

Recommendation Report for Planning Permission

REF NO: BR/74/17/PL

LOCATION: The Kindergarten
86 Annandale Avenue
Bognor Regis

PROPOSAL: Conversion of the ground floor to create 2 No. self contained flats.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

Each flat will have 2 bedrooms and a share of the large rear garden. No allocated parking is provided. External alterations are limited to an additional door on the northeast elevation, door replacing a window on the southwest elevation and replacement of two ground floors windows also on the southwest elevation.

SITE AREA

Approximately 0.0865 hectares

RESIDENTIAL DEVELOPMENT DENSITY (NET)

Including the existing flat upstairs - 35 dwellings per hectare.

TOPOGRAPHY

Predominantly flat.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

- * Low flint wall and part 1.4m high close boarded fence along the Annandale Avenue frontage;
- * 1.4m high brick wall part with 3m high hedge behind along the Chichester Road frontage;
- * 2m part block work wall, part close boarded fence to the rear; and
- * 1.7-2m high wall to no. 84.

SITE CHARACTERISTICS

Detached two storey corner double fronted building in a mix of orange brick and grey render/pebble dash with a tiled roof. Light blue/green rendered single storey extension to the rear. The ground floor is in use as a children's pre-school (Kindergarten) and there is a 2 bedroom flat above accessed by an external staircase on the south western side. One off-street parking space on the north eastern side. Large rear garden currently equipped with a children's playground.

CHARACTER OF LOCALITY

Predominantly residential. Mix of houses and flats. Limited on-street parking.

RELEVANT SITE HISTORY

BR/511/87	Renewal of temporary planning permission BR/309/86 - Continuance of use of property for residential purposes in conjunction with further use as a kindergarten. (A pre-school playgroup providing early learning activities for children aged 3-5 years).	ApproveConditionally 09-11-1987
BR/67/91	Use of property as a Kindergarten (A Pre School Play Group providing early learning activities for children aged 2-5 years) revision to previously approved Application No BR/511/87	ApproveConditionally 24-04-1991
BR/102/03/	Conversion of 1st floor into self contained flat together with ground floor classroom & toilet extension to child day nursery	ApproveConditionally 03-06-2003
BR/166/10/	Variation of Condition No 3 imposed on BR/67/91 and Condition No 2 imposed on BR/102/03 to increase number of children from 34 to 42.	ApproveConditionally 19-08-2010

REPRESENTATIONS**Representations received:**

Bognor Regis Town Council

"No objection"

Comments on Representations received:

Noted.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

WSCC Strategic Planning

Environmental Health

Economic Regeneration

Consultations responses received:

WSCC HIGHWAYS - Initially requested clarification regarding the allocation of on-site parking spaces. Following the submission of further information, the following comment was received:

"Three flats total will be in place if the proposal were to be permitted with the existing off street car parking area being utilised. No plans have been provided demonstrating the quantity of spaces available and the allocation of these to the proposed and existing flat. Nevertheless, our previous comments apply whereby any overspill parking on street could not take place in locations that would be detrimental to highway safety due to comprehensive junction protection markings. If the LPA were minded to approve the application, I would advise a condition securing bicycle storage."

ADC DRAINAGE ENGINEERS - "No surface water drainage comments"

ADC ECONOMIC DEVELOPMENT - "Economic Development has no objection to this

report

application"

ADC ENVIRONMENTAL HEALTH - No objections:

"Environmental Health

- No comments

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 bedrooms in Flat 2 is via the kitchen or living room, this can be overcome by ensuring that the window in the

bedrooms are escape windows and adequate fire protection within the flat.

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;"

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within the Built Up Area;
Class A Road; and
Building of Character.

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#)

[AREA13](#)

[GEN2](#)

[GEN7](#)

[GEN12](#)

[GEN22](#)

Sites of International Importance for Nature Conservation

Built-up Area Boundary

The Form of New Development

Parking in New Development

Buildings or Structures of Character

D DM1 Aspects of Form and Design Quality

D DM3 External Space Standards

D DM2 Internal Space Standards

[Publication Version of the Local Plan \(October 2014\):](#)

D SP1 Design
ECC SP2 Energy and climate change mitigation
OSR DM1 Open Space, Sport and Recreation
H DM1 Housing Mix
HER DM2 Locally Listed Buildings or Structures of Character
HER SP1 The Historic Environment
SD SP2 Built-Up Area Boundary
ENV DM2 Pagham Harbour
SD SP1 Sustainable Development
T SP1 Transport and Development

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 District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation may be a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

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 on these is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry 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.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently

suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. 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 written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

The following is an analysis of the Written Ministerial Statement (WMS) in respect of this application:

- The Bognor Regis Neighbourhood Plan has been part of the development plan for less than 2 years and the WMS is less than 2 years old;
- The Bognor Regis Neighbourhood Plan does allocate land for housing; and
- Arun District Council can only currently demonstrate an approximately 2 year supply of deliverable housing sites.

Therefore, the WMS does not apply.

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 Neighbourhood Development Plan policies to consider.

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 falls within an urban and residential area. It is defined as being part of the built up area boundary area and as such is acceptable in principle subject to normal development control criteria such as residential amenity, highway safety and parking. It is also noted that the National Planning Policy Framework (NPPF) supports the 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.

LOSS OF NURSERY USE:

There are no policies within the adopted Development Plan (Arun District Local Plan 2003 or Bognor Regis Neighbourhood Development Plan) that serve to protect community facilities. However, there are within the NPPF and the emerging Local Plan ("Arun Local Plan 2011-2031 Publication Version showing Modifications"), both of which are material considerations in the determination of this application.

Paragraph 70 of the NPPF states that: "To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: (2) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs"

Part 3 of emerging Local Plan policy OSR DM1 states that:

"Existing indoor sport, community, arts and cultural facilities should not be built on or redeveloped for other uses unless:

- a. a robust and up-to-date assessment has been undertaken which has clearly shown the facilities to be surplus to requirements; or
- b. the loss resulting from the proposed development would be replaced by equivalent or better provision of indoor sport, and/or indoor arts and/or indoor cultural facilities, which will be assessed in terms of quantity and quality and suitability of location; or

c. the development is for alternative sports, arts or cultural provision, the needs for which clearly outweigh the loss."

The applicant has not provided any justification in respect of the above policies. However, although the emerging Local Plan is at an advanced stage, it does not yet form part of the development plan. Furthermore, it is considered that although an existing permitted use, the nursery site is not ideal in that there are no customer parking facilities and there are residential dwellings (which might be affected by noise) above and adjacent. In addition, it is considered that the need for new local housing to meet community needs is greater than the need to protect existing children's nurseries particularly as the applicant could simply close the facility if he so wished - and leave it empty.

NPPF TEST OF SUSTAINABILITY:

Paragraph 7 of the NPPF sets out the three dimensions to sustainable development - the economic, social and environmental roles. In order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

Paragraph 14 of the NPPF states that the presumption in favour of sustainable development requires the granting of planning permission, 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'. Furthermore, paragraph 49 states that:

"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites".

Environmental Role -

The site is in a sustainable urban location and is within walking distance of various local amenities including shops, schools and public houses. These walking routes also use adopted street pavements which are predominantly flat and have street lighting. It is therefore considered the proposal is environmentally sustainable as residents will not need to rely on the private car to access basic services & facilities. This environmental factor weighs in the scheme's favour.

Economic Role -

It is considered the proposal will result in a localised economic benefits through the need to employ people to carry out the conversion works. The proposal also results in a minor increase in Council tax receipts, new homes bonus payments and other economic benefits from bringing new people into the area. These economic factors weigh in the scheme's favour.

Social Role -

It is considered that the proposal will have minor social benefits by providing two new residential dwellings to help meet local needs. This factor weighs in the scheme's favour.

Assessment -

It is considered the proposal is environmentally acceptable and offers economic & social benefits. It would therefore represent sustainable development.

DESIGN AND CHARACTER:

Local Plan Policy GEN7 (ii) requires that new developments respond positively to the identified characteristics of a particular site to create developments which respect local characteristics. Central Government Advice further indicates that more intensive development is not always appropriate and that design which is inappropriate in its context should not be accepted.

The building is designated as a Building of Character. Arun District Local Plan policy GEN22 states that "planning permission will not be granted for development resulting in the loss of existing buildings or structures of interest and importance which are attractive in their own right or which contribute to the character and appearance of an area. Alterations, extensions or other development which would adversely affect the appearance or setting of such buildings or structures will not be permitted."

The proposed change of use complies with GEN22 in that the change of use does not result in the loss of the building but rather preserves it with the potential for future external repair works. The proposed alterations are considered to be minor and are not considered to adversely affect the appearance of the building.

RESIDENTIAL AMENITY:

Arun District local Plan Policy GEN7 (iv) indicates that development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. One of the 'core planning principles' of the NPPF is to secure high quality design and a good standard of amenity (paragraph 17). Both the adopted Local Plan Policy GEN7 and the emerging Local Plan policy require regard to be had to the amenity & living conditions of neighbouring properties.

The only proposed new openings are to the ground floor and views from these will be screened by existing boundary treatments. Environmental Health officers have not raised any concerns as to how the arrangement of rooms in the two flats relate to each other.

INTERNAL & EXTERNAL SPACE STANDARDS:

It is necessary to assess the proposal against the internal space standards as set out in the Governments new Technical Housing Standards (Nationally Described Space Standard). The following is a list of the requirements versus the actual measured internal space for each of the flats:

Flat - No. of beds - Required Floor Space - Actual Floor Space

1	2	70m ²	76-77m ²
2	2	70m ²	74m ²

Both flats therefore comply with the required standard.

In respect of external standards, it is necessary to have regard to Policy D DM3 of the emerging

local plan (publication version) which has been approved by the Council for development management purposes and subject to testing at appeal. The Policy states that 2 bed flats should have 5 square metres of private amenity space and that this should ideally take the form of either private garden, patio, balcony or roof garden. Neither flat has access to any private space but the applicant has confirmed that all of the flats within the building will have access to the large gardens to the rear which is considered to offer a sufficient standard of amenity space. Flat 2, in particular will have secondary doors opening onto this garden.

PARKING:

The West Sussex County Council Car Parking Demand Calculator advises that in this location the likely parking demand for 2 x two bedroom flats would be 2 spaces. There is space within the site for the parking of 1 vehicle but this has not been allocated to any of the flats. However, WSCC Highways consider that the site is sustainably located such that residential occupiers will not require a car to access local shops and services. Furthermore, any overspill on-street parking could not take place in locations that would be detrimental to highway safety due to comprehensive junction protection markings.

SUMMARY:

This is an acceptable residential conversion scheme given it is located within a predominantly residential & built up area and that there are no concerns with visual or residential amenity. The loss of the children's nursery is considered to be acceptable given the lack of development policy restriction, the nature of the existing site and the contribution the proposal will make to the Council's housing land supply. It is therefore recommended that permission be granted subject to the following 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 has been granted in conjunction with a Section 106 legal agreement relating to a contribution of £2,550 towards the provision of accessible natural open green spaces to serve the Pagham area.

RECOMMENDATION

APPROVED CONDITIONALLY WITH A SIGNED SECTION 106 AGREEMENT

- 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:

Location Plan;
Site and Block Plan ref 7369/05;
Proposed Ground Floor Plan ref 7369/02; and
Proposed Elevations ref 7369/04.

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

- 3 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and the National Planning Policy Framework.

- 4 **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.

- 5 **INFORMATIVE:** This decision has been granted in conjunction with a Section 106 legal agreement relating to a contribution of £2,550 towards the provision of accessible natural open green spaces to serve the Pagham area.

- 6 INFORMATIVE: Please note the following comments of our Private Sector Housing Team:

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 bedrooms in Flat 2 is via the kitchen or living room, this can be overcome by ensuring that the window in the bedrooms are escape windows and adequate fire protection within the flat.

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