.

The primary windows at Fitzleet house predominantly face the front (west elevation) and rear (east elevation) The new balconies on the north elevation would not face the balconies at Fitzleet House directly and would only face the side elevation and secondary windows in the south facing side elevation of the block of flats at Fitzleet House.

The addition of balconies at first floor level, a stairwell and a walkway at second storey level are not considered to create a significant additional loss of residential amenity in terms of loss of privacy, overbearing impact or loss of light. In addition, in the city centre location where the application site is located a closer relationship of residential apartments from one to another is typical. As an example, a relationship of 9 metres between the apartment habitable room windows and balconies between Fitzleet House to Queensway House exists immediately to the north of the application.

The extension proposed at second floor level to apartments 19 and 22 would not bring habitable room windows in the north elevation any closer to Fitzleet house than existing windows approved in the scheme at first floor level.

The proposed developments are therefore considered to be in accordance with policy DEV 19 and GEN7 of the Arun District Local Plan with respect to residential amenity.

SPACE STANDARDS

National Policy indicates good design should contribute positively to making places better for people. The National Planning Policy Framework (NPPF) further indicates that creating places, streets and spaces which meet the needs of people, are visually attractive, safe, accessible, functional, inclusive, have their own distinctive identity and maintain and improve local character. Policy GEN7 of the Arun District Local Plan further indicates that development will be permitted provided that amongst other considerations the proposal creates attractive places and spaces with the needs of people in mind. On this basis, well designed and adequate amenity space provision for residents is considered essential to meet the policy requirements of the local plan and Central Government Advice.

The development is considered to comply with the development plan and is recommended for conditional approval. The s106 agreement for residential development under BR/275/06 the original application has been discharged.

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 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;
 Dwg.no.15.005 - 01 - Proposed Plans (Ground Floor) received on 30-04-2018.
 Dwg.no.15.005 - 02 - Proposed Plans (First Floor & Second Floor) received on 30-04-2018.
 Dwg.no.15.005 - 03 Rev A - Proposed Plans (Third, Fourth & Fifth Floor) dated 31-03-15.
 Dwg.no.04 - Proposed Elevations received on 30-04-2018.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN 7 of the Arun District Local Plan.

- 3 The materials and finishes of the external walls and roofs of the development hereby permitted shall match in colour and texture those as approved by BR/296/10/DOC or to be similar to the existing building.

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

- 4 No development of the external balconies, winter gardens, stairwell and lift shall take place unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for the proposed structures have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building/extension.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

- 5 The north elevation glazed wall to the stairwell, the external balcony screens to the first floor north elevation balconies and the external walkway windows facing north at second floor level approved under this planning permission shall at all times be glazed with obscured glass.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

- 6 All windows shall be double glazed with acoustic trickle vents.

Reason: In the interests of the amenities of the occupiers in accordance with policy GEN32 of the Arun District Local Plan.

- 7 The entrance doors to each unit shall conform to PAS024 and have a door viewer/chain fitted.

Reason: To reduce the opportunities for crime in accordance with policy GEN18 of the Arun District Local Plan.

- 8 The access doors shall be provided with hinge bolts and the glazing to final exit doors shall be laminated.
- Reason: In order to reduce the opportunities for crime in accordance with policy GEN18 of the Arun District Local Plan.
- 9 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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 10 INFORMATIVE:Private Sector Housing
- Fire Safety
- Appropriate fire precaution facilities and equipment must be provided of such type, number and location as are considered necessary. Guidance on fire safety is contained in the LACORS guidance document - "Housing - Fire Safety, Guidance on fire safety precautions for certain types of existing housing"
 - A room where the only escape route is through another room is termed an "inner room" and poses a risk to its occupiers if a fire starts unnoticed in the outer room. The escape routes from the proposed second bedroom in flat 19 the living room/kitchen, and an escape window is not acceptable above 4.5m therefore the layout of this flat should be reconsidered.
- Room Sizes
- Room sizes should meet the minimum standards for houses in multiple occupation if the flats are intended to be rented.
- General
- Must meet the requirements of the Housing Act 2004 and be free of Category 1 and significant Category 2 Hazards;
 - Must meet the requirements of the Arun District Council Houses in Multiple Occupation Standards (2016);
- 11 INFORMATIVE:It should be noted that the Section 106 Obligation signed under reference BR/275/06 with regards to education and library contributions applies to this permission.