

Recommendation Report for Planning Permission

REF NO: BR/156/25/PL

LOCATION: 45 High Street
Bognor Regis
PO21 1RU

PROPOSAL: Construction of 6 No apartments to the rear. This application is in CIL Zone 4 (Zero Rated) as flats.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application proposes to construct a four storey building to serve 6.No flats.
TOPOGRAPHY	Predominantly flat.
TREES	None on site.
BOUNDARY TREATMENT	The site abuts the boundary to the rear at Belmont Street.
SITE CHARACTERISTICS	The site has development to the its northern end, forming part of a terraced block which fronts the High Street. It is a three storey property with a commercial premises to the ground floor. A application was approved in 2024 to convert the first and second floor offices into residential.
	The proposal will occupy the southern end of the site, fronting Belmont Street.
CHARACTER OF LOCALITY	The site is within a commercial area, located to the outskirts of Bognor Regis town centre, there are residential uses present to the first floor of nearby commercial units.

RELEVANT SITE HISTORY

BR/158/25/PL	Mansard roof construction at third floor level to allow for 1 No 2 bed apartment. This application is in CIL Zone 4 (Zero Rated) as flat.	
BR/120/24/PD	Prior approval under Schedule 2, Part 3, Class MA for the change in use of the first and second floor of the property to 4 No flats. This application is in CIL Zone (Zero Rated) as other development.	No Object'n + Conds 22-01-25

REPRESENTATIONS

Bognor Regis Town Council - No objection.

- Disappointed to receive the application after works had commenced. It does not state retrospective.

No representations received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. A site visit was made and development has begun however this appears to be to the front of the site under BR/158/25/PL.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Natural England - Further information required to determine the impacts.

Environment Agency - No objection, provided a condition is used to ensure the ground floor will be limited to non-habitable uses.

Economic Development - No comment.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. A Pagham Harbour agreement is the agreed measure in place to manage these potential impacts through a strategic solution which Natural England considers will be effective.

POLICY CONTEXT

Built up area boundary

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
ENVDM5	ENV DM5 Development and biodiversity
ENVDM2	ENV DM2 Pagham Harbour
QESP1	QE SP1 Quality of the Environment
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
-------	-----------------------------

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan 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.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to conflict with relevant Development Plan policies in that the development would be excessive in height and would give rise to unacceptable overbearing and overshadowing upon neighbouring amenity. The application also fails to make a financial contribution towards the agreed strategic access management measures to mitigate the harm to the Pagham Harbour Special Protection Area.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

BIODIVERSITY NET GAIN

The application is not liable for mandatory BNG as it is below the de minimis threshold.

CONCLUSIONS**BACKGROUND**

The existing building to the north of site had permission approved in January 2025 for conversion of the existing building from offices to 4 No flats. BR/158/25/PL seeks alterations to the roof the existing building and the 2 additional flats.

This application seeks to construct a detached building to the south of the site to form 6.No flats.

PRINCIPLE

The site is within the built up area boundary where development is permitted subject to compliance with relevant development plan policies. These relate to aspects such as design, amenity, parking and flood

risk.

The NPPF (paragraph 124) supports the effective and efficient use of land for sites in the built-up area but advises new development should maintain an area's prevailing character and setting (including residential gardens) and secure well-designed, attractive, and healthy places.

The proposal is sustainably located and falls within the built up area boundary. Therefore, the principle of development of this site is considered acceptable as per para 11 of the NPPF but must be weighed up against the resultant harm of the proposal in regard to other material planning considerations.

The Arun Design Guide (ADG) and Arun Parking Standards are also relevant.

Bognor Regis has a made Neighbourhood Plan although none of the policies are of relevance to the application.

DESIGN AND VISUAL AMENITY

ALP policy D SP1 requires that development proposals make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

ALP policy D DM4 relates to extensions to existing buildings and seeks any extension to sympathetically relate to the existing building.

The proposal seeks to construct a building which will occupy 6.No flats. The building will be located to the southern end of the site with the northern end fronting the High Street and occupied by a three storey building of both residential and commercial uses.

The building will extend the full width of the site. 14m will be retained from the rear of this building to the rear of the building to the north.

The building will have a hipped roof and is proposed at four storeys in height with the ground floor retained as storage/stairs and the remaining three levels serving flats. The building will have a height of 14m. This exceeds that of the building to the front of site which has a current height of 10.5m. Alterations to the building to the front of the site are also proposed however the height would still be lower than what is proposed in this application. Views of the proposed building would therefore likely be visible from the north of the site on the High Street.

The principal elevation of the building would front Belmont Street. This road occupies buildings that largely form the rear of the commercial buildings that front the High Street. The buildings are varied in style and design, predominately of two storey although there are some examples of three and one four storey building further east of the site. It is accepted that the irregular and informal design of development to Belmont Street in which this development is proposed, does not boast any high-level of visual amenity. The proposal offers little in the way of visual relief to the front elevation due to the bulk and siting, with the footprint occupying the full width of the plot and adjoining the front boundary.

The building would be somewhat of a visual improvement over the existing, but would remain incongruous and out of character within the context and excessive in scale relative to the existing built-form, and is not felt to boast any particularly high standard of visual amenity with minimal detail or architectural features that add visual complexity or intrigue. The bulk and scale of the development would be appear excessive and the development would stand out along the rear of the Belmont Street. Whilst it is accepted there is one building which is of a similar height, the building is located slightly further east where large properties are present and it adjoins the front of the site on the High Street.

The plans contain limited detail and it is unclear if the ground floor would accommodate a door such as a garage door to contain the area or whether this would be left open, in which case it would provide views of a storage, cycle, bin store.

The Arun Design Guide states development should 'Respond to the existing scale and massing of the surrounding built environment, emulating this scale in the majority of cases.' Provides visual interest through attractive detailing, high quality materials, depth and shadow lines and fenestration, and through variation in form, features and materials.'. The proposal is not considered to achieve this, being of a larger scale than neighbouring development with limited detailing.

For the reasons outlined above, the proposal is not in accordance with ALP policies D SP1 or D DM1 and the ADG.

RESIDENTIAL AMENITY

D DM1(3) indicates planning permission will only be granted where it has minimal impact on the users or occupiers of nearby land. This would be avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance.

Sections J.02 & H.04 of the Arun Design Guide identify minimum separation distances between dwellings so as to ensure adequate external space standards are met and preserve the residential amenity of neighbouring residents. Within a town centre context, whilst not desired, it is often found that such separation distances can be marginally infringed given the dense urban grain without unduly compromising expected levels of amenity.

The minimum back-to-back separation distances for new dwellings is recommended to be a minimum of 21m to avoid unacceptable overlooking impacts. In this instance, the rear separation distance between the rear viewpoints from the flats that occupy the building to the north of the site and the flats proposed in this application is 14m. This is short, although in some cases a shortfall is acceptable. However, the building would have living/kitchen windows that look into the bedrooms windows to the north of the site.

Back-to-back distances should also be informed by the 25 degree rule to ensure proper provision of sunlight and daylight. This is measured from a horizontal line extending back from the centre point of the lowest window, then drawn upwards at 25 degrees. All built development facing a back window should be below the 25 degree line to ensure proper provision of sunlight and daylight. Based on the information provided, it is likely the building would conflict with this as a result of its siting directly to the south of the building to the north. This would provide adverse overbearing and overshadowing and this is further exacerbated as a result of the building to the rear being taller than that located to the north.

Due to the siting and height of the development, this would give rise to adverse harm by way of overbearing and overshadowing upon amenity to the front of the site in conflict with ALP policy D DM1.

SPACE STANDARDS

ALP policy D DM2 requires residential developments to meet the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard NDSS). The supporting text of D DM2 requires external space to accord with the guidelines set out in the ADG.

The development proposes 6 No. 1 bedroom flats. The flats all have a floor space of 50sqm which meets the requirements for a 1b2p property.

Policy H.04 of the ADG advises that outdoor amenity spaces should be of an appropriate size and shape and be usable and enjoyable. The ADG states: 'Communal residential spaces (common in flatted

developments) provide an element of amenity to complement lower levels of private outdoor space.' and 'Residential Communal Shared Spaces should deliver a minimum 40sqm plus 10sqm for each unit'. The proposal should provide 100sqm of amenity space. The scheme does not comply with this as no private or communal space is provided.

Whilst the development does not provide external space, this is acceptable due to its town centre location. The site is in close proximity Bognor Regis seafront and is a 5 minute walk to open space at Hothampton Sunken Gardens. Future residents would have easy access to alternative areas of green space.

The proposal would not comply with the ADG on outdoor space however given the town centre location and that future residents can access alternative areas of open space in close proximity, the lack of amenity space is acceptable, and the proposal complies with ALP policy D DM2.

PARKING

Policy T SP1 of the ALP supports development which incorporates appropriate levels of parking in line with the West Sussex County Council guidance on parking provision.

ADC Parking Standards require each new 1 and 2 bed dwelling in this location (Parking Zone 4) to provide 1 parking space. The property should provide 6 parking spaces in total.

The site is constrained with limited space available for parking and no parking spaces are provided.

The site is within 300m of Bognor Train Station and is situated behind the high street which provides shops and services within a walkable distance.

In terms of cycle parking, 1 space should be provided per flat with a total of 6 spaces required for this application. Cycle storage is proposed to the ground floor of the site, to an undercover and secure area which will also contain the stairs to the flats. There is sufficient space on site to accommodate cycle provision and its location is acceptable.

Whilst the proposal does not comply fully with ADC Parking Standards, owing to its location in a sustainable location, a nil provision is acceptable.

BIODIVERSITY

To comply with ALP Policy ENV DM5 biodiversity net gain should be demonstrated on site and this could be achieved through the installation of features such as green roofs, bird/bat boxes or the provision of new habitat on site.

No details have been provided with regards to a net gain at the site. The site is almost wholly built over and meets the de-minimis exemption from Statutory Biodiversity Net Gain. The site has minimal ecological value.

Conditions securing the provision of two bird boxes at high level on the rear elevation could be attached to ensure the proposal would provide some biodiversity net gain in accordance with ALP policy ENV DM5.

FLOOD RISK

ALP policy W DM2 refers to flood risk, the sequential/exception tests and mitigation measures. Policy W SP1 of the ALP states 'The Council will also support development that... is appropriately located, taking account of flood risk and promotes the incorporation of appropriate mitigation measures'.

Footnote 63 of the NPPF states 'A site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3.

The rear of the site where the proposed building is to be sited is located in Flood Zone 3. The flood zone covers approximately 30% of the buildings footprint. This increases to cover the whole new building when considering future flood risk and climate change,

A Flood Risk Assessment is required if the site is in Flood Zone 2 or 3. The FRA must adequately identify all sources of flooding, the subsequent risk to life and property, and what mitigation measures will be adopted to ensure occupiers are kept safe within the lifetime of the development (up until 2125) to sufficiently evidence that the flood risk to the site is acceptable.

The flood risk assessment states the flats are above ground floor level and would not be at risk of flooding, with the first floor ground level set at least 2.5m above ground level and modelled flood depths. The ground floor contains only non-habitable uses such as the bin and cycle store. The development to the ground floor would not displace flood water. Residents would also be required to sign up to EA flood warnings.

The Environment Agency had no objection to the application subject to a condition, ensuring the ground floor is limited to non-habitable uses.

The proposal would comply with ALP policy W DM2.

ENERGY EFFICIENCY & CLIMATE CHANGE

Policy ECC SP2 of the ALP requires all new residential and commercial development to be energy efficient and to demonstrate how they will achieve energy efficiency measures that reflect the current standards, use design and layout to promote energy efficiency, and incorporate decentralised, renewable, and low carbon energy supply systems such as solar panels. The inclusion of energy efficient materials such as double glazing is expected, and to ensure that adequate decentralised, renewable, and low carbon energy supply systems are provided, a condition would have been attached to any approval.

Subject to a condition, the proposal would be in accordance with ALP policy ECC SP2.

PAGHAM HARBOUR

Pagham Harbour is designated as a Special Protection Area and Ramsar site and ALP Policy ENV DM2 requires any proposals for new residential development within the Pagham harbour buffer zone (0 to 5km) to pay a contribution of £962 per new unit to contribute towards strategic access management measures.

The application has been accompanied by a draft S106 Agreement, and this is being checked by the ADC Legal department. An email requesting additional information relating to title documentation was requested on the 28/10 and 20/11 and this has still not been provided. Subject to securing the £5772 through the S106 agreement, there would have been no conflict with policy ENV DM2. However, the S106 was not completed with outstanding information required, it forms a reason for refusal.

SUMMARY

There is conflict with policies relating to design, neighbouring amenity and protection for Pagham Harbour SSSI.

The Council cannot currently demonstrate a 5-year housing land supply and the NPPF presumption in favour of sustainable development para 11(d) (ii) applies. This states where there are no relevant

Development Plan policies, or the policies which are most important for determining the application are out-of-date (including for applications involving the provision of housing where a 5-year HLS cannot be demonstrated), planning permission should be granted unless (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the NPPF policies as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

In respect of the part (ii) of the test, the report identifies that the proposal conflicts with policies in respect of harm upon the character of the area, neighbouring amenity and in the absence of a legal agreement, harm upon Pagham Harbour SSSI.

The site is sustainable, and the scheme will result in benefits although limited by providing 6 new flats, the creation of construction jobs and limited spending by future residents on local shops/services in Bognor Regis. Para 125 c of the NPPF gives give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and states proposals for which should be approved unless substantial harm would be caused.

Taking into consideration the tilted balance as required by paragraph 11d and weighing all matters together, given the nature of the benefits, the clear policy conflicts and the weight given to those conflicts, it is concluded that the adverse impacts significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole and so a refusal is justified. Therefore, it is recommended that the development be refused for the following reasons.

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 would have a neutral impact on the protected characteristics.

SECTION 106 DETAILS

The site falls within 5km of the Pagham Harbour Management Zone which is a Special Protection Area. Any proposals for new residential development which is likely to have an impact (within the 5km zone) is required to contribute £962 per unit with a total of £5772 required for this application. This has not been completed.

CIL DETAILS

The development is CIL exempt due to the nature of the development in zone 4.

RECOMMENDATION**REFUSE**

- 1 The proposal by reason of its height and position would give rise to significantly harmful adverse impacts by way of overbearing and overshadowing to existing flats to the north of the site in conflict with Arun Local Plan policies D DM1 and QE SP1.
- 2 The proposal by reason of its height and massing is out of character with the area and overly dominant within its context in conflict with Arun Local Plan policies D SP1 & D DM1.
- 3 The proposal fails to make a financial contribution towards the agreed strategic access management measures to mitigate the harm to the Pagham Harbour Special Protection Area in conflict with Arun Local Plan policy ENV DM2 and the NPPF.
- 4 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm, which has been clearly identified within the reason(s) for the refusal, approval has not been possible.