

Recommendation Report for Planning Permission

REF NO: BR/294/21/PL

LOCATION: 2-10 The Hatters Inn
Queensway
Bognor Regis
PO21 1QT

PROPOSAL: 3 storey upward extension and redevelopment of the existing 1st and 2nd floor delivering 43 no flats. This application may affect the setting of listed buildings, affects the character and appearance of The Steyne Conservation Area and is in CIL Zone 4 (Zero Rated) as flats.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

Permission is sought for the re-development of an existing first and second floor and the erection of third, fourth and fifth floor above The Hatters Inn resulting in a flatted development comprising 43 flats spread over the 1st, 2nd, 3rd, 4th and 5th floors, many with balconies and various sizes of terraces.

The first floor would consist of nine 1 bed/2 people units, the second floor would have nine units providing one 2 bed/4people unit and eight 1 bed/2 people units. The third floor would have the same layout with the same units as beneath. Nine units, eight 1 bed/ 2people and one 2 bed/4 people, are proposed at the fourth floor and seven, four 2 bed/4 people and three 1 bed/2 people, at the fifth.

Access would be via the existing staircases which will be enlarged, and a new lift situated in south-west corner of the building. A small servicing area with access to bins would be provided at the ground floor level and there would be a store provision in the basement area accessible via stairs only. 122 solar panels are to be inserted to the flat roof along with 16 roof-lights, Automatic Opening Ventilation and a smoke shaft.

Materials are a combination of external White Acrylic Render Finish with Light Buff textured brickwork and Equitone cladding. Aluminium windows and powder coated balustrade and glass balustrade for balconies and terraces are proposed.

The previously approved proposal was for 24 flats on 5 floors, the current proposal increases the number of flats by 19.

SITE AREA

0.08 hectares

RESIDENTIAL DEVELOPMENT DENSITY (NET) 537.5 dwellings/hectare

TOPOGRAPHY

Predominantly flat.

SITE CHARACTERISTICS

Three storey flat roof building with the Hatters Inn on the ground floor. Render at ground level, pebble dash concrete on the eastern elevation at the first floor level and brick works on the southern and western. Overhang above ground floor public house. All units are currently empty. Elevations comprise crittall windows and light grey rendered panels at the third floor level.

CHARACTER OF LOCALITY

The site is in the town centre occupying a dominant corner position on the junction of Queensway/West Street as a continuation of High Street. Hothampton Gardens is to the west and Fitzleet House (residential) and Queensway House (residential with commercial at the ground floor level) are to the north and Gordon House (residential with commercial at the ground floor level) to the east in the eastern corner of Queensway. The southern side of West Street is hemmed in by listed and locally listed buildings including the Methodist Church opposite the Hatters Inn. Waterloo Square to the south forms part of the Steyne Conservation Area with the Pier behind which forms a strong focal point at the south-eastern corner of the square as does the large Bognor Regis Methodist Church at the northern end.

RELEVANT SITE HISTORY		
BR/208/19/PL	Re develop & extend external drinking area complete with new railings, gates and wall to boundary.	ApproveConditionally 24-12-19
BR/50/19/PL	Amendment to previously approved scheme (BR/266/17/PL) for 24 flats. This application may affect the setting of a listed building & may affect the character & appearance of The Steyne, Bognor Conservation Area.	App Cond with S106 31-03-20

The site history started with a conversion of the first and second floor from D2 to residential use followed by a couple of extensions, additions, alterations and amendments resulting in a five storeys residential development of 24 units approved under reference BR/50/19/PL.

Pre-application advice concerning the proposal for 43 flats was given in August 2021. The advice was that the proposal would be refused on the grounds of inappropriate design for this dominant position, detrimental impact on the character and appearance of the Steyne and Waterloo Square Conservation Area and a potential harm to important views into out and within the Conservation Area.

REPRESENTATIONS	
Bognor Regis Town Council: Objection. - To increase the number of flats to 43 would be an overdevelopment of the site with no provision of parking.	

- There is concern the development would result in the generation of excessive parking demands which would harm nearby public amenity; contrary to Policies QE SP1 and T SP1 of the Arun Local Plan.
- Despite the comments of ADC's Housing Strategy and Enabling Manager in response to the consultation for BR/50/19/PL, there is no provision for affordable housing in BR/294/21/PL, contrary to Policy AH SP2 of the Arun Local Plan.
- A S106 agreement also seems to be missing from the proposal.

No letters of objection received.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

- WSCC does not anticipate the nil parking provision would result in a highway safety concern or give rise to a parking capacity issue.
- Other planning issues are addressed below.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

NATURAL ENGLAND: Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance.

The Council has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound. Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s).

PRIVATE SECTOR HOUSING: The development must meet all criteria listed in Private Sector Housing comments. Full comments are online. Housing standards, including room sizes and facilities must be complied with.

DRAINAGE ENGINEERS: Due to the scale, location and type of application we have no conditions to request. Any alterations to surface water drainage must be designed and constructed in accordance with Building Regulations.

ENVIRONMENTAL HEALTH: No objection subject to suggested conditions.

FIRE RESCUE SERVICE Water and Access: Evidence will be required to show that all parts inside all flats are within 45m of a fire appliance in accordance with Approved Document B Volume 1 2019 Edition B5 section 13.

WSCC INFRASTRUCTURE - SECTION 106 CONSULTATION RESPONSE: Contributions of £62,584 are required to mitigate the impacts of the subject proposal with the provision of additional County Council service infrastructure, highways and public transport that would arise in relation to the development.

- (1) Primary Education - £8,813 on additional facilities at Edward Bryant Primary School;
- (2) Secondary Education - £42,603 on facilities at the new secondary school in Arun;
- (3) 6th Form Education - £2,222 on additional equipment at Felpham Community College;
- (4) Libraries - £8,207 on additional facilities at Bognor Regis Library;

(5) Fire & Rescue - £740 towards supply and installation of additional fire safety equipment/smoke alarms to vulnerable persons homes in West Sussex Fire Rescue Services Southern Area serving Bognor Regis.

WSSC HIGHWAYS: Consider the location of the flats to be highly sustainable and provided the applicant can provide a travel information pack and travel incentives, along with useable cycle parking spaces, no objection is raised, subject to conditions.

ARUN DISTRICT CONSERVATION AREA ADVISORY PANEL: There are no drawings or graphic information showing exact height relationship with adjoining/nearby buildings and, importantly, the relationship with the Bognor Regis Methodist Church directly opposite. It is most likely that the scheme will visually detract from the setting and prominence of this church which is in the Council's List of Buildings of Character. As seen from West Street the building will appear particularly bulky and lacking in architectural interest to the further detriment of the setting of the Church and, therefore, that of the conservation area.

SUSSEX POLICE: To reduce the opportunity for crime and the fear of crime, comments from a Secured by Design (SBD) perspective are recommended. Further details can be found at www.securedbydesign.com. The applicant is directed to www.securedbydesign.com where the SBD Homes 2019 Version 2 document can be found. Full comments are online.

There are concerns as there is no provision for on-site parking and 43 homes with associated cars may have a negative effect on the surrounding local community as new residents compete for car parking spaces in the area.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The S106 has not been signed so this will form a reason for refusal.

POLICY CONTEXT

Designation applicable to site:

Within the Built Up Area Boundary;

CIL Zone 4;

Flood Zone 1:

Within 5km of Pagham Harbour SPA;

Within 2km of Bognor Reef SSSI & Felpham SSSI;

Setting of The Steyne, Bognor Regis Conservation Area.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM2	ENV DM2 Pagham Harbour
ENVDM5	ENV DM5 Development and biodiversity

AHSP2	AH SP2 Affordable Housing
HSP1	HSP1 Housing allocation the housing requirement
HDM1	H DM1 Housing mix
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment
INFSP1	INF SP1 Infrastructure provision and implementation
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

Bognor Regis Neighbourhood Plan 2015 Policy 4	Reducing underuse of property in the town centre
Bognor Regis Neighbourhood Plan 2015 Policy 6	Key gateways and promotion of sustainable travel
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

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD12	Open Space, Playing Pitches & Indoor & Built Sports Facilities
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.

Bognor Regis has a 'made' Neighbourhood Plan with Policies 2 and 4 of the Bognor Regis Neighbouring Development Plan would be relevant.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

"If regard is to be had to the development plan for the purpose of any determination to be made under

the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal conflicts with relevant Development Plan policies in that the development occupying a valuable, dominant and sensitive position and due to its massing, bulkiness and design would be detrimental to the appearance of Conservation Area. No Section 106 agreement has been signed. In the absence of a Section 106 agreement, the proposal makes insufficient provision for infrastructure requirements. The proposal fails to provide the necessary mitigation measures in respect of the Pagham Harbour SPA.

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

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

CONCLUSIONS

KEY ISSUES

The key issues are principle, design and visual/residential amenity, space standards, affordable housing, highways/traffic, heritage and Pagham Harbour.

PRINCIPLE

The site is in the Built-up Area Boundary in the Local Plan where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan provided it accords with other policies of the Local Plan covering such issues as visual amenity/character, residential amenity, parking, heritage, affordable housing, infrastructure, children's play/public open space and the natural environment. The key policies of the Arun Local Plan are D SP1, D DM1, D DM2, ENV SP1, ENV DM1, ENV DM2, AH SP2, HER DM2, HER DM3, W DM1 and T SP1 of the Arun Local Plan and relevant paragraphs of the NPPF.

Regard should be had to policy SD SP1 of the Arun Local Plan which states "When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF."

Policy 4 of the Bognor Regis Neighbourhood Development Plan asserts that the Neighbourhood Development Plan intends to support the reuse of currently empty and/or underused properties to make more space for local people to work and live in our highly accessible wider town centre area.

Paragraph 120 (d) of the NPPF states that planning policies and decisions should "promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively)". Paragraph 124(d) requires policies and decisions to support development that makes efficient use of land, taking into account the desirability of maintaining an area's prevailing character and setting.

The Council is unable to identify a 5-year supply of housing land and the relevant housing policies of the development plan are out of date. In these circumstances, paragraph 11 d) ii of the Framework requires planning permission to be granted unless "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

The site is 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 flats 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 and result in additional spending in the local area by future residents. Such an approach is supported by policies SD SP1 and SD SP2 of the Arun Local Plan and NPPF.

IMPACT ON CHARACTER OF AREA

Policy D DM1 of the Arun Local Plan requires that the Council have regard to certain aspects including:

- (1) Character - "Make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features.";
- (13) Density - "The density of new housing will 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. Proposals should take into account the density of the site and its surroundings. The density of large sites should be varied to guard against uniformity"; and
- (14) Scale - "The scale of development should keep within the general confines of the overall character of a locality unless it can be demonstrated that the contrary would bring a substantial visual improvement."

Policy D DM4 of the Local Plan requires accordance with 5 criteria when assessing applications for extensions and alterations to existing buildings.

Policy D SP1 "Design" states: "All development proposals should seek to 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.

Policy 2 of the Bognor Regis Neighbourhood Development Plan stresses: "Development proposals within the 'Wider Town Centre Area' and concerned with extensions and alterations to the exterior of Designated and Non-designated Heritage Assets and their settings must adhere to a 'Secure, restore and boost our seaside identity first' principle by echoing and responding eloquently and innovatively to the local built environment character and setting."

The Arun Design Guide Supplementary Planning Document (SPD) adopted on 25th January 2021 is a material consideration in the determination of applications. Part R.O1 requires development to provide flatted developments which integrate well with and respond sensitively to their setting. Well-designed apartment buildings make a valuable contribution to meeting housing.

- The design of apartment buildings should be informed by all appropriate technical studies, including sunlight and daylight assessments to ensure that all residents have sufficient levels of lighting and that the scale of the development does not cause overshadowing; and visual impact assessments where there is potential to impact on key views in and out of the development.
- Apartment buildings must provide a balance between communal and individual living to encourage interaction with neighbours as well as a sense of ownership, by keeping the number of dwellings

accessed from a single core to a minimum (around 2-8 per floor) with lift core in the middle of the layout maximising the sunlight and daylight that the individual units will receive.

- In order to ensure adequate natural ventilation and daylighting, rooms should generally be no greater than 8m from the glazing line.
- Care should be taken to maximise sunlight and daylight within habitable rooms and to avoid overshadowing through building orientation and configuration, particularly in higher density areas.
- Habitable room windows should generally be at least 14m from the flank wall of the neighbouring property.
- Maximising levels of sunlight through a southern orientation and east-west street pattern will allow developments to exploit passive solar energy.

Paragraph 130 of the NPPF states: "Planning policies and decisions should ensure that developments: (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)."

The special character and appearance of the Conservation Area is a material factor in planning decision. A Conservation Areas is an area which has been designated because of its special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance (Paragraph: 023 Reference ID: 18a-023-20190723).

The site is in setting of the Bognor Regis (Steyne and Waterloo Square) Conservation Area. In view of the location, the proposal occupies one of the most valuable, dominant and sensitive position in the area. The proposal by reason of its size and design fails to respect existing development and would harm the character of this area. The plans show a limited immediate context of the site and there is an absence of the wider context. Some elements like balconies and terraces of different sizes, Juliette balconies and openings appear bulky and heavy in this highly sensitive position. Additional flats would result in a considerable change of the fourth and fifth floor which were previously well set in, easing so bulkiness and massing of the building especially in the context with properties in the Conservation Area. This massing would have unacceptable impact on existing 2 and 3 storey buildings in the Conservation Area considering the key views from the wider context.

Intensification of densities in sustainable locations in town centres is desirable, however not at the expense of quality of design especially in such a dominant and sensitive location. Paragraph 126 of the NPPF (2021) stresses that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development.

The resulting building would have a design which bears no relation to the style and design of any of buildings around it or to historic nature of the area and would disturb established surrounding townscape and landscape whilst policy D SP1 of the ALP expect the new development to respect, improve and enhance the existing surrounding environment. The proposal would be contrary to policies D SP1 and D DM1 of the ALP, policy 2 of the Bognor Regis Neighbourhood Development Plan, the Arun Design Guide and paragraph 130 of the NPPF.

BUILDING DESIGN

There is a concern that layouts of floor plans do not fully reflect the unique scale of opportunity that is presented through good natural light, the open space of Waterloo Square and uninterrupted sea views. The presence of the Beer Garden on the west elevation of Hatters Inn has been considered by introducing protruding balconies that would partially mitigate the impact to the future occupiers even though the deeper balconies would be more effective in this elevation.

The first floor consists of 9 units extending the recommended maximum 8 per floor (Arun Design Guide, Part R.O1, see above). All units are 1 bed/2 people. The northern window of Unit 1.2 would be provided with an obscured glass screen. This would prevent overlooking of the habitable windows of the flank elevation of 1-15 Fitzleet House with a separation distance of approximately 11m.

The second floor would comprise 9 units instead of the previously proposed 7 and would provide one 2 bed/ 4people unit and eight 1 bed/2 people. Large loggias in the north-west corner which would cause overlooking and a loss of privacy have been replaced with 2 flats. Large windows on the northern elevation facing Fitzleet House would have obscure glass screens to prevent overlooking. The kitchen area of Unit 2.9 is too far from glazing line and the future users would rely on the artificial light only. The third floor would have 9 flats instead of 7, previously proposed loggias made space for more flats, with the same layouts of flats as beneath.

There are considerable changes at the fourth and fifth floor where previously proposed generous loggias and balconies with 7 flats spread over both floors with bedrooms and bathrooms at the fourth floor and dining/kitchen/living area on the fifth or otherwise resulted in a lighter appearance of the resultant building, in keeping with the proportion of neighbouring buildings, whilst the current proposal shows 9 flats at the fourth floor and 7 at fifth. This intensification results in an undesirable shape of development, in detriment to the setting of Conservation Area as mentioned above.

The lift core is occupying the most valuable position - the southwest corner instead of in the middle of layout as suggested in Design Guide or north-western corner with overlooking problems due to a vicinity of neighbouring flank wall with habitable windows.

The development would fail to consider the treatment of the corner position as a key node in the town and due to its massing, bulk and design would have a detrimental impact on the character and appearance of surrounding area therefore conflict with D SP1 and D DM1, of the Arun Local Plan, the requirement of the Arun Design Guide and relevant paragraphs of the NPPF.

HERITAGE ASSETS

Policy HER DM3 states that planning permission will be granted for development which preserves or enhances the character and appearance of a Conservation Area or its setting. The buildings in the Steyne and Waterloo Square Conservation Area date from the 1820's and are the original building of Sir Richard Hotham seaside resort. The proposal site is adjacent to its north-western part.

BRNDP policy 1 affirms proposals must identify the significance of any affected heritage asset and assess any harm and benefit. The proposal does this as is discussed below.

The Arun Design Guide rules: 'While Conservation Areas are often centred on listed buildings, green spaces or historic streetscapes, the designation concerns the character of the area as a whole rather than individual buildings.'

Paragraph 200 of the NPPF (2021) highlights that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 201 announces that where a proposed development will lead to substantial harm to the heritage asset, it should be refused.

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) declares that 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 a Heritage Statement. This concludes the proposal would preserve the character & appearance of the Conservation Area.

The site lies in the setting of the "Bognor Regis The Steyne" Conservation Area in the vicinity of the locally listed Bognor Regis Methodist Church. Section 16.4.12 of the ALP stresses development which adversely affect the setting, character, appearance of or views in to and out of a Conservation Area will be refused. As discussed above, the design would have an unacceptable impact on existing 2 and 3 storey buildings which line the eastern side of Waterloo Square, views from The Esplanade towards the Methodist Church and from the position of Nos. 61 to 65 High Street Listed Building Grade II.

These views are highlighted (red circles) in the submitted Heritage Statement, however due to an absence of resulting building's images shown in the context (via photomontage), it is left entirely on the observer's imagination to appraise the impact of the building on the surrounding environment.

The design fails to preserve and enhance the setting and the character of the Conservation Area and as such would not comply with the relevant policies and the provisions of the relevant Act and relevant paragraphs of the NPPF.

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 site falls in Zone 4 where for a 1 bed and 2 bed flats is provision of 1 parking space and for 3 bed flats 2 parking spaces are required. Visitor parking will be required to be provided at a ratio of 20% of the total number of residential units.

The plans show nil car parking provision that would not satisfy the requirements of the Arun Parking Standards. However, section 2.31 of Principle 1 stresses: 'If parking could reasonably be expected to take place in existing streets, then it will be necessary to demonstrate through a parking capacity survey that there is sufficient capacity to accommodate the expected parking demand.'

No parking capacity survey have been provided by applicant as such would not satisfy the requirement of the Arun Parking Standards.

The advice of WSCC Highways is summarised above and they consider there are no concerns with the proposal from a highway safety or capacity perspective. The site is in a highly sustainable location and access to local services and amenities can be undertaken on foot or by public transport. If there is a future parking demand from this development residents can apply for a residents parking permit as this is in the town centre controlled parking zone. 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.

The SPD sets out standards for cycle parking and the proposal provides 43 cycle parking spaces to meet the requirements. These are in a secure store in the basement level. WSCC recommended to reduce the number of cycle parking spaces and advise the stairs are provided with a bicycle ramp strip on one side, or both sides to allow easy movement of bicycles in and out.

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 and a Travel Plan can 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 broadly in accordance with ALP policies T SP1 & T DM1, BRNDP policies 6 & 8b and the NPPF.

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.

Regard should be had to paragraph 130 of the NPPF which states: "Planning policies and decisions should ensure that developments: (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."

The majority of concerns regarding the relationship of the windows to existing flats in 1-15 Fitzleet House and Gordon House and potential overlooking in the development has been resolved providing an obscure glass screen instead of clear glass and omitting the large loggias on the north-west corner.

Private Sector Housing Officer in his comments pointed out at the large, obscured glass screens to the living/kitchen areas on the North side are not ideal and consideration should be given to an alternative. It appears from the plans these screens are floor to ceiling height and span across a large proportion of the wall, potentially allowing a lot of unwanted light into the property.

The Beer Garden on the western elevation of Hatters Inn would be a potential source of nuisance which

was partially considered within design of the west elevation. Nevertheless, this is a high-density town centre location where it is considered that standards can be relaxed.

The proposal does not conflict with ALP policies D DM1 and QE SP1.

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 units would exceed the requirements of the Nationally Described Space Standards.

Arun Design Guide Part H.04 advises on Residential Outdoor Amenity & External Space Standard:

- All development should provide residents with access to outdoor amenity space, whether private or communal.
- Communal spaces (common in flatted developments) provide an element of amenity to complement lower levels of private outdoor space. These can be provided as exterior spaces enclosed by block buildings, or first floor roof gardens enclosed by courtyard buildings.
- Communal spaces should be safe, usable, designed to a high standard and well managed; being subject to natural surveillance from both people moving through the space and from windows.
- The amount of shared space to be provided will depend on the quality, quantity and accessibility of local public open space, but rough guidelines are provided below.
- Outdoor amenity spaces may comprise gardens, balconies, play areas, allotments, community gardens, or public spaces; and in combination should provide for a range of activities including relaxation, play, gardening, hanging washing and socializing.
- Balconies: max. 2m beyond the building frontage, subject to minimum balcony to balcony distances of 17m. At least 3sqm of useable space.

The proposal does not benefit from a rear garden. Whilst the proposed balconies and terraces are beneficial, they have been considerably reduced in comparison to the previous proposal, in detriment not only residential outdoor amenity space but to appearance of the development as well.

The proposal fails to comply with the relevant external standards providing limited amenity space, however, the development is acceptable given the fact that it involves the extension of an existing building which is situated in a vicinity of public open space and the coast within a highly sustainable location.

The development would be in a general compliance with the ALP policy D DM2 and the Arun Design Guide.

WASTE STORAGE PROVISION:

Policy WM DM1 of the Arun Local Plan affirms "New residential development, including conversion of one dwelling into multiple units, will be permitted provided that:

- a. It is designed to ensure that kerbside collection is possible for municipal waste vehicles
- b. Where appropriate, communal recycling bins and safe bin storage areas are available to residents of flats.

The Ground Floor Plan indicates the provision of communal recycling bins and safe bin storage area of 10.4sqm whilst the communal/bulk bins can be used on the basis of 240 litres of residual waste storage/bin per flat. Alternatively, one 240 litre wheelie bin for each property can be provided. The same

amount of storage space/bins for recyclable materials is required to be provided.

The development would require provision of at least 86 wheelie bins (dimensions of 240 litre is 1060 x 575 x 730mm) and it would be physically not possible to squeeze them to the space of 10.4sqm. The provided area would not be sufficient for the required amount of residual waste/recycling storage.

For the above reason, the proposed development would fail to comply with policies 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 Internal Noise Levels and Floor/ceiling testing above proposed commercial unit. There may be noise from the pub at the ground floor and Beer Garden or from the road affecting new residents, but this will not continue all night and there is no conflict with ALP policy QE DM1.

CLIMATE CHANGE/SUSTAINABLE CONTRUCTION:

ALP policy ECC SP2 requires 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 applicant states in their Design and Access Statement that the redevelopment will seek to achieve high standards of sustainability to support the transition to a low carbon future:

- A fabric first solution will be the priority with high levels of insulation, airtightness, and details to minimise cold bridging.
- Water saving fittings will be used in accordance with good practice.
- Low energy LED lighting will be used throughout.
- Low energy A/A++ appliances will be specified.
- Construction materials will be as far as possible be responsibly sourced in accordance with BES 6001 and ISO 14001.
- All timber will be FSC certified. Materials will be selected for their recyclability. Materials will have minimum VOC's to improve indoor air quality.

The proposal complies with policies ECC SP1 and ECC SP2. There is no Future flood risk due to Climate Change within proposal area.

AFFORDABLE HOUSING

The Council aims to ensure that 30% affordable housing is achieved on all residential developments in the district where more than 11 units are proposed in line with Policy AH SP2 of the Local Plan. The tenure of the affordable housing is to be agreed with the Council but a split of 75% rented and 25% intermediate housing is sought initially.

When it can be proven, that 30% affordable housing is not viable, a reduction in the amount of affordable housing on site or off-site provision as part of another development in Arun may be considered (as agreed with the local planning authority). The provision of affordable housing on sites of less than 30%,

or on an alternative site or by way of a commuted sum will only normally be allowed in very exceptional circumstances if supported by robust evidence including, where appropriate, viability evidence. Affordable housing must be visually indistinguishable from market housing

There is no S106 considerations and Affordable Housing Agreement therefore the proposal fail to comply with the requirement of Policy AH SP2 of the Local Plan.

PUBLIC OPEN SPACE & PLAY:

ALP policy OSR DM1 requires housing developments provide sufficient public open space, playing pitch provision and indoor sport & leisure provision. Policy HWB SP1 seeks to ensure 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, 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 above requirements are not secured since S106 legal agreement was not completed. As such, there is a 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 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 failed to secure these: S 106 legal agreement was not completed. As such, there is a conflict with ALP policy INF SP1.

IMPACT ON PAGHAM HARBOUR

Policy ENV DM2 requires that new residential developments within a 400m to 5km distance ('Zone B') of Pagham Harbour make a financial contribution towards the provision of accessible natural open green spaces to serve the area. A contribution of £871 per new residential unit was agreed by the Councils Cabinet on 10th April 2017.

The site lies in designated Zone B and it was necessary to apply this requirement. The net increase in 43

units resulted in a contribution of £37,453 at the current rate. The applicant failed to provide a signed Section 106 legal agreement and the application should be refused on this basis.

TILTED BALANCE & OTHER MATERIAL CONSIDERATIONS

Paragraph 14 of the NPPF makes clear that "in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbouring plan is likely to significantly and demonstrably outweigh the benefits, provided all of the criteria applies. These criteria include:

- a) The neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;
- c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 74); and
- d) the local planning authority's housing delivery was at least 45% of that required over the previous three years"

The Council has published its Authority Monitoring Report (AMR) for 2020/21 and this shows that the Housing Land Supply (HLS) has decreased from the previous 3.3 year figure to 2.4 years. The presumption under paragraph 11(d) is unaffected by the Neighbourhood Plan.

Notwithstanding this position, the NPPF contains a number of material considerations. In its latest revision on 20 July 2021, the Government significantly strengthened its position on the use and application of design guides in the determination of planning applications. Specifically, para 128 now makes clear that "to provide maximum clarity about design expectations at an early stage, all local planning authorities should prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code, which reflect local character and design preferences." In this instance, the LPA has undertaken this extensive work which aligns with the requirements of the NPPF.

Para 129 of the NPPF details how such Design Guides should be applied at decision taking level: "Design guides and codes can be prepared at an area-wide, neighbourhood or site-specific scale, and to carry weight in decision-making should be produced either as part of a plan or as a supplementary planning documents". The ADC Design Guide comprises a formally adopted SPD.

Para 130(c) of the NPPF requires planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

Para 199 of the NPPF states: "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

"Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes."

Whilst the LPA acknowledges the applicant's intention of using the site effectively, safeguards such as Design Guides are adopted by Local Planning Authorities to specifically ensure that sites are not overdeveloped. The way in which they work is that if too much development is proposed, then it simply

cannot accord with the contents of the adopted Design Guide.

The proposal is in conflict with the Arun Design Guide which advises new development respect the existing built environment of the coastal towns using density appropriate to location, balancing the need for efficient use of land with a design that responds to and enhance the existing character of the locality and addresses the edges of the site in a positive way whilst providing sufficient space to store the volume of bins and extra capacity for all recycling waste types necessary to meet the needs of the building's occupants, in a convenient and safe location.

SUMMARY

The proposal is for a significant intensification of use of the site. This is favourable on one hand and supported by the ALP policy D SP1 and para 120 (d) of the NPPF, however the proposed development would result in an unacceptable impact upon surrounding area. The development would result in a density of 537.5 dwellings per hectare without proper consideration of the waste management for 43 flats whilst situated within setting of the Conservation Area occupying the prominent position.

The applicant failed to complete S106 Agreements with regards to Affordable Housing, Public Open Space & Play, Supporting Infrastructure and Pagham Harbour mitigation measures. The proposal therefore conflicts with ALP policies AH SP2, INF SP1, HWB SP1, OSR DM1, ENV DM1, ENV DM2 and the Council's SPD's on Parking and Open Space.

This report has balanced this harm against other material considerations, including that of the contents of the NPPF. It has found the contents of the NPPF supports the determination in accordance with the Development Plan. Whilst it is acknowledged that the NPPF does give some support to using sites effectively, this material consideration is not of sufficient weight to demonstrably outweigh the areas of harm identified above. On the basis of the above the tilted balance in para 11d ii fails and planning permission is therefore unable to be granted and should be refused for the reasons set out below.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

SECTION 106 DETAILS

The decision would be granted with a S106 legal agreement relating to a contribution of £37,453 towards the cost of delivering measures to avoid or mitigate to an acceptable level, the harm caused to Pagham Harbour by the Development. No signed s106 exists for this or the required infrastructure.

CIL DETAILS

This application is not CIL Liable as flattened development in Zone 4.

RECOMMENDATION

REFUSE

- 1 The development due to its massing, bulk and design fails to respect the surrounding character and appearance of the area, contrary to policies D SP1, D DM1 of the Arun Local Plan, the Arun Design Guide and relevant paragraphs of the NPPF.
- 2 The development fails to properly consider the treatment of the site as a key node in the town and consequently would harm important views into, out of and within the Conservation Area, contrary to policies D SP1 and HER DM3 of the Arun Local Plan, the Arun Design Guide and relevant paragraphs of the NPPF.
- 3 Insufficient information has been provided to demonstrate that there is a sufficient capacity to accommodate the expected parking demand in existing streets without causing harm to the amenity of neighbouring properties by way of increased conflict/competition for existing spaces and the need for residents to park further away from their dwelling. It is therefore contrary to policies T SP1 (d) and QE SP1 of the Arun Local Plan.
- 4 In the absence of a satisfactory viability case and a signed Section 106 agreement, the development makes no provision for contributions to Affordable Housing, off-site public open space, to off-site children's play space, to off-site playing pitches, to off-site built sports & leisure facilities and to education/library/fire & rescue/medical infrastructure improvements, and is thereby contrary to the aims and objectives of the NPPF (2021), policies AH SP2, INF SP1, HWB SP1 & OSR DM1 of the Arun Local Plan and the Council's supplementary planning document "Open Space, Playing Pitches, Indoor and Built Sports Facilities" (January 2020).
- 5 In the absence of a signed Section 106 agreement, the application fails to make a financial contribution towards the agreed strategic access management measures to mitigate the harm to the Pagham Harbour Special Protection Area and the proposal is therefore not in accordance with policies ENV DM1 and ENV DM2 of the Arun Local Plan.
- 6 **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 with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.