

Recommendation Report for Planning Permission

REF NO: BR/42/13/

LOCATION: 71 & 71A High Street
Bognor Regis

PROPOSAL: Conversion of retail unit to form 4No. cottages and conversion of vacant workshop to form bedsit accommodation.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is to convert an empty property formerly used as a restaurant and bar to residential use consisting of 4 one bedroom cottages and the conversion of the vacant workshop at the rear to 1 bedsit.
SITE AREA	0.060 hectares
RESIDENTIAL DEVELOPMENT DENSITY	83 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	None.
SITE CHARACTERISTICS	Corner building, stucco and painted white with green restaurant windows. Timber doors in Norfolk Street and also main door in High Street. Traditional Victorian windows at first floor level. Cast iron rainwater gear in Norfolk Road. Mansard slate roof. Traditional fascia externally lit.
CHARACTER OF LOCALITY	Mixed commercial and residential. This part of the High Street is within the Steyne and Waterloo Square Conservation Area which has a distinct character of its own, relating back to the Victorian layout.

RELEVANT SITE HISTORY

BR/238/05/	Change of use of premises from A1 to mixed use comprising A3 and A4 use classes	Approve Conditionally 07-09-2005
------------	---	-------------------------------------

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

No objection, however, concerns were raised over the possible loss of another retail

report

premises in a characteristic area of the town.

Others:

1 letter of objection - the proposal would diminish the area of the town as a viable retail, shopping area. The shop opposite has undergone refurbishment to regenerate this area of the town.

1 letter of support - the building lends itself to being developed in this way. The proposal will enhance the area and provide much needed housing within the vicinity. The plans demonstrate a sympathetic and structured approach which can only benefit present and future residents.

Comments on Representations received:

Noted. The proposed alterations are not considered to be appropriate in a Conservation Area.

CONSULTATIONS

Listed Building Officer
Conservation Officer
Engineers (Fluvial Flooding)
WSCC Strategic Planning
Environmental Health
Economic Regeneration

Consultations responses received:

County Highways:

No parking is proposed for the application therefore the property could result in a greater demand for parking in this location, however, it is not expected that this intensification would give rise to a highway safety issue. The new cottages are situated in a sustainable location as the site is within walking distance of public car parks and has close links with the public transport network. The proposal would not be anticipated to generate an increase in vehicle movements with respect to the existing use and peak time usage would not be expected to coincide with peak traffic levels in this area. Cycle storage should be provided.

District Environmental Health:

No comment.

District Engineers:

No comment.

District Economic Regeneration:

We understand that this has been vacant for some time, however, we feel it is important that buildings on the corner of High Street/Norfolk Street should remain commercial. We understand that this is a peripheral location and for that reason would welcome a residential use on the upper floors.

District Conservation:

The property sits on the corner of the High Street and Norfolk Street. However, most of the property can be said to front on to Norfolk Street, a narrow road which links the town centre to the sea front.

The area comprises a mixture of residential and commercial type properties. The Conservation

Area description describes Norfolk Street as being "typical of the several small service streets or roads in the area and their scale contrasts with the large, formal space of the main (Waterloo) square.

The proposal is for the conversion of a commercial unit into a number of residential units. The proposal cannot be supported for the following reasons:

A key objection concerns the windows and doors. Both windows and doors are important components which can have a significant impact on the character and appearance of a building, and its locality through their arrangement, size, detailing and method of operation. In addition, they provide information of its historical development.

The proposal seeks to remove all of the existing shop fronts and windows above and replace with a bank of standard windows. These windows are of two styles which would have the impact of providing a uniform appearance to a facade that is currently characterised by a general informality. This being provided by the various shop front and window designs

Whilst the property may have had several uses in the past, it is currently characterised by the provision of shop fronts at the ground floor level. The loss of these would lead to a marked negative impact on the street scene. This is especially true of the loss of the windows on the corner of the high street with Norfolk Street where the corner provides a focal point when travelling along the high street to either Waterloo Square or the seafront. Its loss would conflict with the established character of the surrounding area.

The loss of the first floor windows would lead to the loss of character windows constructed from materials appropriate to the conservation area. It is suggested that these fronts and windows should be retained and incorporated into part of the scheme.

Further, the proposed ground floor windows are considered out of character with the low key character and feeling of the area.

Furthermore, the proposed materials of both the windows (UPVC) and doors are not considered appropriate to this location. Information regarding the method of opening is not provided as part of the application.

It is considered that imitation replacement window styles and inappropriate replacement materials (such as those constructed from UPVC) are poor alternatives for traditional, vertical sliding sash windows. UPVC windows have thicker, more cruder frames than their timber counterparts. This window design has a detrimental impact upon the proportions and overall appearance of the windows as well as the building itself. The character of a property will be affected, which has a detrimental impact on the overall appearance of the locality.

I would question the introduction of the porches to the eastern elevation along with their design, and would consider that a more appropriate design should be considered, should they be deemed to be necessary.

The proposal has the opportunity to enhance this particular part of the Conservation Area, however, as it currently stands, it is considered that it fails to achieve this. Consequently, the proposal would have a detrimental impact on the character and appearance of the Conservation Area.

Comments on Consultation responses:

Comments noted and agreed.

POLICY CONTEXT

Designation applicable to site:
Within the Built up Area Boundary
Within a Designated Conservation Area.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	GEN12	Parking in New Development
	AREA2	Conservation Areas
	DEV17	Affordable Housing
	DEV30	Local and Village Centres

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.

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight but, because it predates 2004, a reduced 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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

The emerging local plan has recently been approved by the Council and is therefore a material consideration in the determination of this planning application. Whilst it has not been formally adopted due weight has been given to its policies in terms of the decision making process at this stage.

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 conflict with relevant Development Plan policies in that the proposal would adversely affect the visual appearance of the building within the street scene by removing the existing traditional street scape and would have a detrimental effect on the Principle shopping area by removing a commercial unit at ground floor level.

LISTED/CA

Section 16(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states:

"In considering whether to grant Listed Building Consent for any works, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Where the building is located in a Conservation Area, Section 71(1) of the Act states:

In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposal is considered to conflict with these criteria in that the proposed changes to the fenestration by removing the traditional shop frontage, including the stall risers and fascia would have a negative impact upon the visual appearance and setting of the Conservation Area. The removal of soft wood windows and their replacement with upvc would be inappropriate within a designated Conservation 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 is within the built up area boundary and within the designated Conservation Area of The Bognor Regis Steyne and Waterloo Square Conservation Area. The site is in policy area DEV 30 Local and Village Centres. Any development should either preserve or enhance the conservation area. It is not considered that the proposal would either preserve or enhance the Conservation Area but rather significantly detracts from the visual appearance within the street scene. As the site is adjacent to the Primary Shopping Area, the loss of a retail unit would have a significant impact on the vitality and viability of the town centre and no justification has been provided with the application.

NATIONAL PLANNING POLICY FRAMEWORK:

Paragraph 132 states that when considering the impact of a proposed development on Conservation Areas, great weight should be given to conserving the heritage asset. Significance features can be harmed or lost through alterations. Paragraph 133 states that where a proposed development will lead to substantial harm to the heritage asset, it should be refused. It is considered that the proposal is contrary to this policy with regard to the loss of historic features which make a significant contribution to the appearance and character of the conservation area.

EFFECTS ON THE CHARACTER AND APPEARANCE WITHIN THE CONSERVATION AREA:

It is proposed to remove the shop window, stall risers and fascia and in Norfolk Road it is intended to also remove all the existing windows, and replace with modern windows, doors and porches over the doors. It is therefore considered that these changes completely alter the historic appearance of the building and this detracts from the historic and architectural context of the character of the conservation area and are therefore unacceptable. The existing building offers a significant visual amenity to the conservation area.

The buildings in the Steyne and Waterloo Square Conservation Area date from the 1820's and are the original building of Sir Richard Hotham seaside resort. Little High Street is a small service

street which contrasts with the large formal buildings of the main square.

POLICY AREA 2 CONSERVATION AREAS:

This policy states that planning permission will be granted for development which preserves or enhances the character and appearance of a Conservation Area or its setting. For the reasons given above, it is considered that the proposal is contrary to this policy.

SUPPLEMENTARY PLANNING GUIDANCE - DEVELOPMENT IN CONSERVATION AREAS:

Paragraph 2.4 refers to the use of non traditional materials in conservation areas. Permission will not normally be granted for the removal and replacement of traditional timber windows and doors which form part of a building's traditional style, with aluminium, stained hardwood or Pvcu units.

It is considered that the proposal is in conflict with this policy in that the proposal is to remove traditional Victorian features and shop frontage which make a significant contribution to the character and appearance of the conservation area. The Conservation Officer has raised an objection.

EFFECTS ON THE VITALITY AND VIABILITY OF THE TOWN CENTRE:

The site is on the boundary with the primary shopping area of Bognor Regis.

NATIONAL PLANNING POLICY FRAMEWORK:

Paragraph 23 states that town centres are the heart of the community and the viability and vitality of town centres should be supported. Primary shopping areas should be clearly identified and protected. In this case the site is just outside of the primary shopping area however it is adjacent to it and to permit a change of use to residential could result in a significant decline of the shopping area.

The Economic Regeneration Officer has raised an objection to the loss of a commercial unit in the High Street.

NEIGHBOUR AMENITY:

The proposed changes are not considered to have any negative impacts on the residential amenity of any neighbouring properties as there is no potential for direct overlooking.

HIGHWAY SAFETY:

The proposal does not provide any car parking spaces which is no change on the existing provision. However, County Highways have raised no objection and have commented that the site is in a sustainable location, close to public transport and public car parks.

AFFORDABLE HOUSING:

An Interim Affordable Housing Policy was approved by Full Council on 18th August 2010. The policy states that the policy is in accordance with national policy and for developments of 1-14 units an off site affordable housing provision will be sought district wide. Therefore as this development is for 5 units of residential accommodation, a contribution is required to be secured through a S.106 Agreement and a unilateral undertaking was signed for £5520.00.

SUMMARY:

The proposed change of use is not considered to be acceptable because the site is in a local shopping area and the local planning authority seeks to protect a commercial use at ground floor

level. It is considered that the loss of a commercial use at ground floor level in this area would have a significantly detrimental effect on the vitality and viability of the Bognor Regis Town centre.

A residential use is considered acceptable at first floor level, but a commercial use should be retained at street level. The proposed alterations to the building are considered to be detrimental to the visual appearance and character of the Conservation Area, with the loss of original Victorian features. It is therefore recommended that the application is refused for the following reason.

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, Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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

REFUSE

- 1 The site is within an area designated as a Conservation Area under Section 69, 70 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the proposal by reason of the loss of the shop window, stall risers and removal of Victorian windows together with the inappropriate modern replacement materials, window styles and porches, would conflict with the Local Planning Authority's intention to preserve and enhance the visual amenities and environment of such areas. The proposal would detract from the character and appearance of the Conservation Area and with policies GEN7, AREA2 of the Arun District Local Plan and NPPF paragraphs 132 and 133.
- 2 The proposal is unacceptable in that the site is within the Bognor Regis local shopping centre and the loss of a commercial use would be likely to detract from the economic viability of existing shops in an established shopping centre by introducing a residential

use at ground floor level resulting in the loss of a retail unit. The proposal therefore conflicts with policy GEN 7 of the Arun District Local Plan and paragraph 23 of the National Planning Policy Framework.

- 3 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.