

Recommendation Report for Planning Permission

REF NO: BR/52/18/PL

LOCATION: Bradlaw House
5 Sudley Road
Bognor Regis
PO21 1EJ

PROPOSAL: Change of use from mixed use development consisting of Dental Surgery (D1 Non-Residential Institutions), night club (Sui Generis) & part residential (2 No. units existing) (C3 Dwellinghouse) to conversion to 8 No. flats with associated services (6 No. new units). This application may affect the setting of a listed building.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Change of use from mixed use development consisting of Dental Surgery (D1 Non-Residential Institutions), night club (Sui Generis) & part residential (2 No. units existing) (C3 Dwellinghouse) to conversion to 8 No. flats with associated services (6 No. new units).
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	The existing building has a basement so that the top of the basement windows are level with the top of the railing on the street.
TREES	None
BOUNDARY TREATMENT	This is an urban site with range of boundary treatments. The site is effectively enclosed to the North and South by adjacent development. To the rear part of the boundary is a wall which separates the site from the car park of a pub beyond. To the front the site still has traditional metal railings.
SITE CHARACTERISTICS	The underlying building is a pleasant traditional building which still retains much of its original character, although the closure of the nightclub means that part is boarded up.
CHARACTER OF LOCALITY	The site location is just behind the main retail street in an area of mixed development.

RELEVANT SITE HISTORY

BR/709/75	Cou - To Convert Existing Offices Into Club Premises With Structural Alterations	ApproveConditionally 07-01-76
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BR/343/10/CLE Application for Certificate of Lawfulness for Existing Use - Approve
Continued use of the ground floor rooms as a Dental 27-01-11
Surgery.

None

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

BRTC - NO OBJECTION Members expressed regret at losing a leisure venue in the Town, although the facility has been inactive for some time

1 letter of objection has been received from the Dentist Surgery occupying the elevated ground floor, stating that their lease runs to 2022 with no break clause. They indicate they were not consulted.

COMMENTS ON REPRESENTATIONS RECEIVED:

Whilst, as an occupier the occupier was not consulted, notification is only required if they have at least 7 years left in a lease. The impact of the terms of the lease are a legal matter separate from the consideration of this application.

CONSULTATIONS

Economic Regeneration

Engineering Services Manager

Engineers (Drainage)

Conservation Officer

Env. Amenities & Comm. Safety

Environmental Health

Environmental Health

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

WSCC (highways) - Advice

The following points appear to count against the application:

- the entrance through the gate from Sudley Road is 2.6m wide and the 3.2m width of the rest of the entrance-way does not give room for two vehicles to pass
- the room for manoeuvre round the car parking spaces is very restricted
- it is not clear how the occupier of the existing home at the rear of the site will get to their property
- the refuse bins are in a very restricted place behind the main building and there may be a tendency for residents not to want to cart them to the front
- there is no sign of a lift or shallow stairway between floors. How would residents get their furniture in and

out and how would people in a wheelchair or with a baby buggy get from floor to floor?

Engineers - No comments relating to surface water drainage

Economic Regeneration - This is a somewhat untidy building on the periphery of the town centre, and although would lose the dental surgery employment space it would rehabilitate an elegant building in poor condition, and via the residential accommodation, bring new footfall into the town centre. Economic Development support this application.

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 all of the flats is via the kitchen/Living room, this can be overcome by ensuring that the window in the bedrooms are escape window and adequate fire protection within the flat. However, an escape window is not acceptable above 4.5m above ground level therefore the layout of the flats on the first and second floor may need to be reconsidered.

Room Sizes

- Room sizes should meet the minimum standards for houses in multiple occupation if the flats are intended to be rented.
- The floor to ceiling height must be at least 2.1 metres from floor to ceiling over at least 50% of the floor area when measured at a height of 1.5metres from the floor and provide sufficient useable space.
- Note with regards to bedroom sizes:

6.5sqm - suitable for 1 person

10sqm - suitable for 2 persons

Ventilation/Natural lighting

- Any bathrooms and kitchens without windows for natural ventilation should have adequate mechanical ventilation.
- Windows to habitable rooms (bedrooms and living rooms) should be of a size to provide adequate natural light and ventilation (openable area of window to be at least 1/20th of the floor area)

General

- Must meet the requirements of the Housing Act 2004 and be free of Category 1 and significant Category 2

Hazards;

- The use of skylights as the only windows with in habitable rooms (bedrooms and living rooms) whilst they may meet the size requirements for natural ventilation and light, it is not acceptable as these would not provide an appropriate outlook for the occupants of the flat.

COMMENTS ON CONSULTATION RESPONSES:

The consultation responses are reflected in the conclusions below.

DEVELOPMENT PLAN POLICES

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)

DSP1	D SP1 Design
ECCDM1	ECC DM1 Renewable Energy
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
EMPDM1	EMP DM1 Employment Land: Development Management
ENVDM2	ENV DM2 Pagham Harbour
HERSP1	HER SP1 The Historic Environment
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
QEDM1	QE DM1 Noise Pollution
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

[Bognor Regis Neighbourhood Plan 2015 Policy 1](#) Delivery of the Vision

Bognor Regis Neighbourhood Plan 2015 Policy 2 Promoting the Seaside Identity

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD9	Buildings or Structures of Character
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011-31, West Sussex County Council's Waste and Minerals Plans and the Made Neighbourhood Development Plan for Bognor Regis.

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."

CONCLUSIONS

The main issues to be considered in respect of this proposal are.

- 1 - The principle of residential development
- 2 - The impact of the proposed changes on the appearance and character of the building.
- 3 - The residential amenity of the occupiers of the proposed units.
- 4 - parking arrangements

- 5 - other amenity considerations.
- 6 - Re-use of buildings
- 7 - Pagham Harbour

The principle of residential development

The site is located in the heart of the town centre, not far from the main retail centre. The location is very sustainable with good access to all the normal facilities and amenities. The comments of the Town Council and Economic Regeneration team are noted. The loss of the space for the dentist surgery, whilst regrettable would not be by itself sufficient reason to reject this proposal, particularly given that the access is not suitable for disabled persons because of the steps. Overall, there is no policy objection to the residential use of the whole building. The net increase in the number of residential units is a positive factor which flows in favour of the proposal.

The impact of the proposed changes on the appearance and character of the building.

The main change externally to the building is to add a Mansard roof to the building to provide accommodation for two flats. This would involve the removal of the existing chimneys and the modification of the existing twin pitched roof.

The building is listed by the Council as of being of Special Character.

The general lack of development to the north of the site means that the roofscape is particularly noticeable for a long period of time when travelling south (one-way street). The addition of the Mansard roof would introduce a 'boxy' appearance to the roof which would be both harmful to the character and appearance of the building in its own right but also the wider townscape.

This would run counter to the aims and intention of a number of policies in both the adopted Local Plan & Neighbourhood Plan but also the Local Plan.

The residential amenity of the occupiers of the proposed units.

A total of eight flats are proposed of the following sizes;

- flat 1 - 2 bed - 66 sq m
- flat 2 - 2 bed - 72 sq m
- flat 3 - 2 bed - 71 sq m
- flat 4 - 2 bed - 61 sq m
- flat 5 - 2 bed - 65 sq m
- flat 6 - 1 bed - 53 sq m
- flat 7 - 1 bed - 41 sq m
- flat 8 - 1 bed - 45 sq m

Considering the number of potential occupants in each flat and having regard to the national space standards as required by policy D DM2 of the Local Plan it would appear that flats 1, 4, 5, 7 and 8 are below these minimum standards. Whilst, regard must be had to the age and layout of the building which can make it difficult to meet all standards, the fact that 5 of the 8 flats does not meet the minimum standards suggests that the current proposal could be regarded as an over- development of the site.

It is also noted that units 1 and 2 are basement units only with very limited outlook. Access to the bin store for all the units is via a narrow passage way immediately outside the only entrance and bedroom windows to flat 1. For units 7 and 8 which would be in the mansard roof they again have a limited outlook

Overall, this reinforces the conclusion that the number of units proposed is too high for the building and would result in an unacceptable level of amenity for future occupiers.

Parking arrangements

The layout plan for the site shows that 7 car parking spaces are proposed were currently ancillary buildings stand. However, the space available for turning is very limited and it is unlikely that all seven spaces could be used/occupied simultaneously without having to undertake multiple turning movements. That said, the site is in a sustainable urban location with good access to public transport, therefore there would not be an objection to a significant reduction in the number of spaces available. This would also have a beneficial impact upon the residential amenity of a separate dwelling which stands in the rear yard of the main building.

Other amenity considerations.

Whilst provision has been made for a bin store to serve the development it is in a location which has a negative impact upon the residential amenity of flat 1. The scheme also fails to make any provision for external amenity areas (drying etc), whilst could be facilitated if the number of parking spaces was reduced.

Re-use of buildings

Only part of the building is currently in use (former nightclub area is closed) and so any proposal which brings the building fully back into use is a positive consideration which flows in favour of the proposal.

Pagham Harbour

The applicant has provided a draft s106 agreement to address the harm arising from the development being within 5km of the Pagham Harbour SPA

Whilst the site is within the built up area boundary where the principle of development or redevelopment is acceptable in principle there are substantial reasons as set out above whereby on balance the application should be refused because the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the plan and the NPPF as a whole.

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), 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 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 is unlikely to provide suitable accommodation for those with access issues as a result of their protected characteristics.

SECTION 106 DETAILS

A draft s106 has been provided to address the mitigation issues relating to Pagham Harbour.

RECOMMENDATION

REFUSE

- 1 The proposal, if permitted would cause significant harm to the appearance and character of and a building designated as a local building of character and its setting within the wider townscape by reason of the unsympathetic addition of a mansard roof to the building contrary to the aims and intentions of policies 1 and 2 of the Bognor Regis Neighbourhood Plan and policies HER DM2, D DM1 and D DM4 of the Arun Local Plan 2011 -31
- 2 The proposal, if permitted would result in an overdevelopment of the site by reason of the deficient unit sizes, poor parking arrangements, lack of external amenity area and poorly sited waste storage facilities giving rise to substandard residential accommodation and a poor residential environment overall, contrary to the aims and intentions of policies D DM1 and D DM2 of the Arun Local Plan 2011 - 31.
- 3 **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 with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.