

Recommendation Report for Planning Permission**REF NO:** BR/79/15/PL**LOCATION:** March House
2 Sussex Street
Bognor Regis**PROPOSAL:** Change of Use from B1 (Business) to D1 (Non residential Institutions) & minor external alterations to entrance & windows.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	Change of use from office use to a Class D1 dental practice together with external fenestration changes (enlargement of existing windows & creation of a new doorway). Working hours are proposed to be 08:40 to 18:30 Monday to Friday.
SITE AREA	175 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	None. Open to pavement.
SITE CHARACTERISTICS	Two storey flat roofed rough rendered building. The ground floor offices are occupied by a charity but the first floor is understood to be vacant. There is space for the parking of 2 cars on the northern side of the building.
CHARACTER OF LOCALITY	The site lies within the Bognor Regis town centre area and is only a few metres from a public car park located adjacent to the council offices. To the immediate north is a retail shopping street. There are also residential units and offices within the area.

RELEVANT SITE HISTORY

BR/520/88	Conversion into two retail units on ground floor and beauty salon on 1st floor	ApproveConditionally 14-11-1988
BR/220/92	Change of use from two shops and beauty salon (ground and first floor) to offices	ApproveConditionally 02-10-1992

BR/289/93	Change of use from health studio/beauty salon to offices and studio flat and external works.	ApproveConditionally 01-02-1994
BR/184/05/	Proposed development of six 1 bed flats	ApproveConditionally 21-07-2005
BR/213/06/	Proposed revision to previously approved application BR/184/05 to provide 3 No. 1 bed and 3 No. 2 bed flats (Resubmission following BR/184/05)	ApproveConditionally 23-08-2006

The building was previously granted approval to provide 3no 1 bed and 3no 2 bed flats (Refs BR/213/06 and previously BR/184/05) but these have both since lapsed. Previous historical uses have included retail units, beauty salon, offices and studio flat.

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

Bognor Regis Town Council - no objection.

Two letters of objection. The first is from an existing occupier (a charity called the Capital Project Trust) who is concerned that they will lose their premises and that the charity will be put at risk. They consider that there are already too many dentists in the area, that there is a shortage of office space and that the proposal will result in congestion on Sussex Street

The second is from a Bognor resident who states that "Bognor Regis has 3 dental practices within 5 minutes' walk of March House while the town is not well served for office space. I am aware that the vendor has now received an offer for the property which will retain this facility."

Comments on Representations received:

Land ownership/the rights of existing occupiers of buildings are not material planning considerations. In addition, it is not possible to refuse an application on the grounds that someone else might be interested in taking on the building as offices. It is also noted that the applicant has an existing dental practice within the town centre (Dove Dental Care on London Road) and is looking to relocate from there to the site in order to better cater for the needs of his patients.

CONSULTATIONS

Economic Regeneration

Consultations responses received:

ADC Economic Regeneration - "Economic Regeneration would support this application"

Comments on Consultation responses:

Noted.

POLICY CONTEXT

Designation applicable to site: Within the Built Up Area Boundary.

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) GEN2
GEN7

Built-up Area Boundary
The Form of New Development

Publication Version of the Local
Plan (October 2014):

GEN12

Parking in New Development
SD SP2 Built-Up Area Boundary
D DM1 Aspects of Form and Design
Quality
EMP DM1 Employment land:
Development Management
T SP1 Transport and Development

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

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.

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 in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton.

The Bognor Regis Neighbourhood Plan has recently been out to consultation (12th November to

report

24th December 2014) and will now be reviewed prior to submission to Arun District Council.

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 is located within a highly sustainable town centre location within the built-up area boundary. In such locations, the principle of new development is considered to be generally acceptable subject to other policies in the development plan.

LOSS OF OFFICES/IMPACT ON EMPLOYMENT:

It is acknowledged that the proposal will result in a loss of existing office space but the applicant has submitted an Economic Development Statement which confirms that the building is currently only partly occupied and that the remainder of the building has previously been unsuccessfully marketed as offices. The Dental Practice employs 10 no staff but it is not known whether there will be an increase on the existing number employed in the current premises.

Policy EMP DM1 of the Arun Local Plan (2011 - 2031) Publication Version (October 2014) allows for the loss of existing B1-B8 type premises but only where it is clear that there is no good prospect of employment reuse. In this case, not only has the applicant marketed the first floor unsuccessfully but the proposed dental use will also maintain a number of existing jobs. The Councils Economic Regeneration Officers have stated that they support this application.

PARKING:

According to the West Sussex Parking Standards (2003), the use requires 1 space per practitioner and 4 spaces per consulting room/examination room for visitors/staff and also 1 space per 20 square metres of office space for administrative & support staff. However, given the location within the town centre, within only a very short walk of a public car park, within a short walk of bus stops, the railway station and residential properties; it is considered that the parking requirement can be waived.

SUMMARY:

The proposed change of use will result in the full utilisation of an existing town centre commercial building without causing any harm to residential amenity, highway safety or the character of the area. The proposal may result in the existing charity having to vacate the building but this would be a purely commercial decision and it is not possible to refuse an application solely on the grounds that a tenant may lose their lease. It is therefore recommended that permission be granted in accordance with the following conditions. No hours condition is proposed as the proposed hours are considered to be reasonable and appropriate to this town centre location.

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:

Location and Block/Site Plan ref 0169/102;
Existing Floor Plans and Elevations ref 0169/100; and
Proposed Floor Plans and Elevations ref 0169/101

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 The building shall be used as a Dental Practice/Surgery and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any other Statutory Instrument revoking and re-enacting that Order).

Reason: To enable the Local Planning Authority to maintain control in the interests of the amenities in accordance with Arun District Local Plan policies GEN7 and GEN12.

- 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.