

Recommendation Report for Planning Permission

REF NO: BR/229/25/PL

LOCATION: 45 High Street
Bognor Regis
PO21 1RU

PROPOSAL: Construction of 6 No apartments (resubmission following BR/156/25/PL). 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 which will occupy 6.No flats.
TREES	None on site.
SITE CHARACTERISTICS	The site where the development is proposed is hard standing although the northern end is occupied by a terraced block which fronts the High Street. It is a three storey property with a commercial premises to the ground floor. 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. Residential uses are 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.	Refused 04-12-25
BR/156/25/PL	Construction of 6 No apartments to the rear. This application is in CIL Zone 4 (Zero Rated) as flats.	Refused 04-12-25
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 provided no objection.

No representation received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC Highways - No objection.

ADC Drainage Engineers - No objection subject to a condition.

Natural England - Further information is required.

Environment Agency - No objection subject to a condition.

Environmental Health - No objection subject to two conditions for noise.

Economic Regeneration - No comment to make.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. A S106 has been secured which addresses the concerns raised by Natural England.

One of the conditions requested by Environmental Health is not deemed necessary, as there is no commercial unit below the building.

POLICY CONTEXT

Built up area boundary
Flood Risk Zone 2 and 3
Within 5km of Pagham Harbour SSSI

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
ENVDM2	ENV DM2 Pagham Harbour
ENVDM5	ENV DM5 Development and biodiversity
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

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 conflicts with development plan policy which relates to parking provision and does not provide amenity space.

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 other material considerations to be weighed in the balance with the Development Plan discussed below.

BIODIVERSITY NET GAIN

This application is not liable for BNG falling within the de minimis threshold.

CONCLUSIONS**BACKGROUND**

BR/156/25/PL sought similar development as proposed under this application and was refused due to its overbearing, overshadowing nature. This application has sought to address this impact by reducing the height of the building.

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

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.

Paragraph 125(c) of the NPPF states decisions should 'give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land'.

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.

The proposal seeks to construct a building which will occupy 6.No flats. The building will be to the southern end of the site, adjoining Belmont Street, with an existing three storey building of both residential and commercial uses to the northern end, adjoining the High Street.

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 with the ground floor retained as storage/stairs and the remaining three levels serving flats. The building will have a height of 12m. This has been reduced by 2m when compared to the previous refusal. This would match the proposed height of the building to the north of the site which seeks a roof alteration and would increase from 10.5m to 12m. Views of the building would not be visible from the north of the site on the High Street.

The principal elevation would front Belmont Street. The building occupies the full width of the plot, adjoining the front and side boundaries. The building would be somewhat of a visual improvement over the existing. The 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. Due to the variety in design along Belmont Street and with the building having been reduced in height, it cannot be considered to appear out of character with the wider area and is acceptable.

The ground floor would have a garage door with bin storage, cycle and access to the flats. This provides access to an external staircase to serve the flats to the front of the site under BR/219/25/PL and the flats

proposed to the rear under this application. There would be an area of green roof to the centre which is above the existing ground floor commercial unit. The staircases are not visible from the wider area, with the site to be built out on all sides.

The ADG 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 does emulate the scale of neighbouring development. The appearance of the property is simple, however it is an improvement to the existing.

The proposal is in accordance with ALP policies D SP1 or D DM1 and the ADG.

RESIDENTIAL AMENITY

ALP policy 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.

ADG Sections J.02 & H.04 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 separation distance between the rear of the flats that occupy the building to the north of the site and the flats proposed in this application is 14m. This is short of guidance, although in some cases a shortfall is acceptable. The building to the north and the host building would have bedrooms windows located to the rear of the flats and it is likely these would be empty during the daytime and have blinds/curtains at night to prevent overlooking. The staircase impedes direct views between the units and it is not deemed to result in significant overlooking. The introduction of an external staircase would enable additional views to the wider area, however as a result of the height and built form of the neighbouring buildings which do not feature windows, it would not result in adverse overlooking.

Back-to-back distances should 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, the building does not exceed a 25-degree angle when looking upwards from the ground floor rear facing windows. This would comply with requirements. The development would restrict light between each level as a result of the location of the stairwell which essentially connects the proposed property and the building at the front of the site. This impact reduces as you get higher and the platforms have been reduced in size to enable as much light to pass through as possible.

Whilst the development would give rise to some overshadowing and overlooking, this is not considered to be significant in which a refusal is justified and the development complies with ALP policy D DM1 and D SP1 and the ADG.

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 policy 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.

ADG Policy H.04 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

ALP policy T SP1 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 Regis Railway 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.

WSCC Highways had no objection to the scheme.

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 AND SURFACE WATER DRAINAGE

ALP policy W DM2 refers to flood risk, the sequential/exception tests and mitigation measures. ALP policy W SP3 refers to sustainable drainage methods.

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 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 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.

With regards to surface water drainage, ADC Drainage Engineers have no objection owing to the site consisting of hardstanding however have requested a condition for details to be submitted showing how the site will drain.

Subject to conditions, the proposal would comply with ALP policy W DM2 and W DM3.

ENERGY EFFICIENCY & CLIMATE CHANGE

ALP policy ECC SP2 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 per new unit to contribute towards strategic access management measures.

The application has been accompanied by a S106 Agreement which has been checked and completed. This secures contributions towards Pagham Harbour and there is no conflict with ALP policy ENV DM2.

SUMMARY

The development falls within the BUAB where the principle of development is acceptable subject to compliance with relevant policies. The proposal is compliant with policy in all matters surrounding design and character, residential amenity, transport and parking and biodiversity.

Paragraph 11(c) states that development proposals that accord with an up-to-date development plan

should be approved without delay. 11(c) is relevant in this case as the proposal falls within the Built Up Area Boundary and will be determined under an active adopted Local Plan. Arun can not demonstrate a five year housing land supply and the provision of 6 dwelling in a town centre would make a small but positive contribution to this shortfall. NPPF para 125 c) and the weight given is also relevant.

The application is recommended for approval subject to conditions.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

SECTION 106 DETAILS

A Section 106 legal agreement has been completed which secure a financial contribution of £5772 towards the Pagham Harbour Access Management Mitigation Measures.

CIL DETAILS

This application is CIL liable, therefore, developer contributions towards infrastructure will be required (dependent on any exemptions or relief that may apply).

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, Block Plan and Proposed Floor Plan - WATD-003-P
- Proposed Elevation and Sections - WATD-003-P

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policies D DM1 and D SP1.

- 3 Prior to the commencement of development, full details of the proposed surface water drainage scheme must be submitted and approved in writing by the Local Planning Authority. The full details submitted for approval shall include:
- 1, Detailed drainage plans conforming to Local Planning Authority guidance.
 2. Specifications for all surface water drainage components and associated infrastructure or flow control mechanisms,
 3. Any relevant permissions relating to the discharge location, offsite works or adoption.

The scheme shall then be constructed as per the approved plans.

The surface water drainage scheme shall remain for the lifetime of the development unless agreed in writing by the Local Planning Authority.

Reason: In order to comply with Arun Local Plan policy W DM3 and the NPPF.

- 4 Prior to the occupation of the dwellings hereby approved two bird boxes shall be installed to the north or southern elevation of the building. The bird boxes shall be maintained in perpetuity.

Reason: To provide ecological enhancement and biodiversity net gain on site in accordance with Arun Local Plan Policy ENV DM5.

- 5 The development shall include energy efficiency measures that reflect the current standards applicable at the time of submission and decentralised, renewable or low carbon energy supply systems. Any physical features that are required as part of the works must be installed prior to the occupation of each dwelling and shall be permanently maintained in good working condition.

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

- 6 Prior to first occupation, the bin/cycle store shown on ' Proposed Plans- 003-P shall be implemented and retained retained in perpetuity.

Reason: To provide alternative travel options and secure waste storage in accordance with ALP policies T SP1 and WM DM1.

- 7 No development above damp proof course shall take place, until a scheme for protecting the proposed residential accommodation from the existing noise climate has been submitted to and approved in writing by the Local Planning Authority. All such works which form part of the scheme shall be completed before any part of the residential accommodation is occupied.

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

- 8 No development shall take place, until a Construction and Environmental Management Plan and accompanying Site Setup Plan has been submitted to and approved in writing by the Local Planning Authority (who shall consult with WSCC Highways, and the Council's

Environmental Health Officer as appropriate). Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. This shall require the applicant and contractors to minimise disturbance during demolition and construction and will include (but not be limited to) details of the following information for approval:

1. Details of a means of suppressing dust and dirt arising from the development.
2. Details of areas for the loading, unloading, parking, and turning of vehicles associated with the construction of the development.
3. Details of areas to be used for the storage of plant and materials associated with the development.
4. Details of the temporary construction site enclosure to be used throughout the course of construction (including access gates, decorative displays and facilities for public viewing, where appropriate).
5. Contact details for the site contractor, site foreman and CDM co-ordinator (including out-of-hours contact details).
- 6 Details of any temporary traffic management that may be required to facilitate the development including chapter 8 traffic signage.
7. Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s).

Details of how measures will be put in place to address any environmental problems arising from any of the above shall be provided. A named person shall be appointed by the applicant to deal with complaints, shall be available on site and their availability made known to all relevant parties.

No demolition/construction activities shall take place other than from 08:00 hours until 18:00 hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no work on Sunday or Bank/Public Holidays.

Reason: In the interests of the safety/amenity of nearby residents and occupiers of any nearby noise sensitive premises, the safety and general amenities of the area, and in the interests of highway safety in accordance with Arun Local Plan policies D DM1, QE SP1, QE DM1, QE DM2, QE DM3 and T SP1 and the NPPF. This is required to be a pre-commencement condition because it is necessary to have the construction site set-up agreed prior to access by construction staff.

- 9 The development shall be carried out in accordance with the submitted flood risk assessment and the following mitigation measures it details:
- All residential units shall be located on the first floor or above. The ground floor shall be limited non-habitable uses.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants in compliance with Arun Local Plan policy W DM2.

- 10 No development above damp-proof course (DPC) level shall take place unless and until a detailed colour schedule of materials and finishes to be used for external walls and roofs and the staircase/balconies of the proposed building have been submitted to and approved in writing by the Local Planning Authority and the materials so approved shall be used in the

construction of the building/extension.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and character in accordance with Arun Local Plan policies D DM1 and D SP1.

- 11 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 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 NPPF.
- 12 INFORMATIVE: The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up. Flood warnings can give people valuable time to prepare for flooding - time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities. For practical advice on preparing for a flood, visit <https://www.gov.uk/prepare-for-flooding>. To get help during a flood, visit <https://www.gov.uk/help-during-flood>. For advice on what do after a flood, visit <https://www.gov.uk/after-flood>.
- 13 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to a financial contribution of £5772 towards the Pagham Harbour Access Management Mitigation Measures.