

Recommendation Report for Planning Permission

REF NO:	BR/131/20/PL
LOCATION:	Land between 2b and 4 London Road Bognor Regis NEAR PO2
PROPOSAL:	Erection of a commercial unit at ground floor level with residential development of 3 no. bedroom flats above. This application is in CIL Zone 4 (Zero Rated) for flats & shop (Zero Rated).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	It is proposed to build a commercial unit at ground floor with three storeys of residential above. The whole of the building is not three storey as the bin/bike store element which projects beyond the rear of 2b London Road is single storey only. The development will be constructed as a standalone building but effectively close the existing gap between neighbouring buildings. On the ground floor will be the commercial unit, small plant room, stair well and cycle & bin stores. Existing fire exits of adjacent buildings will be retained and will open onto a new internal corridor shared with the flats & commercial unit. The remaining three floors will have a flat each (2 x 2 bed & 1 x 1 bed) and each flat will have a small enclosed roof terrace/balcony on the southern side. There is no car parking provision. There is pedestrian access to London Road at the front and onto a private car park at the rear. The building will be constructed in perforated brick, glass (including diamond shaped curtainwall glazing), facing brick & tiling to match the fascia of no. 4. It will have a low parapet/flat roof which will be level with 4 London Road. The roof will be green and will also have roof lights and solar panels.
SITE AREA	0.0187 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	160 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the development.
BOUNDARY TREATMENT	Open to front and rear with buildings to the sides.
SITE CHARACTERISTICS	The site comprises a parcel of land situated between 2b and 4 London Road. The site is open and undeveloped. The site is bounded to the north west and south east by 2 - 3 storey developments which comprise commercial uses at ground

CHARACTER OF LOCALITY

floor and office uses above. These adjacent buildings are identified as Buildings and Structures of Character (locally listed). The site falls along a primary shopping frontage.

London Road is defined by a mix of commercial uses at ground floor level and supporting uses above. Such supporting uses typically comprise either office or residential uses. London Road is a fully pedestrianised street with no vehicular access and there is a strong differentiation in the character of the western and eastern sides of London Road. Buildings to the eastern side are typically finished in red brick with pitched roof forms at first floor level and above. Conversely, buildings along the western side have a more formal flat roofed classical appearance.

2B London Road is approximately 2 storeys high and 4 London Road is approximately 3 storeys high. All other buildings on the east side of London Road comprise 2 storeys in height with accommodation in the roof pitches. There are no records of flats in the upper storeys of the adjacent buildings.

RELEVANT SITE HISTORY		
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BR/278/14/PL	Use of land for 8 No. temporary market stalls	ApproveConditionally 18-02-15
BR/49/08/	Erection of a new retail unit and 2 No two bedroom flats	ApproveConditionally 25-03-08
BR/158/04/	Shop and store with two one bed flats over	ApproveConditionally 09-07-04
BR/39/96	Erection of 1.8 metre high close boarded fence	ApproveConditionally 26-04-96
BR/12/88	Outline application for two storey retail unit.	ApproveConditionally 10-04-89

The site was used under temporary consent for the siting and use of market stalls under BR/278/14/PL. Prior to this BR/49/08 was granted for the 'erection of a new retail unit and 2 no. two bedroom flats'. This proposal comprised a height of 2 storeys. This consent has lapsed.

REPRESENTATIONS

Bognor Regis Town Council have no objection.

The Council has received two letters from neighbouring businesses objecting because the proposal will block existing emergency escape routes, block access to bin stores and develop over a Right of Way.

COMMENTS ON REPRESENTATIONS RECEIVED:

The grant of permission does not authorise trespass or private nuisance nor does it supersede a restrictive covenant, rights of way, rights of access, easements or any other rights. An applicant for planning permission does not need to own the land or any interests in the land. It is up to the applicant having obtained permission to determine how they will overcome any rights belonging to others. The ground floor plans include provisions to retain the existing emergency escape.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS - No objection subject to cycle storage condition and with the following comments:

- No off street car parking provision is proposed for either the commercial or residential use.
- Consideration should be given that the same was true for the existing covered market use.
- The Arun Parking Supplementary Planning Document anticipates residential flats would attract demand for 1 space per flat.
- The LPA should take account of the extremely sustainable high street location, when considering the suitability of a nil parking provision.
- It would be difficult to substantiate that a nil parking in a location such as this would create a safety or capacity concern on the wider adopted highway network.
- The communal 4 cycle parking provision is in line with the SPD.

ADC DRAINAGE ENGINEERS - No objection. Due to location & scale of the development, do not intend to request conditions in respect to surface water drainage. However, no surface water is to be discharged into the foul drainage system.

ADC ECONOMIC DEVELOPMENT - would be pleased to see this piece of prime shopping area fully utilised and support this application.

ADC ENVIRONMENTAL HEALTH - No objection subject to noise and delivery hours conditions.

ADC PRIVATE SECTOR HOUSING - No objection. Provide comments relating to fire safety, general safety, ventilation and internal access. Do not recommend any conditions.

COMMENTS ON CONSULTATION RESPONSES:

ADC ENVIRONMENTAL HEALTH - one of the requested conditions (noise mitigation measures) was a pre-commencement type but it is considered that a pre-DPC level type condition could satisfactorily address the requirements instead.

ADC PRIVATE SECTOR HOUSING - the comments raised are not material planning considerations so

no changes have been sought to the scheme.

POLICY CONTEXT

Designations applicable to site:

Within the Built-Up Area Boundary;
Pagham Harbour Zone B;
2km buffer of Bognor Reef SSSI;
2km buffer of Felpham SSSI;
CIL Zone 4; and
Bognor Regis Town Centre Area.

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
HWBSP1	HWB SP1 Health and Wellbeing
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
SDSP2	SD SP2 Built-up Area Boundary
EMPSP2	EMP SP2 Economic Growth Areas
ENVSP1	ENV SP1 Natural Environment
ENVDM2	ENV DM2 Pagham Harbour
HDM1	H DM1 Housing mix
HERSP1	HER SP1 The Historic Environment
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QESP1	QE SP1 Quality of the Environment
RETSP1	RET SP1 Hierachy of Town Centres
RETDM1	RET DM1 Retail development

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 5	Preferred Retail Uses in the primary retail area
Bognor Regis Neighbourhood Plan 2015 Policy 8A	Design Excellence

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
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NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD3	Parking Standards
SPD9	Buildings or Structures of Character

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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

Bognor Regis Neighbourhood Plan policies 1, 2, 4 and 5 are considered to be relevant.

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 the Arun Local Plan in that it would not cause demonstrable harm to the character of the area, to the amenity of neighbouring residents, harm the vitality & viability of the town centre or result in a severe impact on the local highway. The proposal also makes appropriate provision for the protection of Pagham Harbour.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are/are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS**PROPOSAL & PRINCIPLE:**

The site is in the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan (ALP) and provided it is in accordance with other policies of the Local Plan covering such issues as character/design, highway safety/parking, heritage, residential amenity, space standards, noise pollution and the natural environment.

Policy SD SP1 of the ALP states: "When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF)."

NPPF para 118(d) states "Planning policies and decisions should: promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing". Para 123 states where there is an existing or anticipated shortage of land for meeting identified housing

needs, it is especially important that planning decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. Higher densities will be encouraged for city/town centres and other locations that are well served by public transport.

The site is in the built-up area in a highly sustainable location with potential for trips to be made on foot, by cycle or by bus. There is a railway station nearby. New homes could result in moderate benefits to the local community & economy by providing residential accommodation to help meet future needs, create/maintain construction jobs and result in additional spending in the local area by future residents which will be of particular benefit to Bognor Regis town centre.

According to the most recent Authority Monitoring Report (December 2019), the Council can only demonstrate a 3.7 year housing land supply and an Inspector concluded on an appeal decision (APP/C3810/W/19/3236911 dated 13/02/20) that the Council's stated housing land supply position is currently approximately 2.9 years. This proposal provides 3 new dwellings in a sustainable location in the built-up area boundary and will make a small contribution to the current housing land supply shortfall. The Council needs to consider the effects of Covid-19 on the economy and housing market and it is not likely that the Council will be able to demonstrate a 5 year HLS by December 2020 when the next update is planned.

The proposal is judged to be in accordance with ALP policies SD SP1 & SD SP2 and with the guidance in the NPPF on the efficient use of land.

IMPACT ON THE TOWN CENTRE:

The site is shown in the ALP as being in the defined Bognor Regis Town Centre Area and in an economic growth area. The site is also identified as being within a primary shopping frontage.

ALP policy RET SP1 states that Bognor Regis and Littlehampton will be the main focus for major retail, leisure, commercial, office, tourism, cultural, community and residential development. It is also relevant to note that ALP policy EMP SP1 states that the Council will promote the sustainable growth of the District's economy to meet the varying needs of different economic sectors and to support regeneration within the two main towns. The policy sets out support for "the provision of appropriately scaled development where such uses compliment, and are compatible with, employment/commercial uses".

ALP policy EMP SP2 (Economic Growth Areas) expects development within the town centre to respect the character of the local area and provide for additional or enhanced commercial, leisure and retail activities. ALP policy RET DM1 allows A1 retail development and permits A2 & A3 subject to three caveats - where it would not lead to an over concentration of such uses, where a window display is provided and where there is no detrimental effect on the character or amenities of the area through smell, litter or noise. Policy RET DM1 also allows for the re-use of vacant floorspace on the upper levels for residential purposes. In such cases, the policy allows for a reduction in car parking standards provided there is no adverse effect on the levels of traffic congestion and road safety.

Policies 4 and 5 of the Bognor Regis Neighbourhood Development Plan (BRNDP) supports proposals for change of use to A1, A3 and A4 uses at ground floor within the identified primary retail areas and for residential development above.

The applicant describes the commercial unit as being A1 retail and this would be supported in this location. Class A3 and A4 uses could result in harm to the residential flats above by way of noise and odour pollution and as such would not be appropriate. Whilst there is a bank to the south, there is not considered to be an existing over concentration of A2 uses in the vicinity of the site and therefore such a use would also be acceptable. As such, the proposed commercial use will be restricted to A1 or A2 use

thus allowing some future flexibility.

The proposal does not technically reuse existing upper floor space but as there is existing airspace at the site, it is considered that the afore mentioned policies would support the principle of residential development above the commercial unit. The flats would complement the retail function of the town centre area by increasing footfall in and around the town centre and this could result in a boost to sales of local shops. A populated building in a central location adds an element of passive surveillance in times when the area is least inhabited and this can help reduce antisocial behaviour in town centres.

The proposal is considered to be in accordance with ALP policies RET SP1, RET DM1 & EMP SP1 and with BRNDP policies 4 & 5.

HIGHWAY SAFETY & PARKING:

ALP policy T SP1 seeks to ensure development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport. In respect of highway safety, it states: "The Council will support transport and development which: explains how the development has been designed to: (i) accommodate the efficient delivery of goods and supplies; (ii) give priority to pedestrian and cycle movements and have access to high quality public transport facilities; (iii) create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter."

Policy T DM1 requires new development be located in easy access of established non-car transport modes/routes, contribute to the improvement of such routes & facilities and contribute towards the provision of a joined-up cycle network and Public Rights of Way network. Such routes are found all over the town centre area. The Council has also adopted a Parking Standards Supplementary Planning Document (SPD).

Para 108 of the NPPF states: "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Regard should be had to para 109 which states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

According to the Parking Standards SPD, there would be a requirement for 3 allocated parking spaces and 0.6 visitor spaces (4 in total). The proposal provides zero spaces. It is acknowledged that new residents of the flats will be aware that there are no parking facilities on the site before they buy/rent and that the SPD states that a more flexible approach will be taken with schemes that incorporate flats and on sites close to urban centres. ALP policy RET DM1 allows for a reduction in car parking standards provided there is no adverse effect on the levels of traffic congestion and road safety.

Notwithstanding, the applicant has provided evidence in the form of a parking analysis (including Lambeth based parking capacity survey) to justify the nil parking provision. This sets out that:

- it is unlikely that the commercial unit would be a 'destination' in itself (i.e. people will not travel to the town centre to visit this store and only this store) and would instead provide further offering for linked trips;
- there are comprehensive controls across the local area that restrict parking at locations where parking would create a highway safety issue;
- there is a low level of parking stress in the vicinity of the site with overnight availability of unrestricted parking at Belmont Street, Bedford Street and Kelby Drive;
- there was also availability of disabled parking provision through High Street, both in designated bays and on double yellow lines without restrictions for disabled users;

- there are public car parks situated at Lyon Street and the Regis Centre, providing further car parking provision if required;
- the site is in a highly sustainable location, providing residents with a range of viable travel modes including walking, cycling and public transport provision.

On this basis, it is considered that should any residents decide to own a car whilst living at the site, that there is capacity in the surrounding area for parking and that this will not adversely affect highway safety.

The advice of WSCC Highways is summarised above. They have no road safety concerns with the nil parking provision and argue that the local planning authority should have regard to the sustainable town centre location when determining the application.

The proposal is acceptable in respect of policies relating to highway safety & parking and therefore in accordance with ALP policies T SP1 & T DM1 and the NPPF.

HERITAGE ASSETS:

The site lies between two locally listed buildings (2B & 4) with additional locally listed buildings opposite. There is a Grade II Listed Public House around 50m away to the east but as this is 2 storeys and there is intervening 2-3 storey buildings in between, it is not considered that the proposal affects the setting of the Listed Building.

ALP policy HER DM2 (Locally Listed Buildings or Structures of Character) covers the alteration or extension of such buildings but does not infer any protection to their setting. The proposal does not directly alter either building. It is necessary to consider relevant policy guidance in the NPPF which sets out several steps when considering the impact on heritage assets.

Para 189 requires that applicants describe the significance of the heritage assets affected, including any contribution made by their setting. Para 190 requires Local Planning Authorities to identify and assess the particular significance of the heritage asset that may be affected by a proposal. The Local Planning Authority must then consider the level of harm associated with the proposal (either no harm, less than substantial harm or substantial harm). Para 197 requires that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Despite one being requested at pre-application stage, the applicants have not provided a Heritage Statement and there is no mention of heritage in the submitted Design & Access Statement.

The proposal is for a modern development between two older attractive buildings. It is considered that when they were built, the two neighbouring buildings were likely accepted as modern structures in the streetscene and on this basis it would not be inappropriate to propose something that is more modern.

Indeed, an article in the Bognor Regis Post entitled "London Road store has hosted big names" (11/11/16) stated that the building of which no. 4 is a part was constructed in 1936 at the expense of a large house & garden. The article states at the time, the new building was considered to be completely out of keeping with the rest of London Road. In addition, according to another Bognor Post article ("Changing Times - A historical tour of Bognor Regis' best sites", 20/09/19) and a subsequent google search, the building to the south was constructed after demolition of the High Street Congregational Church after 1929.

It is not considered that there will be any significant harm to the adjacent buildings and that the contrast between new and old may better reveal the significance of the adjacent assets. As such, there is no

conflict with ALP policy HER SP1 or the guidance in the NPPF.

CHARACTER & DESIGN:

ALP policy D DM1 requires that the Council seek to make the best possible use of land by reflecting or improving upon the character of the site and the surrounding area. It requires the Council to consider scale, massing, aspect, siting, layout, density, building materials, landscaping, and design features. It is necessary that development demonstrates a high standard of architectural principles, use of building materials and hard and soft landscaping to reflect the local area.

In terms of density, D DM1 requires that housing make efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. The policy requires the scale of development keep within the general confines of the overall character of a locality. ALP policy D SP1 "Design" requires development to make an efficient use of land and also reflect local character.

ALP Policy D DM4 requires that extensions/alterations: sympathetically relate to and are visually integrated with the existing building in siting, massing, design, form, scale & materials; are visually subservient to the main building & provide a high standard of amenity and do not compromise the established spatial character & pattern of the place. The proposal does not technically alter or extend the existing buildings but due to the proximity of the new to the existing, the principles in this policy remain relevant.

BRNDP policies 1 & 2 state that development proposals affecting non-designated heritage assets should demonstrate how proposed changes will support the delivery of relevant objectives and adhere to a 'Secure, restore and boost our seaside identity first' principle by echoing and responding eloquently and innovatively to the local built environment character and setting.

Para 127 of the NPPF states "Planning policies and decisions should ensure that developments: (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)." Para. 122 states that planning decisions should support development that makes efficient use of land but the desirability of maintaining an area's prevailing character and setting should be considered. Para. 130 states permission should be refused for development that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The Council has an emerging Design Guide which completed its initial consultation period, has been modified in response to comments received and will now be subject to a further 4 week consultation in accordance with regulation 12b of the Town & Country Planning (Local Planning) (England) Regulations 2012 (as amended). This will run until 14/10/20.

The applicant provided a detailed Design & Access Statement which sets out the site context, site conditions, constraints, appearance/materials, scale and massing. This concludes that the proposal has been designed sensitively to form a logical continuation of the existing built development consistent with existing rhythm, scale and proportions.

The building matches with the height of no. 4 and so retains the height difference between 2 and 4. It is not subservient to either but is considered to sympathetically relate to the form and scale of existing buildings including matching with existing reference lines on no. 4. The materials do not reflect those of the adjacent building (except for the use of grey/black tile on the ground floor fascia to match that on no. 4) but given the contrasting styles of adjacent buildings, this would not be achievable. It is considered the elevational treatments are strong and will complement and add visual interest to the existing

streetscene.

The diamond shaped windows are unusual but are not harmful. The building is stepped down to the rear thus reflecting the built form in this area and also respecting existing rear windows.

The density of the scheme is considered to be appropriate given the sustainable location. There will be an impact on the character of the townscape in this location however, it is considered that this will be a positive change and will contribute to a sense of place in this location improving upon the current appearance of the site.

The proposal is considered to comply with the relevant ALP policies, BRNDP policies 1 & 2 and with the guidance in the NPPF.

RESIDENTIAL AMENITY:

ALP policy D DM1 requires the Council have regard to certain aspects when considering development including having minimal impact to users and occupiers of nearby property and land. Regard should be had to para 127 of the NPPF which states that developments should provide a high standard of residential amenity for existing and future users. ALP policy QE SP1 states: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity". The emerging Arun Design Guide sets out guidance on interface distances between dwellings and these are: 21m for back to back, 16m for front to side and 14m for back/front to side.

The Council has no records of any flats on the upper floors of the adjacent buildings and a site visit suggests that these are used instead either as offices or ancillary retail uses. There will be no harm from the proposal to any existing residential properties.

As mentioned elsewhere in this report there are concerns from adjacent businesses that the proposal will block access to fire escapes and bin stores. These are not material planning considerations and the ground floor layout does preserve access to fire escapes. To the rear of the site is a large private car park accessed from John Street. The developers may need to agree access through this area for pedestrians and possibly refuse collection but similarly, this is not a planning consideration.

The scheme proposes enclosed external amenity space on the south side of the building in the roof form of a part covered roof terrace for flat 1, a balcony above half of this for flat 2 and an open roof terrace for flat 3. The arrangements have the potential to allow flat 2 to overlook flat 1's roof terrace below and for flat 3 to overlook both of the external amenity areas below. However, the only solution would be to have high solid screens to the balconies and this would not be acceptable to the amenity of the flat owners creating a 'prison' like atmosphere. Therefore, it is not proposed to impose any conditions to this effect.

The proposal would therefore be in accordance with policies D DM1 & QE SP1 of the Arun Local Plan, paragraph 127 (f) of the National Planning Policy Framework and the emerging Arun Design Guide.

SPACE STANDARDS:

ALP policy D DM2 states: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards (NDSS) will provide guidance". It is therefore necessary to assess the proposal against the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if the buildings will be suitable for residential use. The following is a breakdown of the proposed homes and it is clear that all three flats comply with the requirements.

Plot	Unit Type	Internal Space	National Standard
1	- 1S/2B/3P	- 69.7m ²	- 61m ²
2	- 1S/1B/2P	- 60.3m ²	- 50m ²
3	- 1S/2B/3P	- 69.5m ²	- 61m ²

There are no policies in the ALP relating to garden sizes but the emerging Arun Design Guide sets out standards for garden sizes for flats as follows:

- Balconies: max. 2m beyond the building frontage, subject to minimum balcony to balcony distances of 17m. At least 3sqm of useable space; and
- Communal Shared Spaces for flats: minimum 40sqm plus 10sqm for each unit if not provided as balcony space.

There is no space in the site to provide communal amenity space and instead the applicant proposes external amenity space within the building envelope. All three spaces provide in excess of the 3m² requirement (9.2m², 5.1m² & 8.1m²). Furthermore, the central location of the site means that residents will be a short distance from the seafront and nearby parks.

It is considered the scheme provides a decent standard of amenity for future occupiers and there is no conflict with any adopted development plan policy.

NOISE POLLUTION:

ALP policy QE DM1 states that: "To safeguard the continued use of existing industrial and commercial uses and to protect amenity, noise sensitive development should not normally be permitted where: (a) high levels of noise will continue throughout the night, especially during the hours when people are normally sleeping; (b) there is a likelihood of complaints about noise from industrial development."

The Councils Environmental Health officers raise no objection subject to conditions to protect the flats from noise from the commercial unit. The site is in an area which is predominantly commercial and such new residents will be aware of the potential for noise from nearby uses. Having said that, it is not considered that an A1 or A2 unit would be particularly noisy and the flats can be protected through the use of insulation measures. As such, there is not considered to be any conflict with ALP policy QE DM1.

CLIMATE CHANGE/SUSTAINABLE CONTRUCTION:

ALP policy ECC SP2 requires that all new residential and commercial development be energy efficient and incorporate decentralised, renewable and low carbon energy supply systems. In addition, ECC SP1 requires that new development be designed to adapt to impacts arising from climate change.

The application states that the development will minimise carbon dioxide emissions, maximise recycling, use materials with a low carbon footprint, incorporate a green roof, minimise water consumption and seek to achieve a 19% improvement on Part L of the Building Regulations. A planning condition will be imposed to secure these details and on this basis, it is considered that the proposal would comply with policies ECC SP1 and ECC SP2.

PAGHAM HARBOUR:

ALP policy ENV DM2 requires that new residential developments within a 400m to 5km distance ('Zone B') of Pagham Harbour make a financial contribution towards the provision of accessible natural open

green spaces to serve the area. A contribution of £871 per new residential unit was agreed by the Councils Cabinet on 10 April 2017.

The site is in the designated Zone B and it is necessary to apply this requirement. The net increase in 3 dwellings results in a contribution of £2,613 and this has been secured by a legal agreement.

SUSTAINABLE DEVELOPMENT:

Policy SD SP1 "Sustainable Development" states that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF). Paragraph 8 of the NPPF states that in order to achieve sustainable development; economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The following is an assessment of the benefits associated with the proposal.

The site location is environmentally sustainable as it is possible to walk/cycle to access shops, services, places of employment and other facilities and these are in an appropriate distance such that it is not necessary to travel by car. There is a railway station in walking distance allowing onward travel to London and other places to the west and east of Bognor Regis.

The proposal is not considered to have direct environmental impacts particularly as the Pagham Harbour contribution is secured. The proposal could help to support the local community by providing 3 new dwellings to help meet future needs and make a small contribution to the Council's housing land shortfall. Other benefits consist of:

- Increased Council Tax receipts;
- New Homes Bonus payments from the Government;
- Creation/maintenance of construction jobs;
- Increased passive surveillance of London Road and the servicing area/car park to the rear;
- New retail activity on this site; and
- Additional spending by new residents on local goods & services/increased footfall in the town centre.

Para 11 (d) of the NPPF sets out the application of the 'presumption' for sustainable development which is triggered where the Council's policies most important for determining the application are out-of-date. The Council can currently demonstrate a Housing Land Supply (HLS) of 2.9 years and there is a significant shortfall and hence, its policies are considered out of date. Para 11(d) states that planning permission should be granted unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

It is not considered that there is any significant harm with the proposal and with the likely benefits to consider, there is no question that this proposals benefits from the NPPF presumption in favour of sustainable development.

SUMMARY:

The development is considered to represent an efficient use of a currently under-utilised urban brownfield site and there is no objection in principle to the development. The proposal complies with development control criteria concerning highway safety/parking, space standards, design/character, heritage, pollution and residential amenity. It is considered this application is acceptable in all regards and should be approved subject to the following conditions and the signed S.106 legal agreement.

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 will be granted in conjunction with a Section 106 legal agreement relating to a contribution of £2,613 towards the provision of accessible natural open green spaces to serve the Pagham area. The scheme is not CIL liable due to its location in Zone 4.

RECOMMENDATION

- 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 ref 100;
Proposed Site Plan ref 102;
Block Plan ref 103;
Proposed Floor Plans ref 104;
Proposed Elevations ref 105;
3D Images ref 106;
3D Images 2 ref 107; and
Scale & Massing ref 108.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D DM1, T SP1, QE SP1, HER SP1 & HER DM2 of the Arun Local

Plan.

- 3 No development above damp proof course (DPC) level shall take place unless and until a scheme has been prepared to demonstrate that the internal noise levels within the residential units will conform to the "Indoor ambient noise levels for dwellings" guideline values specified within Table 4 under section 7.7.2 of BS 8233:2014. Details shall be compiled by a competent acoustician on sound insulation and noise reduction for buildings and shall be submitted to and approved in writing by the Local Planning Authority. The scheme should take into account the correct number of air changes required for noise affected rooms. The works specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be permanently retained thereafter.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Arun Local Plan.

- 4 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed buildings 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.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and local character in accordance with policies D DM1 and HER DM2 of the Arun Local Plan.

- 5 Prior to the occupation of any part of the whole development, a strategy for the provision of the highest available headline speed of broadband provision to future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall take into account the timetable for the delivery of 'superfast broadband' (defined as having a headline access speed of 24Mb or more) in the vicinity of the site (to the extent that such information is available). The strategy shall seek to ensure that upon occupation of a dwelling, the provision of the highest available headline speed of broadband service to that dwelling/commercial unit from a site-wide network is in place and provided as part of the initial works. Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site will continue in accordance with the approved strategy.

Reason: To safeguard the amenities of future residents and the needs of businesses in accordance with Arun Local Plan policy TEL SP1.

- 6 Details of the number of bins and the management of stored waste ready for collection within the approved bin store shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any of the units. The bins shall thereafter be permanently provided for the uses.

Reason: To protect the amenities of nearby residents in accordance with Arun Local Plan policies QE SP1 and QE DM3.

- 7 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved planning drawings. Such approved cycle storage spaces shall thereafter be retained in good working condition.

Reason: To provide alternative travel options to the use of the car in accordance with policies T SP1 and T DM1 of the Arun Local plan and the National Planning Policy Framework.

- 8 None of the flats shall be occupied unless and until the applicant has submitted a scheme for

approval by the Local Planning Authority to demonstrate that the development will incorporate decentralised, renewable and low carbon energy supply systems. The approved scheme shall thereafter be implemented prior to occupation of the flats and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

Reason: In order to secure a reduction in the use of energy at the site in accordance with national planning policy and policy ECC SP2 of the Arun Local Plan.

- 9 All bathroom/toilet windows shall be permanently glazed with obscured glass or have obscure film permanently applied.

Reason: To protect the amenities and privacy of future occupiers and of the adjacent properties in accordance with policy D DM1 of the Arun Local Plan.

- 10 Notwithstanding the provisions of any Town & Country Planning General Development Order or Use Classes Order (or any Order revoking or enacting that Order), the commercial unit hereby permitted shall be restricted to use classes A1 (retail) or A2 (financial/professional services).

Reason: It has not been demonstrated that there will be no harm to the new flats above from an alternative use in class A and in accordance with Arun Local Plan policies QE DM1, QE DM3 and QE SP1.

- 11 No commercial goods shall be loaded, unloaded, stored or otherwise handled and no vehicles shall arrive or depart, to/from the application site outside the hours of 07:00 to 19:00 Monday to Friday, 08:00 to 18:00 Saturday and not at any time on Sunday or Public/Bank Holidays.

Reason: To protect the amenity of local residents in accordance with policy QE DM1 of the Arun Local Plan.

- 12 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.

- 13 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to a contribution of £2,613 towards the provision of accessible natural open green spaces to serve the Pagham area.

- 14 INFORMATIVE: Surface water drainage should be designed and constructed to comply with building regulation requirements. Infiltration should be fully investigated, if however it is found that infiltration does not work controlled discharge to ordinary watercourse will be required. The applicant should be aware that any proposals to discharge flows to a watercourse require Ordinary Watercourse Land Drainage Consent prior to works. Arun District Council requires 3m clearance between any structure and the bank of an ordinary watercourse and 3m clearance between any structure and a culverted ordinary watercourse. This is to ensure that no construction will occur that will limit the current or future landowners ability to conduct maintenance to the watercourse in line with their responsibilities under the Land Drainage Act 1991. There should be no discharge of surface water to the foul drainage system.

- 15 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read the New Connections Services Charging

Arrangements documents which is available to read on the SW website via the following link
<https://beta.southernwater.co.uk/infrastructurecharges>.