

Recommendation Report for Planning Permission

REF NO: BR/158/25/PL

LOCATION: 45 High Street
Bognor Regis
PO21 1RU

PROPOSAL: 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.

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| SITE AND SURROUNDINGS |
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| DESCRIPTION OF APPLICATION | The application seeks to amend the roof from a hipped roof to a mansard to accommodate 1 No. 2 bed flat. |
| TOPOGRAPHY | Predominantly flat. |
| TREES | None on site. |
| SITE CHARACTERISTICS | The site forms part of a terraced block which is a three storey property with commercial premises to the ground floor. An application was approved in 2024 to convert the first and second floor offices into residential. |
| 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. |

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| RELEVANT SITE HISTORY |
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| BR/156/25/PL | Construction of 6 No apartments to the rear. This application is in CIL Zone 4 (Zero Rated) as flats. | |
| 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 |

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| REPRESENTATIONS |
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Bognor Regis Town Council - no objection.

No representation received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Natural England - Further information required to determine impacts.

Economic Development - No comment.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. A Unilateral legal agreement has been provided which is the agreed measure in place to manage these potential impacts upon Pagham Harbour.

POLICY CONTEXT

Built up area boundary

DEVELOPMENT PLAN POLICIES

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

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| DDM1 | D DM1 Aspects of form and design quality |
| DDM4 | D DM4 Extensions and alter to exist builds (res and non-res) |
| DSP1 | D SP1 Design |
| ENVDM2 | ENV DM2 Pagham Harbour |
| DDM2 | D DM2 Internal space standards |
| ENVDM5 | ENV DM5 Development and biodiversity |
| 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:

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| NPPF | National Planning Policy Framework |
| NPPG | National Planning Practice Guidance |

SUPPLEMENTARY POLICY GUIDANCE:

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| SPD11 | Arun Parking Standards 2020 |
| SPD13 | Arun District Design Guide (SPD) January 2021 |

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 application 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 exempt from mandatory net gain as the site is below the de- minimis threshold.

CONCLUSIONS

BACKGROUND

BR/120/24/PD approved the conversion of existing offices to 4 residential units to the first and second floor of the building. This application does however amend the layout of these and introduces changes to the external elevations which would not have been permitted under the PD application. These changes are not proposed within the description and therefore are not being considered as a part of this application. Only the works to the roof and the addition of 1No. flat are being assessed. A separate application is required for these works.

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

Bognor Regis has a made Neighbourhood Pan 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 alter the roof of the building. The existing roof has a double hip with a parapet to the northern elevation. This will alter to form a mansard roof and will result in an increase in height to the building by approximately 1.5m from 10.5m to 12m. This would result in the building being higher than its immediate neighbours however the High Street features properties of varied heights and design and the alteration would not result in the property appearing adversely out of character or prominent within the street scene. The parapet to the principal elevation will be retained.

The mansard roof will encompass an additional floor to serve a 1.No 2 bedroom flat. Access to the flat would be from the rear of the property on Belmont Street via an external staircase. The use of the third floor for residential purposes would be in keeping with the remainder of the property. A commercial building is retained to the ground floor. Belmont Street where the access is proposed is occupied by buildings that largely form the rear of the commercial buildings that front the High Street and it would not be harmful to the appearance of the street scene from this elevation.

The ADG states the scheme should 'Respond to the existing scale and massing of the surrounding built environment, emulating this scale in the majority of cases.' 'Avoid insensitive extensions and alterations which deviate from the general scale and massing of the surrounding area'. The alterations to the roof are in keeping with the existing scale and massing of the area and accords with the ADG.

The alteration proposed would not result in adverse harm upon the appearance of the building or character of the area in accordance with ALP policy D DM1 and D SP1 and the ADG.

RESIDENTIAL AMENITY

ALP policy D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality.

The proposal will increase the height of the property. The neighbouring sites are occupied by buildings that predominately cover all the site at two storey level and as a result the roof alteration would not result in adverse overbearing or overshadowing.

There will be two additional windows which face north and south, overlooking the street scene, with the rear of the site adjoining Belmont Street. The external staircase would permit additional views however the neighbouring buildings would not be subject to adverse overlooking as a result of their height and built form at two storey and with no neighbouring windows to this elevation.

Due to the development proposed and its location, it would not result in adverse overbearing, overshadowing or overlooking and accords with ALP policy D DM4.

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 2 bedroom flat proposed to the third floor complies with the 2b3p requirements.

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.' 'Residential Communal Shared Spaces should deliver a minimum 40sqm plus 10sqm for each unit'. The proposal should provide 50sqm 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 to 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 development would therefore require 1 parking space.

The site is constrained with limited space available for parking and as a result no parking spaces are provided. The site is within 300m of Bognor Train Station and is situated behind the high street which provides access to shops and services within a walkable distance.

In terms of cycle parking, 1 space should be provided per flat and this is proposed to the rear of the site. Cycle storage is proposed to the rear of the site. 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, this 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.

The site is not in a flood risk zone nor at risk from climate change. The proposal seeks development at third floor level and does not increase the footprint of the site, albeit there is the addition of an external staircase to the rear.

The development will not give rise to an increase in flood risk and is in compliance with ALP policy W DM2.

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 £962 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

The Council cannot 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 the absence of a completed legal agreement the application fails to make a financial contribution towards the agreed strategic access management measures to mitigate the harm to the Pagham Harbour Special Protection Area and is in conflict with ALP policy ENV DM2 and is recommended for refusal.

The site is sustainable, and the scheme will result in benefits although limited by providing a new flat, 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.

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

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. This has not been completed.

CIL DETAILS

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

RECOMMENDATION

REFUSE

- 1 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 policy ENV DM2 of the Arun Local Plan and the NPPF.
- 2 **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 determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.