Recommendation Report for Planning Permission

REF NO: BR/244/20/PL

LOCATION: The Beach Hotel, former Mud Club
Waterloo Square
Bognor Regis
PO21 1SU

PROPOSAL: **Redevelopment into 10 No. 2 and 3 bed apartments & 2 No. commercial units (A1 Retail or A3 Restaurant/Cafe) (resubmission following BR/282/19/PL). This application affects the character & appearance of The Steyne, Bognor Regis Conservation Area & may affect the setting of listed buildings. This site is in CIL Zone 4 (Zero Rated) as flats & other development.**

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application proposes to redevelop a half of the wider vacant site with a single building of between 4 and 5 storeys. The building will be 21m at its highest point (top of the roof cupola) fronting The Esplanade and then steps down on the rear (to 13.5m) and also in part on the eastern side. The ground floor comprises of two commercial units (cafe or retail of 73m2 & 160m2), a residential entrance corridor, central stair core and lifts. The ground floor plan shows an external loading area, commercial cycle storage area and 4 parking spaces all accessed from Norfolk Street. To the front there is to be a seating area for the commercial unit and a canopy. A part basement level comprises bin stores, a residential bike store and space for plant. The apartments are on the upper floors and external balconies or roof terraces are shown. The proposed mix is 9 x 2 bed and 1 x 3 bed. As per the drawings, the proposed materials consist of: 1. White coloured Facing Brick; 2. Dark Grey coloured Standing Seam; 3. Vertical through colour render; 4. Dark Grey/Black coloured metal railings; 5. Expressed horizontal detail banding; and 6. Dark Grey powder coated metal profiles.
SITE AREA	0.0597 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	168 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None affected.

BOUNDARY TREATMENT	There are no boundary treatments and the site is currently enclosed by temporary hoarding.
SITE CHARACTERISTICS	The site is vacant having been in part subject to a fire and demolition and in part demolished due to concerns with the part of the site that had survived the fire (BR/191/18/PL). It had formerly been occupied by a mix of buildings up to a total of three storeys in height. On-street parking is very limited and either pay & display or resident permit only.
CHARACTER OF LOCALITY	The site is part of the Bognor Regis seafront. It is outside of the primary retail area but includes a mix of retail (including restaurants & bars), leisure (including hotels) and residential uses. The Grade II Listed Bognor Regis Pier is diagonally opposite the site to the southwest. The centre of Waterloo Square contains a bowling green and public gardens. Neighbouring uses include: - Vacant land which forms part of the area of the previous buildings on the site that were removed and was included with the previous application (BR/282/19/PL). Beyond this is 6-8 Waterloo Square, a commercial arcade at ground floor with two floors of residential flats above. No obvious window openings overlooking or the site or otherwise affected. - Norfolk Street - a casino on the corner of Norfolk Street/The Esplanade with two to three floors of residential flats above. The next property north up Norfolk Street has first floor flats (forming the rear of 24 Lennox Street) facing the site. Beyond this is a building in solely commercial use.

RELEVANT SITE HISTORY

BR/282/19/PL	Redevelopment into 35 No. 1 & 2 bed apartments and 3 No. commercial units (A1 Retail or A3 Restaurant/Cafe). This application affects the character & appearance of The Steyne, Bognor Regis Conservation Area & may affect the setting of a listed building.	Refused 25-06-20
BR/191/18/PL	Demolition of 2 & 3 storey building with mixed use (commercial & dwellings). This application affects the character and appearance of The Steyne, Bognor Regis Conservation Area	Approve 08-03-19
BR/143/18/PL	Change of use from vacant arcade (Sui Generis) to include A1 (Shops), A3 (Restaurant & Cafe) & A4 (Drinking Establishment) & outdoor seating area, change of ground floor external facade & installation of external bin store. This application affects the character &	ApproveConditionally 04-10-18

appearance of The Steyne Conservation Area.

BR/239/11/	Conversion of existing nightclub premises into two town houses & eight apartment flats	App Cond with S106 03-06-13

The site was occupied by a restaurant with ancillary takeaway fish & chip shop and night club above. The units fronting Waterloo Square were in a commercial use with flats above. BR/239/11 was not implemented and expired in June 2016. There was then a fire on the site in November 2016 and this led to the demolition and clearance of several of the badly damaged buildings.

Pre-application advice was given in May 2017 concerning a proposal to erect a new 4-6 storey building comprising of 44 basement residential parking spaces, ground floor retail & restaurant space and 46 flats spread over the 1st, 2nd, 3rd, 4th & 5th floors. At this time it was concluded that it would likely be refused for several reasons.

An application was received in July 2018 (BR/191/18/PL) for the demolition of the remaining 2 & 3 storey building (2-4 Waterloo Square). This was approved in March 2019 with the development plan conflicts outweighed by a Demolition Order that had been served under the Housing Act.

A second pre-application enquiry was received in November 2018 and sought advice on a 8 storey mixed-use development to consist of 3 retail units at ground floor with 55, 1 & 2 bed residential units above. A decision letter was issued in April 2019 and concluded that it would likely be refused. This was followed up with BR/282/19/PL for 35 flats and 3 commercial units. This was refused in June 2020 by reason of its height/design/massing causing harm to character, insufficient residential parking provision, harm to the amenity of neighbouring properties and policy conflicts due to there being no signed S106 legal agreement.

Application BR/143/18/PL concerns an adjacent building (6-8 Waterloo Square).

REPRESENTATIONS

Bognor Regis Town Council - no objection but express concern the application does not cover the entire site.

Two letters of "support" and one of "no objection" raising the following points:

- in keeping with the surroundings;
- will enhance the built environment;
- new residential units in a sustainable location;
- will assist in meeting housing targets;
- job creation & economic activity;
- provision of sustainable energy sources;

In addition, one of the letters raises concerns with the height of the building being higher than nearby buildings, the lack of any proposal for the rest of the site and with the lack of affordable housing.

COMMENTS ON REPRESENTATIONS RECEIVED:

It would be the Local Planning Authority's preference to be able to consider the development of the

whole of the site at the same time however, notwithstanding any approval to this application, the LPA will retain control over what is to be built on the rest of the site. It is regrettable that the applicant has reduced the number of flats to avoid the need to provide affordable housing however this cannot be used to refuse the application. The other points are noted and are dealt with in the Conclusions.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ENVIRONMENT AGENCY - No objection subject to mitigation measures in the Flood Risk Assessment (FRA) being secured by condition.

HIGHWAYS ENGLAND - Request contribution towards proposed improvements to the A27/A259 Bognor Road roundabout.

NATURAL ENGLAND - No objection, require the Local Planning Authority carries out an Appropriate Assessment to assess the impact of increased recreational disturbance arising from the proposal on the Pagham Harbour Special Protection Area (SPA) & Ramsar Site.

SUSSEX POLICE - No objection. Set out a list of required security measures as detailed in their response on the Councils website dated 20/10/20.

WSCC INFRASTRUCTURE - No objection subject to a legal agreement to secure contributions towards improvements for education facilities in the district.

WSCC HIGHWAYS - Following submission of a Road Safety Audit (RSA) and swept path tracking plans, now advise no objection subject to conditions. Comment that:

- There will be no boundary treatment on Norfolk Street therefore no restrictions to visibility;
- Swept path drawings demonstrate car parking layout and access by servicing vehicles is acceptable;
- The TRICs assessment estimates an increase in 30 trips in the AM and 33 in the PM peak hours could occur. Many of these movements are either already on the highway network, will be non-car based or will use existing public car parks;
- The parking survey demonstrates that there is sufficient overnight parking capacity within a 200m radius and that ad-hoc daytime visitors can pay for on-street parking;
- There are comprehensive junction protection markings meaning that any overspill parking that does occur is not anticipated to take place in locations that would be detrimental to highway safety; and
- Refuse collection is anticipated to be as per the existing arrangements for neighbouring properties.

ADC CONSERVATION OFFICER - will not cause harm to significance of the heritage assets or their setting and should be determined in accordance with the relevant development plan policies and the contents of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended). Comments as follows:

- The site is in a sensitive area with a Conservation Area and a Grade II Listed Pier where development proposals need to be carefully considered;
- The proposal maintains the existing building line along Waterloo Square and the Esplanade;
- The retention of a ground floor retail/commercial element around the junction with the esplanade will maintain the previous use of part of the site and encourage visitors into this part of the town;
- The scheme reflects a number of elements found in the conservation area such as the use of bay windows and the design of the balconies;

- The corner of the west/south elevations is such that it could form a focal point on The Esplanade, as the previous building did;
- The Dome/cupola is reflective of another building in the town, and a former building which was located close by;
- The success of such a scheme will depend on materials, colours and details chosen and this should be subject to a condition;
- The new building is closer in height to the neighbouring buildings but remains 1-2 stories higher than those buildings in the conservation area;
- Development of this height would be contrary to the established character, but as previously mentioned would form a focal point in this specific location, and would, on balance, be acceptable;
- It is not clear why only part of the site is being considered for development at this time, and this proposal should help to inform the development of that site. It is hoped that the vacant site will be developed at the same time.

ADC DRAINAGE ENGINEERS - No objection and request standard conditions. The submitted FRA proposes a green roof and tank storage to limit discharge to the surface water sewer.

ADC ENVIRONMENTAL HEALTH - No objection. Their responses of 13/11/20 and 17/11/20 request a number of conditions and informatives which will be considered when drafting the decision.

ADC HOUSES IN MULTIPLE OCCUPATION OFFICER - No objection. Advise a number of points in their response dated 09/11/20 as regards fire safety, internal room sizes, ventilation and safety of balconies which will be relevant for when a license is applied for.

ADC STRATEGIC PROJECTS (LEISURE) - No objection subject to a legal agreement to secure contributions to go towards improvements to sports and swimming pool facilities in the district.

ADC PARKS & LANDSCAPE - Consider there would be significant effect (potentially improving) on the street scene from the design of the proposals and the potential impact of the proposals would blend into the surrounding environment without the need for onsite green infrastructure. No objection subject to a legal agreement to secure contributions towards improvements to local public open space, play and sports pitches.

ADC BUILDING CONTROL - Advised in respect of BR/282/19/PL that an alternative escape from flats is advisable but that Building Regulations allows for a single escape route where certain provisions are introduced into the design of the building such as internal arrangement/layout, smoke venting by windows/smoke shafts, non-combustible staircases and staircases to be in a protected shaft separate from other purpose groups.

CONSERVATION AREA ADVISORY COMMITTEE - No Objection. The design has improved and includes references to typical Bognor Regis seafront detailing/features (e.g. the Cupola). Also consider material colour choice to be appropriate but materials need to be high quality. Express concern that the proposal is for only half of the site.

COMMENTS ON CONSULTATION RESPONSES:

All comments noted except where discussed below.

NATURAL ENGLAND - An Appropriate Assessment was carried out and submitted to Natural England on 16/12/20. They responded on 04/01/21 to state provided that the Pagham Harbour contribution is secured via a legal agreement, then the appropriate assessment can ascertain that there will be no adverse effect on the integrity of the European Site in view of its conservation objectives. Natural

England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing harmful effects on the European Sites for the duration of the proposed development. A copy of the Appropriate Assessment is on the website files.

ADC CONSERVATION OFFICER & CAAC - The detail of the building materials/detailing can be agreed through a suitably worded planning condition.

POLICY CONTEXT

Designations applicable to site:

Within the Built Up Area Boundary;
CIL Zone 4;
Within 5km of Pagham Harbour SPA:
Within 2km of Bognor Reef SSSI & Felpham SSSI;
The Steyne, Bognor Regis Conservation Area;
Part Flood Zones 2 & 3; and
Part Future Flood Zone 3a.

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 mitagation
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVDM2	ENV DM2 Pagham Harbour
ENVDM5	ENV DM5 Development and biodiversity
HDM1	H DM1 Housing mix
HERSP1	HER SP1 The Historic Environment
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
INFSP1	INF SP1 Infrastructure provision and implementation
HWBSP1	HWB SP1 Health and Wellbeing
QESP1	QE SP1 Quality of the Environment
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QEDM4	QE DM4 Contaminated Land
RETDM1	RET DM1 Retail development
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
OSRDM1	Protection of open space,outdoor sport,comm& rec facilities

TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

Bognor Regis Neighbourhood Plan 2015 Policy 1	Delivery of the Vision
Bognor Regis Neighbourhood Plan 2015 Policy 2	Promoting the Seaside Indentity
Bognor Regis Neighbourhood Plan 2015 Policy 3	Old Town Restaurant and Cultural Quarter
Bognor Regis Neighbourhood Plan 2015 Policy 6	Key gateways and promotion of sustainable travel
Bognor Regis Neighbourhood Plan 2015 Policy 8	Pre-Application Consultation
Bognor Regis Neighbourhood Plan 2015 Policy 8A	Design Excellence
Bognor Regis Neighbourhood Plan 2015 Policy 8B	Car Parking

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

SPD2	Conservation Areas
SPD9	Buildings or Structures of Character
SPD11	Arun Parking Standards 2020
SPD12	Open Space,Playing Pitches & Indoor& Built Sports Facilities

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 relevant policies of the Bognor Regis Neighbourhood Development Plan are considered within this report.

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.

The building is located in a Conservation Area and section 72(1) of the Planning (Listed Buildings and

Conservation Areas) Act 1990 states: "In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

In addition, the building affects the setting of a nearby Grade II Listed Pier. Section 66 of the same Act states that: "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

The proposal is considered to comply with these in that it preserves and enhances the setting of the Listed Building and the character of the Conservation Area.

Section 70(2) of 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

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE:

Residential Development

The site lies 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, flooding, highway safety/parking, heritage, residential amenity, space standards, noise pollution, affordable housing, infrastructure, children's play/public open space and the natural environment.

Paragraphs 120 and 125 of the NPPF support the development of under-utilised land particularly where this results in new housing. Also planning decisions should avoid homes being built at low densities, with higher densities encouraged for city/town centres that are well served by public transport.

The site is in the built-up area and 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. The homes result in moderate benefits to the local community & economy by providing new residential accommodation to help meet future needs, create new places of employment/jobs, create/maintain construction jobs, create economic activity at the new commercial units and result in additional spending in the local area by future residents.

The Council can demonstrate a 3.3 year housing land supply. This proposal provides 10 dwellings in a sustainable location in the built-up area boundary and will make a moderate contribution to the current housing land supply shortfall.

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

Retail Development

The site is in the Arun Local Plan as being in the defined Bognor Regis Town Centre Area and in an economic growth area. ALP policy RET SD1 states that Bognor Regis and Littlehampton will be the main focus for major retail, leisure, commercial, office, tourism, cultural, community and residential development. ALP policy EMP SP1 supports 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. In particular, the provision of appropriately scaled development where such uses compliment, and are compatible with, employment/commercial uses.

New retail development would be supported by ALP policy RET DM1 subject to compliance with the 4 criteria under part 1 of the policy. The first four criteria are considered elsewhere in this report whilst in respect of (e), there are no objections from Sussex Police. The policy also requires that applications for A3 Uses be accompanied by details of the provisions for the extraction of fumes and cooking odours and the provision of areas for the collection of waste.

The application provides no details of the extraction of fumes and odours as although the larger unit is clearly intended for such a use (due to it having an outside seating area), it is not certain whether any of the commercial units will be cafe/restaurant or retail. The need for extraction systems could be subject to a planning condition as was the case for 6-8 Waterloo Square (BR/143/18/PL) which was speculative in respect of the proposed use of the commercial units.

The Bognor Regis Neighbourhood Development Plan (BRNDP) designates the site as being part of the "Old Town Restaurant & Cultural Quarter". Policy 3 is relevant and supports the development of new restaurant & leisure type uses in this location. It does not indicate any agreement to new A1 (now E) retail uses but it does not say that these are not allowed. The drawings show some external seating areas on the frontage and thus gains further support from criteria (a) & (c) of the Policy.

The proposal is considered to comply with the relevant retail policies.

FLOOD RISK:

The site falls predominantly in Flood Zone (FZ) 1 but with parts of the site within FZ 2 & 3 (at the boundaries with the Esplanade, Waterloo Square & Norfolk Street). The site is shown in the Councils Strategic Flood Risk Assessment (SFRA) as being at risk of flooding in the future. This suggests that the rear of the site may become part of FZ3a by the year 2061 and that a greater area will be FZ3a by 2111. These maps show what would happen if there were no defences from the sea but it is clear that there are existing sea defences along the seafront. In any case, in all scenarios, the central part of the site stays in FZ1.

ALP policy ECC SP1 requires that development be designed to take account of future flood risk. In addition, ALP policy W DM2 states that development in areas at risk from flooding, will only be permitted where certain criteria have been satisfied. Criteria (a) requires that a sequential assessment is provided and this is in accordance with the NPPF (paras 159 & 161) and with para 33 (Reference ID: 7-033-20140306) of the associated Planning Practice Guidance.

The Flood Risk Assessment (FRA) states the site lies in defended FZ3, is a highly sustainable location for new residential & commercial development, is a previously developed site and proposes that

residential buildings ("more vulnerable" use) are located above the ground floor so above the existing & future flood levels in order to minimise the risk of potential flooding.

In respect of criteria (b), (d) & (e) the Environment Agency (EA) considered the FRA and raise no objections provided mitigation measures identified in the FRA are secured by condition and thus implemented. These consist of all residential units at first floor and above, ground floor level mitigation, a flood procedure plan, and registration with the Environment Agency's flood warning service. The EA state this will ensure that the site and its occupants are afforded suitable protection from flooding throughout its lifetime.

Criteria (c) requires that the proposal identify benefits to the wider community and it is considered that the proposal will result in the following:

- Location of new residential accommodation within a highly sustainable location such that new residents do not need to own a vehicle to access shops & services;
- New accommodation to help meet future needs including affordable homes;
- Increased Council Tax receipts;
- New Homes Bonus payments from the Government*;
- Creation/maintenance of construction jobs (although not necessarily local jobs);
- New sources of employment (the two commercial uses);
- New economic activity at the site;
- Additional spending by new residents on goods & services;
- Contributions to local infrastructure projects and strategic highway improvements.

* The New Homes Bonus is a local finance consideration and section 70(2) of Town and Country Planning Act 1990 (as amended) provides that local planning authorities should have regard to any local finance considerations, so far as material to the application.

In respect of criteria (f) the Councils drainage engineers do not object to the principle of the proposal.

Therefore, the proposal is considered to comply with ALP policies ECC SP1 and W DM2.

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. Proposals will be supported where they explain 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. The Council has adopted a Parking Standards Supplementary Planning Document (SPD).

The advice of WSCC Highways is summarised above and they consider that there are no concerns with the proposal from a highway safety or capacity perspective. WSCC state the proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the NPPF (paragraph 111), and that there are no transport grounds to resist the proposal.

According to the Arun Parking SPD, the proposal generates a residential parking need of 13 spaces. It is not possible to work out the exact commercial requirements as the uses are not known and there are no detailed floorplans. The proposal provides 4 spaces accessed from Norfolk Street and these are stated to be solely for the residential units. One of these will be suitable for disabled parking and a second is shown to have an electric charge point.

It is acknowledged new residents of the flats will be aware that there are limited parking facilities on the site before they buy/rent and that the SPD states a more flexible approach will be taken with schemes that incorporate flats and on sites close to urban centres.

The applicant provides evidence in the form of a parking capacity survey to justify the under provision of parking. This demonstrates there is sufficient overnight parking capacity in a 200m radius and that Waterloo Square can comfortably accommodate the demand for occupiers and visitors. WSCC reviewed this survey and raise no objections. They are satisfied the capacity exists and that parking will not take place in locations that will present highway safety issues. They consider the majority of the commercial demand for spaces can be accommodated by existing public car parks or that such commercial movements to the site will be made by foot or cycle. This is a highly accessible location such that reliance on the private car would not wholly be necessary for residents, employees or visitors.

It is acknowledged the previous application was partly refused on the basis of insufficient parking provision and the potential for the shortfall to be harmful to the amenity of existing local residents in the town centre area. The previous proposal was for a significantly greater number of flats (25 more) and an additional commercial use. The reduction in the number of units allows for the amenity impacts to be reassessed and it is not considered that the harm from the proposed under provision will be significant enough to warrant a refusal. The applicant did not previously provide a parking capacity survey.

The SPD sets out standards for cycle parking and it is considered the proposal provides sufficient cycle parking spaces to meet the requirements. These are in a secure store in the basement level. It is not clear whether the commercial staff & customer cycle provision is appropriate due to the uncertainty as to which uses will be retail or cafe but a condition can be imposed to secure the necessary amount of cycle parking on the site.

BRNDP policies 6 and 8b state that major developments should demonstrate through a Transport Assessment/Travel Plan that they do not impact on the existing capacity of public highways to accommodate parking, do not result in a severe cumulative transport impact, improve pedestrian & cycle movement and invest in street improvements. Whilst the application is a major application, it does not meet the validation thresholds for the submission of these documents. A Road Safety Audit has been provided and a Travel Plan will be sought by planning condition. WSCC do not consider that the increase in vehicle movements will be detrimental to highway capacity or safety.

The proposal is acceptable in respect of policies relating to highway safety & parking and therefore in accordance with ALP policies T SP1 & T DM1, BRNDP policies 6 & 8b and the NPPF.

HERITAGE ASSETS:

The site lies in the "Bognor Regis The Steyne" Conservation Area and is also in the setting of the Grade II Listed Bognor Regis Pier. The relevant Local Plan policies are HER DM1 (Listed Buildings) and HER DM3 (Conservation Areas). The site was also previously home to three Buildings of Character but as these have been removed, it is not appropriate to consider policy HER DM2.

Policy HER DM1 requires that proposals protect and, where possible, enhance the setting of Listed Buildings. Policy HER DM3 lists criteria for proposals affecting a Conservation Area. BRNDP policy 1

states proposals must identify the significance of any affected heritage asset and assess any harm and benefit. The proposal does this as is discussed below.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that: "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." Furthermore, section 72 states: "In the exercise, with respect to any buildings or other land in a conservation area, of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

It is necessary to consider policy guidance in the NPPF which sets out several steps when considering impact on heritage assets. Para 194 requires applicants to describe the significance of heritage assets affected, including any contribution made by their setting. Para 195 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 consider the level of harm associated with the proposal and decide whether there is any harm and if so, whether this is 'less than substantial harm' or 'substantial harm'. It is then necessary to counterbalance harm with the level of public benefits associated with the proposal (as set out in paras 199-202).

The applicants provided an assessment of heritage as part of the Design & Access Statement. This concludes the proposal would preserve the character & appearance of the Conservation Area. It is clear that the building design has taken several cues from the existing and previous built form of the Conservation Area and this is reflected by the comments of the Conservation Officer and of CAAC.

The Conservation Officer assessed the proposal and the comments are set out in full on the Councils website and summarised above. The Conservation Officer considers the proposal will not result in any harm to the heritage assets or their setting and as such should be determined ion accordance with the relevant development plan policies and the Act.

It is considered the building will preserve and enhance the setting of the Listed Building and the character of the Conservation Area and as such complies with the relevant policies and the provisions of the relevant Act.

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.

Policy 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 also 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.

The Arun Design Guide promotes higher densities in urban and town centre areas stating that 60-100 dwellings per hectare is appropriate. The density is 168 dwellings per hectare which is significantly greater than the range set by the Design Guide however, it is not considered that this results in any

significant harm to the character of the area and that higher density buildings are appropriate in a town centre location.

Policy 2 of the Bognor Regis Neighbourhood Development Plan (BRNDP) requires development in the 'Wider Town Centre Area' affecting Designated and Non-designated Heritage Assets adhere to a 'Secure, restore and boost our seaside identity first' principle. In addition policy 8A requires new major development demonstrates 'design excellence' and help to establish a strong sense of place and create attractive and comfortable places.

The National Design Guide (September 2019) forms part of the Government's collection of planning practice guidance. Paragraphs 20-21 of the Design Guide explain how good design should pay regard to place and context and that 'a well-designed place is unlikely to be achieved by focusing only on the appearance, materials and detailing of buildings. Part 2 of the Guide sets out ten characteristics for good design, namely Context, Identity, Built form, Movement, Nature, Public spaces, Uses, Homes and buildings, Resources and Lifespan. In addition, the Council has an adopted Design Guide which is a material consideration in the determination of planning applications. The applicant has provided a Design & Access Statement which does provide a detailed analysis of the evolution of the proposal and how it responds to comments expressed previously.

The Council obtained advice from an independent Design Adviser regarding the previous scheme. This advice recognised that improvements had been made but had concerns with how the development would integrate with the existing character & built form of the area particularly in terms of scale and design. This new proposal has been reduced in both height and mass, partly as a result of it only being for half of the site but also due to it being 4-5 storeys as opposed to 5-6 previously. The total height is similar to before but around 3m of this height is solely from the roof cupola which is entirely within the southwest corner of the roof. There is no longer a mansard style roof level.

It was previously accepted that there was a strong case for a landmark building in this location but there were concerns with the design and bulk of the previous scheme. It is considered that the new design is much more appropriate and better relates to the lower heights of nearby buildings. In particular, the building steps back towards the three storey buildings to the rear and steps down slightly on the east side where adjacent to the 4 storey building on the opposite side of Norfolk Street.

The design and scale of the inevitable future submission concerning the remainder of the vacant site will be important in terms of the overall impact of the sire's redevelopment but this will be determined separately and it is considered that the new building provides a good starting point for a new building to fit between it and Waterloo Court beyond.

Besides the cupola, the design of the building is considered to reflect a number of other elements found within the conservation area such as the use/design of bay windows and the design of the balconies. Furthermore, the southwestern corner will form a focal point on The Esplanade, as the previous building did. Also unlike the previous submission, there are no completely blank elevations.

Overall, the proposal is a significant improvement on the previously refused scheme and that it now complies with the relevant development plan policies, the guidance on design in the NPPF and the National and Arun Design Guides.

RESIDENTIAL AMENITY:

ALP policy D DM1 requires there be minimal impact to users and occupiers of nearby property and land. ALP policy QE SP1 requires that all development contribute positively to the quality of the environment and ensure that development does not have a significantly negative impact on residential amenity. The

Arun Design Guide sets out guidance on interface distances between dwellings and these are: 21m for back to back, 16m for front to front and 14m for front/back to side.

The applicant has not supplied any assessment of the impact of the proposals on existing residential properties such as by overlooking or loss of light. The Council has thoroughly assessed the impact of the proposals on existing residential properties including with reference to the impact of the previous buildings on the site and the impact of new built form approved by the expired BR/239/11/ permission.

The proposal has the potential to impact on the flats in the first, second & third floors of Cavendish House which have windows looking onto Norfolk Street. Unlike the previous scheme, there is no impact on the first floor flats in the rear of 24 Lennox Street as these are opposite the part of the site that will remain vacant. It is also relevant to note that:

- The previous buildings on the site that were destroyed by fire were built right up to the back of pavement on Norfolk Street, were two storeys high with a nightclub at first floor level. There were some first floor windows associated with the nightclub and the building was only 5-5.6m from the residential windows opposite; and
- The changes approved by BR/239/11/ maintained the two storey built form on Norfolk Street and introduced flats at first floor level in place of the nightclub. This would have therefore resulted in windows of residential flats facing those on the building opposite.

On the basis of the previous situation/planning history, it is considered a case could be made for some overlooking at first floor level. The only first floor windows on the proposed building are towards the rear where the building steps back from Norfolk Street and as such the interface distance is greater. The closest (i.e. shortest interface distance) of these windows is to the stair core (the window is present on all four upper storeys). The distance is only 13.5m but these windows can be obscure glazed to prevent overlooking with no harm to the amenity of future occupiers. This will ensure that there is no harm to the amenities of the residents in Cavendish House.

The only instance of a new residential window facing Cavendish House concerns bedroom & bathroom windows and a small balcony on the part of the building at the very rear. These windows & balcony will be present on three floors (1st, 2nd, 3rd) and but there is only a facing window on Cavendish House on two floors (1st & 2nd). The interface distance between the windows is 17.4m with then 16m between the edge of the balcony and the same existing windows. The new bathroom windows can be obscure glazed to prevent overlooking.

Overlooking at first floor level is better than it would have been before the previous building was demolished by fire/better than what it could have been had BR/239/11 been implemented. However, there will be new overlooking at second floor and the balconies will add more potential for overlooking.

Nevertheless, this is a high density town centre location where it is considered that standards can be relaxed. Furthermore, the proposed development will redevelop a long vacant site and provide a boost to the character and function of the Seafront in this location and this is an important material consideration in the determination of this application. It is also acknowledged that the applicant has taken steps since the previous refusal to minimise the overlooking issues on this elevation and as a whole the building will much less impact on the Norfolk Street flats. A condition will be imposed to seek a screen to the balcony railings to minimise overlooking from the new balconies.

There is a further new window & balcony in this elevation (at the southeast corner) but this is on the 4th floor and as such will look out over the roof of Cavendish House thus not resulting in any overlooking.

There are no concerns with the inter-relationship of new flats in the two buildings. Internal & external

space standards are considered in the following part of this report. It is therefore considered that although there will be some harm, the level of this can be tolerated due to the site's location and the contribution that the new building will make to the local area. The proposal is therefore in accordance with policies D DM1 & QE SP1 of the Arun Local Plan, the NPPF and the Arun Design Guide.

SPACE STANDARDS:

As per ALP policy D DM2, it is 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 applicant states all 10 flats have been designed in accordance with NDSS requirements. The schedule shows the units range in size with 6 x 2 bed flats at 83m2 and 3 x 2 bed flats at 102m2. There is 1 x 3 bed flat at 149m2. All exceed requisite standards. There are no policies in the ALP relating to garden sizes but the Arun Design Guide sets out standards for garden sizes for flats:

- 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 but this is provided by the close proximity of the site to the seafront/nearby parks. All the flats will have a balcony/roof terrace of some sort. The minimum balcony size is 3m2 as per the standards but many of the flats particularly those on the northern part of the building and the fourth floor penthouse flat have much larger external areas.

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

AIR POLLUTION:

ALP Policy QE DM3 requires that major developments are within easy reach of established public transport services, maximise provision for cycling & pedestrian facilities, include electric car charging points and contribute towards the improvement of the highway network. As stated elsewhere, ALP policy RET DM1 requires that applications for new A3 Uses be accompanied by details of the provisions for the extraction of fumes and cooking odours and the provision of areas for the collection of waste. Furthermore, policy WM DM1 requires the provision of waste storage provision.

ADC Environmental Health requested several conditions that cover air pollution including with regard to the extraction of kitchen odours. It is acceptable to leave the details of kitchen extraction to condition as the final operators of the commercial premises are not known. The proposal has very few car parking spaces therefore encourages new residents to walk or cycle particularly given the highly sustainable town centre location. WSCC Highways have not requested any highway improvements. The proposal also includes waste provision and the site can be serviced from the public highway.

The proposal therefore complies with ALP policies RET DM1, QE DM3 and WM DM1.

NOISE POLLUTION:

ALP policy QE DM1 states noise sensitive development should not normally be permitted where (a) high levels of noise will continue throughout the night and (b) there is a likelihood of complaints about noise from industrial development.

Environmental Health made no specific comment on noise pollution but request conditions covering the permitted hours of deliveries to the site, the permitted hours that kitchen extraction systems can be used and noise insulation between the commercial and residential floors. There may be noise from the nightclub or from the road along the seafront affecting new residents but this will not continue all night and therefore, there is no 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. It states that for major developments, 10% of the total predicted energy requirements should be produced from renewable/low carbon energy generation on site, unless it is demonstrated this is unviable. In addition, ECC SP1 requires that new development be designed to adapt to impacts arising from climate change.

The application states the building approach involves energy demand minimisation through effective building form and orientation to promote high levels of daylight, good envelope design and proficient use of building services such that the building itself is being used as the primary environmental modifier. To further reduce environmental impact of the design, it is proposed to incorporate water conservation measures to limit water use to 110 litres per person per day through careful selection of fittings and to install solar panels on the building. The application states the combination of the energy efficiency measures and new technologies will result in a combined minimum 19.3% reduction in CO2 emissions compared to Part L of the 2013 Building Regulations.

A condition will be imposed to secure these details and on this basis, it is considered that the proposal complies with policies ECC SP1 and ECC SP2. Future flood risk has been considered elsewhere in this report. A condition will also be imposed to secure electric vehicle charge points.

PUBLIC OPEN SPACE & PLAY:

ALP policy OSR DM1 requires that housing developments provide sufficient public open space, playing pitch provision and indoor sport & leisure provision. In addition, policy HWB SP1 seeks to ensure that new development is designed to maximise the impact it can make to promoting healthy communities and reducing health inequalities.

This site is in a sustainable urban location and will promote walking and cycling with access to public parks, the seafront and cycle lanes. There are art, leisure and cultural buildings nearby or in easy reach from the railway station.

The Councils supplementary planning document (SPD) "Open Space, Playing Pitches, Indoor and Built Sports Facilities" (January 2020) does not state any requirements for on-site public open space (POS) or play facilities. However, as confirmed by advice from consultees, the SPD does set out a requirement for contributions towards local POS & play spaces, sports pitches, sports & leisure facilities. The requirements are considered to meet the CIL tests (Regulation 122 of the Community Infrastructure Levy Regulations 2010). As this site is zero rated for CIL it is still possible to secure off-site financial contributions through a S.106 Legal Agreement.

The applicant has agreed to the requirement and these are secured by the completed s106 legal agreement. As such, there is no conflict with ALP policies OSR DM1 and HWB SP1.

SUPPORTING INFRASTRUCTURE:

ALP policy INF SP1 states: "The Local Planning Authority will support development proposals which provide or contribute towards the infrastructure and services needed to support development to meet the needs of occupiers and users of the development and the existing community." and "Any on-site provision or financial contribution required to address unacceptable impacts must meet the statutory tests for planning obligations required by Regulation 122 of the Community Infrastructure Regulations 2010."

The Council received requests from both WSCC and Highways England for contributions towards specific projects at sites in the area. The requirements meet the CIL tests (Regulation 122 of the Community Infrastructure Levy Regulations 2010).

The applicant has agreed to the requirements and these are secured by the completed s106 legal agreement. As such, there is no conflict with ALP policy INF SP1.

PAGHAM HARBOUR:

ALP policy ENV DM2 requires new residential developments in 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 application site lies within the designated Zone B and accordingly it was necessary to apply this requirement. The net increase in 10 dwellings results in a contribution of £8,710 at the current rate. The applicant has agreed to this requirement and this is secured by the completed s106 legal agreement. As such, there is no conflict with ALP policy ENV DM2. This confirms that the Councils Appropriate Assessment as agreed with Natural England is valid.

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 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.

Para 11 of the NPPF then 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 3.3 years and there is a significant shortfall and hence, its policies are considered out of date. To be able to benefit from the presumption, the proposal must be assessed as being sustainable development and this assessment should consider environmental, social and economic factors.

The site location is environmentally sustainable in that it possible to walk or cycle to access nearby shops, services, places of employment and other facilities and that these are all within an appropriate distance such that it is not necessary to travel by car. Furthermore, there is a railway station within walking distance which allows onwards travel to London and other places to the west and east of Bognor Regis. The proposal is not considered to have any direct environmental impacts.

The proposal could help to support the local community by providing 10 new dwellings to help meet future needs and make a contribution to the Council's current housing land shortfall. Economic benefits consist of:

- Increased Council Tax receipts;
- New Homes Bonus payments from the Government*;
- Creation/maintenance of construction jobs;

- New sources of employment (the three commercial uses);
- New economic activity at the site; and
- Additional spending by new residents on local goods & services.

* The New Homes Bonus is a local finance consideration and section 70(2) of Town and Country Planning Act 1990 (as amended) provides that local planning authorities should have regard to any local finance considerations, so far as material to the application.

On balance the proposal does meet the economic, social and environmental aspects of sustainable development and the presumption in favour of sustainable development would be engaged. The Presumption states that 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.

SUMMARY:

This development concerns an important corner plot on the seafront and it is appropriate in principle to develop it with a building larger than was there originally. This would result in change to the character & appearance of this area and may also necessitate some compromises in respect of the amenities of nearby residential occupiers. The current proposed scheme is considered to be a clear improvement on both previous schemes submitted for pre-application advice and the previous application.

Unlike the refused scheme, it is not considered there will be any harm to the affected heritage assets and instead that the proposed development will preserve and enhance the setting of the Listed Building and the character of the Conservation Area. Previous concerns regarding parking provision, height/design/massing, the amenities of neighbouring flats properties and the failure to agree to a s106 legal agreement have been resolved. There is still a concern with how the rest of the wider site will be developed but this is a matter for a separate application and this proposal will not set a precedent for the scale of development on the remainder of the site.

This assessment concludes there are adverse impacts to granting this permission but any residual harm is outweighed by the scheme benefits. It is therefore recommended the application be approved in accordance with the following conditions and the signed s106 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 is made subject to a completed s106 legal agreement which includes the following obligations:

PAGHAM HARBOUR

A contribution of £8,710 towards the agreed strategic access management measures to mitigate the harm to the Pagham Harbour Special Protection Area.

PUBLIC OPEN SPACE & PLAY

(1) A contribution of £19,712 towards open space improvements at Marine Park Gardens, Aldwick.
(2) A contribution of £17,303 towards play equipment improvements at West Park, Aldwick.
(3) A contribution of £1,084 plus £4,560 (20 years total maintenance cost) for improvements to the grass playing surface of the football pitches at Avisford Park Recreation Ground, Bognor Regis and also £2,958 for improvements to ancillary facilities at the same site.
(4) A contribution of £333 plus £1,420 (20 years total maintenance cost) for improvements to the grass playing surface of the rugby pitches at Bognor Regis Rugby Club and also £820 for improvements to ancillary facilities at the same site.
(5) A contribution of £801 plus £3,240 (20 years total maintenance cost) for improvements to the grass playing surface of the cricket pitches at Queensfield, West Meads, Bognor Regis and also £937 for improvements to ancillary facilities at the same site.
(6) A contribution of £830 plus £580 (20 years total maintenance cost) towards surfacing 3G pitches at the West Bersted strategic development and £288 for ancillary facilities at the same site.

LEISURE

(1) A contribution of £3,767 towards the community sports hub to be provided at West of Bersted.
(2) A contribution of £1,400 towards the community sports hub to be provided at West of Bersted.
(3) A contribution of £4,052 towards wet side shower provision at a new leisure centre for the district.

EDUCATION

(1) A contribution of £12,922 to be spent on additional facilities at Edward Bryant Primary School.
(2) A contribution of £16,851 to be spent on Phase 1 of the new secondary school in Arun.
(3) A contribution of £3,258 to be spent on additional equipment at Felpham Community College Sixth Form.

STRATEGIC HIGHWAYS

A contribution of £4,539.20 (£453.92 per dwelling) towards the mitigation scheme at the A27/A259 Bognor Road Roundabout as identified in the Enterprise Bognor Regis Transport Review 2017 report.

CIL DETAILS

The proposal is not subject to a CIL contribution as flats and town centre uses in Zone 4 are zero rated and hence it remains possible to secure contributions through a Section 106 Legal Agreement.

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:

18.103.100 Location Plan;
18.103.102 Survey Plan;
18.103.102 Location Plan;
18.103.400 Proposed Site Layout Plan;
18.103.401 Proposed Basement Level Floor Plan;
18.103.402 Rev A Proposed Ground Floor Plan;
18.103.403 Proposed First Floor Plan;
18.103.404 Proposed Second Floor Plan;
18.103.405 Proposed Third Floor Plan;
18.103.406 Rev A Proposed Fourth Floor Plan;
18.103.409 Proposed Roof Plan;
18.103.420 Proposed Esplanade Elevation;
18.103.421 Proposed Waterloo Square Elevation;
18.103.422 Proposed Rear Elevation;
18.103.423 Proposed Norfolk Street Elevation;
2020-6153-001 Rev A Highway Overview;
2020-6153-002 Car Parking Swept Path Analysis; and
2020-6153-003 Delivery Vehicle Swept Path Analysis.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D DM1, D SP1, QE SP1, HER DM1, HER DM2, HER DM3 and T SP1 of the Arun Local Plan.

3 The development shall be carried out in accordance with the submitted flood risk assessment (ref BROK/19/D1832/FRA1.0, dated 13/12/19) and the following mitigation measures that it details:

- All residential units shall on be placed on the first floor and above
- Flood resilience measures including ground floor flood resilient construction and flood proofing, raised lip to basement, basement sump and pump and emergency plans are fully implemented

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 line with section 9 of the Planning Practice Guidance of the NPPF for Flood Risk & Coastal Change and Arun Local Plan policy W DM2.

4 The ground floor commercial units shall be used as retail, cafe or restaurant within class E(a) and E(b) and for no other purpose (including any other purpose in Class E of the Schedule to the Town & Country Planning (Use Classes) (Amendment) (England) Regulations 2020 or any other Statutory Instrument revoking, re-enacting or amending these regulations).

Reason: To enable the Local Planning Authority to maintain control in the interests of the amenities of surrounding residential properties & future residential occupiers of the building and in accordance with Arun Local Plan policies D DM1 and QE SP1.

5 No development shall take place, including any works of demolition, until a Construction & Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- An indicative programme for carrying out of the works;
- Details of arrangements for public engagement/consultation both prior to and continued liaison during the construction works;
- Measures to minimise noise (including vibration) generated by the construction process to include proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s);
- details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;
- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials, and waste,
- the storage of plant and materials used in construction of the development,
- The erection and maintenance of security hoarding;
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- Measures to control the emission of dust and dirt during construction; and
- A scheme for recycling / disposing of waste resulting from demolition and construction works.

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

6 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. No part of the building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

7 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources (as described in the glossary at Annex 2 of the NPPF) unless it can be demonstrated that a fabric-first approach would achieve an equivalent energy saving. Details and a timetable of how this is to be achieved for each phase or sub phase of development, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority before any development in that phase or sub phase begins. The development shall be implemented in accordance with the approved details and timetable and retained as operational 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. This is required to be a pre-commencement condition because the approved measures may need to be built into the fabric of the buildings.

8 No development above damp proof course (DPC) level shall commence until full details of the noise insulation measures to be provided between the floors of the buildings have been submitted to and approved by the Local Planning Authority. All works, which form part of the scheme, shall be completed before any part of the new building is occupied. The scheme shall have regard to the principles contained within the World Health Organisation (WHO) community noise guidelines and/or achieve the standards as set out within Table 4: Indoor ambient noise levels for dwellings for both daytime (07:00 to 23:00) and night-time (23:00 to 07:00) time periods as set out within BS8233:2014 to minimise noise disturbance in residential dwellings. Following approval and completion of the scheme, a test shall be undertaken by a competent acoustician and submitted to the Local Planning Authority to demonstrate that the attenuation measures proposed in the scheme are effective and protect the residential dwellings from unwanted noise.

Reason: To protect the amenity of future residential occupiers in accordance with policies QE SP1 and QE DM1 of the Arun Local Plan.

9 No development above damp proof course (DPC) level shall take place unless and until a colour schedule of materials and finishes to be used for all external surfaces of the proposed building has 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 amenity, the setting of the nearby Listed Building and the character and appearance of the Conservation Area by endeavouring to achieve a building of visual quality in accordance with policies D DM1, HER DM1 and HER DM3 of the Arun Local Plan and the NPPF.

10 No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the approved plans.

Reason: In the interests of road safety in accordance with Arun Local Plan policy T SP1 and the National Planning Policy Framework.

11 No part of the development shall be first occupied until the car parking has been constructed

in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use in accordance with Arun Local Plan policy T SP1 and the National Planning Policy Framework.

12 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority. The submission should include full details of both the residential and commercial cycle storage. The approved cycle storage spaces shall thereafter be permanently retained and maintained in good working condition.

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

13 No part of the development shall be first occupied until such time as a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan Statement shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority. The approved Travel Plan shall then implemented in full and permanently adhered to thereafter.

Reason: To encourage and promote sustainable transport in accordance with Arun Local Plan policies T SP1 & T DM1 and the National Planning Policy Framework.

14 Prior to occupation of any of the new apartments, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings shall be submitted to the local planning authority for approval and thereafter implemented in accordance with the approved details and the charge points shall thereafter be permanently retained and maintained in good working condition. The scheme shall provide at least 1 electric vehicle charging space.

Reason: New petrol, diesel and hybrid cars/vans will not be sold beyond 2030, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun Parking Standards SPD and the National Planning Policy Framework.

15 Prior to the occupation of any of the new apartments, 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 consider 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 from a site-wide network is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway. 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 in accordance with Arun Local Plan policy TEL SP1.

16 Details of the proposed lighting scheme for the development shall be submitted to and

approved by the Local Planning Authority prior to installation. Light intrusion into residential windows shall not exceed 10 Lux between 07:00 and 21:00 hours and 5 Lux between 21:00 and 07:00 hours, measured as Vertical Illuminance (EV) normal to glazing. The Sky Glow (Upward Light Ratio) shall not exceed 5.0%. The details shall include the predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors. The lighting installation shall comply with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (GN01:2011).

Prior to the occupation of any of the apartments, the predicted illuminance levels shall be tested by a competent person to
ensure that the illuminance levels agreed in the scheme are achieved. Where these levels have not been met, a report shall be submitted to the Local Planning Authority to demonstrate what measures have been taken to reduce the levels to those agreed within the application scheme. The approved installation shall be maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to a variation.

Reason: In the interests of the amenities of the area, the amenities of nearby existing residential occupiers, the interests of minimising crime and to minimise unnecessary light spillage outside the development site in accordance with policies QE SP1 & QE DM2 of the Arun Local Plan.

17 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). Should any works be required outside of these times then the applicant should submit a schedule of activities to the Local Planning Authority for approval in writing.

Reason: To protect the amenity of local residents in accordance with policies QE SP1 and QE DM1 of the Arun Local Plan.

18 If a cafe or restaurant is proposed, then the use hereby permitted shall not be carried on unless and until details of a suitable system for the extraction of cooking odours (including details of the extract fan units, filters, extraction hoods and ducting together with method of noise abatement) has been submitted to and approved in writing by the Local Planning Authority. The equipment approved under this condition shall be installed by a competent engineer before the use hereby permitted commences and thereafter shall be maintained in accordance with the manufacturer's instructions.

Reason: To protect the amenity of future residential occupiers and existing local residents in accordance with policies QE SP1 and QE DM3 of the Arun Local Plan.

19 If a cafe or restaurant is proposed, then drainage serving the kitchen(s) shall be fitted with a grease trap/separator of a proportionate capacity to effectively contain grease residue arising from the estimated numbers of hot meals served and waste-water flow rate. The applicant shall provide the Local Planning Authority with details of their proposed grease trap/separator in order to demonstrate design and installation will be in compliance with BS EN 1825-1:2004 and BS EN 1825-2:2002 (Current Status: 'Under Review') or other effective means of grease removal.

Reason: To protect the amenity of future residential occupiers & existing local residents and the water system in accordance with policies QE SP1, QE DM3, WM DM1 and W SP1 of the Arun Local Plan.

20 Details, including acoustic specifications, of all fixed plant, machinery and equipment associated with air moving equipment including fans, ducting and external openings,

compressors, generators or plant or equipment of a like kind, installed within the site which has the potential to cause noise disturbance to any noise sensitive receivers, shall be submitted to and approved by the Local Planning Authority before installation of such plant/machinery/equipment. The rating level of noise emitted from the use of this plant, machinery or equipment shall not exceed the measured background sound level when assessed by a competent acoustician using BS 4142:2014, at any adjoining or nearby noise sensitive premises. The approved plant/machinery/equipment shall thereafter be implemented in accordance with the agreed details and permanently retained in good working condition.

Reason: To protect the amenity of future residential occupiers and existing local residents in accordance with policies QE SP1 and QE DM1 of the Arun Local Plan.

21 Deliveries by commercial vehicles to/from the commercial premises shall only be made between 07:00 hours and 19:00 hours Monday to Friday and between 08:00 hours and 18:00 hours on Saturdays, Sundays, Bank or other Public Holidays without the prior written consent of the Local Planning Authority.

Reason: To protect the amenity of future residential occupiers and existing local residents in accordance with policies QE SP1 and QE DM1 of the Arun Local Plan.

22 The class E restaurant/cafe or retail units shall only be open between the hours of 07:00 hours and 23:00 hours Monday to Saturday and between 07:00 hours and 22:00 hours on Sundays, Bank or other Public Holidays.

Reason: To protect the amenity of future residential occupiers and existing local residents in accordance with policies QE SP1 and QE DM1 of the Arun Local Plan.

23 All bathroom/toilet windows shall be glazed with obscured glass and permanently retained so thereafter.

Reason: To protect the amenities and privacy of future occupiers and of the adjacent properties in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

24 The windows serving the stair core on the first, second, third and fourth floors shall be glazed with obscured glass and permanently retained so thereafter.

Reason: To protect the amenities and privacy of the existing residential occupiers fronting Norfolk Street in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

25 None of the proposed balcony railings shall be installed unless and until details of their proposed height, finish (colour) and manufacturer/model name have been submitted to and agreed in writing by the Local Planning Authority. The balconies to those flats at the north eastern corner of the building facing Cavendish House shall incorporate balcony screens, details of which should also be provided. The approved balconies and screens shall thereafter be installed in accordance with the agreed details and retained in good condition thereafter.

To enable the Local Planning Authority to control the appearance of the building in detail in the interests of visual amenity, the character/appearance of the Conservation Area and to protect the amenities of existing residents in accordance with policies HER SP1, HER DM3 & QE SP1 of the Arun Local Plan and the National Planning Policy Framework.

26 If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol / diesel / solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise expressly agreed in writing with the Local Planning Authority)

shall be carried out until it has been fully investigated using suitably qualified independent consultant(s). The Local Planning
Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being fully implemented before development in that phase recommences. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority.

Reason: To ensure that risks from land contamination to drinking water supplies is controlled & mitigated and to protect the amenity of local residents in accordance with policies QE DM4, W SP1, W DM1 and W DM3 of the Arun Local Plan.

27 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

28 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to the following obligations:

PAGHAM HARBOUR

A contribution of £8,710 towards the agreed strategic access management measures to mitigate the harm to the Pagham Harbour Special Protection Area.

PUBLIC OPEN SPACE & PLAY

(1) A contribution of £19,712 towards open space improvements at Marine Park Gardens, Aldwick.
(2) A contribution of £17,303 towards play equipment improvements at West Park, Aldwick.
(3) A contribution of £1,084 plus £4,560 (20 years total maintenance cost) for improvements to the grass playing surface of the football pitches at Avisford Park Recreation Ground, Bognor Regis and also £2,958 for improvements to ancillary facilities at the same site.
(4) A contribution of £333 plus £1,420 (20 years total maintenance cost) for improvements to the grass playing surface of the rugby pitches at Bognor Regis Rugby Club and also £820 for improvements to ancillary facilities at the same site.
(5) A contribution of £801 plus £3,240 (20 years total maintenance cost) for improvements to the grass playing surface of the cricket pitches at Queensfield, West Meads, Bognor Regis and also £937 for improvements to ancillary facilities at the same site.
(6) A contribution of £830 plus £580 (20 years total maintenance cost) towards surfacing 3G pitches at the West Bersted strategic development and £288 for ancillary facilities at the same site.

LEISURE

(1) A contribution of £3,767 towards the community sports hub to be provided at West of Bersted.
(2) A contribution of £1,400 towards the community sports hub to be provided at West of

Bersted.
(3) A contribution of £4,052 towards wet side shower provision at a new leisure centre for the district.

EDUCATION

(1) A contribution of £12,922 to be spent on additional facilities at Edward Bryant Primary School.
(2) A contribution of £16,851 to be spent on Phase 1 of the new secondary school in Arun.
(3) A contribution of £3,258 to be spent on additional equipment at Felpham Community College Sixth Form.

STRATEGIC HIGHWAYS

A contribution of £4,539.20 (£453.92 per dwelling) towards the mitigation scheme at the A27/A259 Bognor Road Roundabout as identified in the Enterprise Bognor Regis Transport Review 2017 report.

29 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 here https://beta.southernwater.co.uk/infrastructurecharges.

30 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm event plus 40% on stored volumes/rainfall intensity (allowance for climate change) between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year storm event plus 40% on stored volumes/rainfall intensity. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes regarding surface water drainage are located here: https://www.arun.gov.uk/drainage-planning-consultations. A surface water drainage checklist is available on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.

31 INFORMATIVE: The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

32 INFORMATIVE: The proposed food business is required to submit a 'Food Registration Form' to the Environmental Health department 28 days before opening. Further advice can be given to the business, for example, on the internal layout of the food premises. If the applicant would like further advice please contact the Environmental Health Service on (01903) 737755.

33 INFORMATIVE: Please note the recommendations of our Private Sector Housing Team on

our website dated 09/11/20 which includes guidance on fire safety, ventilation, railings to terraces/balconies, other hazards and HMO standards.

34 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action
being taken should substantiated complaints within the remit of the Environmental Protection Act 1990. For further information please contact the Environmental Health Department on (01903) 737555.

35 INFORMATIVE: In the interests of crime prevention and deterrence, the development should incorporate security measures in accordance with the consultation advice of Sussex Police (dated 20/10/20) as available on the Councils website.