

Recommendation Report for Planning Permission

REF NO: BR/301/20/PL

LOCATION: 2 London Road
Bognor Regis
PO21 1QU

PROPOSAL: Alteration, conversion and partial demolition of existing building including the addition of 2nd floor extension to form 3 No one bed apartments with associated refuse & cycle storage. This site is in CIL Zone 4 (Zero Rated) as flats.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application is for the alteration, conversion and partial demolition of building, the retention of the retail unit and addition of 2nd floor extension to form three 1 bed apartments with associated refuse and cycle storage. A second floor extension would match the height of the existing three storey element, responding to the increased scale of adjacent built form immediately to the west and north. The accommodation at first floor level will make use of existing windows, whilst the second floor apartment windows will match the existing. Matching materials comprising white painted smooth render, red facing brickwork, stone capping to the parapet roof and white uPVC windows/ doors would assist integrating the old with the new. The internal area of the existing retail unit at ground floor level will be reduced from 120.64m² to 83.04m², allowing for access to the proposed accommodation on the first floor and second floor extension. No car parking is to be provided.
SITE AREA	0.0173 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	173 dwellings/hectare
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
SITE CHARACTERISTICS	The mid terrace building is part two, part three storeys in height with a parapet roof. The street frontage elevation comprises white painted rendered walls with white painted uPVC windows and entrance doors to the retail unit. The two storey element at the rear consists of red facing brickwork with a standing seam aluminium roof above the rear entrance door at ground floor level. The two storey commercial unit has a gross internal area of 250.22m² comprising retail and office/storage space.

CHARACTER OF LOCALITY

Town centre of Bognor Regis. London Road is the pedestrianised primary retail area of the town. The area varies in terms of building scale, form and design but, in general is formed of terrace buildings with retail and other commercial uses at ground floor and commercial and residential at the first and second floor. The gap between Nos 2b and 4 London Road where John Street enters London Road is recently blocked and used as a street market. The proposal building and Nos 4 and 42 High Street to the south and buildings in an opposite are locally listed.

Adjacent buildings comprise two & three storey terraced post-war properties along the south eastern frontage of London Road, where there are a number of trees. Immediately to the west of the site are situated three storey commercial units with associated parking. The Grade II listed 'Sussex Hotel', located directly opposite the application site at High Street, represents the original character of the Bognor Regis town centre (early 19th century).

Site history noted.

REPRESENTATIONS

Bognor Regis Town Council: No objection.

3 letters of objection:

- There is no space for anymore flats or cars in such a small area; parking on the road causes problems.
- There will be direct overlooking the bedroom window opposite of the proposed works.
- Proposed extension will block the sunlight.
- Noise from ongoing demolition and construction will have a significant impact on residents of nearby property.
- The construction hours are not acceptable, especially during weekends.
- There is concern over site access, including any vehicles, machinery or deliveries.
- The recent development of flats at 54 High Street, which have no allocated parking, has led to significant issues of illegal parking along John Street, blocking access.
- Creating more accommodation without allocated parking will only add to this problem.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and addressed in the conclusion.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ENVIRONMENTAL HEALTH: No objection subject to suggested conditions.

WSCC, The Highway: does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network.

PRIVATE SECTOR HOUSING: No objection.

Full comments are online however it should be noted that the housing standards, including room sizes and facilities must be complied with.

NATURAL ENGLAND: No objection, subject to appropriate financial contribution an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within the Pagham Harbour Protection Zone B;
Within the built up area boundary;
Primary Retail Frontage;
Locally Listed Buildings/Structures of Character;
Pedestrianised street to front (London Road).

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
ENVSP1	ENV SP1 Natural Environment
HDM1	H DM1 Housing mix
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERSP1	HER SP1 The Historic Environment
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
RETDM1	RET DM1 Retail development
RETSP1	RET SP1 Hierachy of Town Centres
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

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

POLICY COMMENTARY

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

The development would create 3 new residential flats in the underused upper floors of a building in the town centre which is supported by Bognor Regis NDP policy 4.

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 Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area. However, the applicant failed to make a financial contribution towards the cost of providing accessible natural open green spaces to mitigate the harm to the Pagham Harbour Special Protection Area and the proposal is therefore not in accordance with Arun Local Plan policies ENV DM1 and ENV DM2.

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 amenity, residential amenity, highways/traffic and impact on Pagham Harbour.

PRINCIPLE:

The site is in the built up area where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan and provided it is in accordance with other policies of the Local Plan covering such issues as principle of conversion, character, residential amenity, noise, highway safety & parking and space standards.

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 National Planning Policy Framework (NPPF)." Para 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 (for example converting space above shops)".

Policy 4 of the Bognor Regis Neighbourhood Development Plan supports development proposals concerned with the reuse of empty and or/underused property above shops and commercial premises located along designated primary and secondary retail frontages.

The site is within a sustainable urban location within the town centre in walking distance of a range of shops, facilities and services. There are frequent bus services on High Street providing access to Littlehampton and Chichester etc and the Bognor Regis Railway Station is in a walking distance.

The development complies with policies SD SP2 and SD SP1 of the Arun Local Plan, policy 4 of the BBNDP and relevant paragraphs of the NPPF.

HERITAGE:

Policy HER DM2 of the Arun Local plan requires that all Locally Listed Buildings or Structure of Character must be largely intact and not adversely affected by later extensions or alternations and preferably, although not exclusively, they should make a positive contribution to their surroundings or the street scene.

NPPF part 16 states that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so they can be enjoyed for their contribution to the quality of life of existing and future generations. In para 195 the local planning authority is required to consider the significance of heritage assets (including the setting) that may be affected by the proposal.

NPPF para 197 states that considering the impact of a development on the significance of a designated heritage asset, the 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 significance; and where a development proposal (paragraph 202) will lead to less than substantial harm to the significance of designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The proposal property is a Locally Listed Building and is sitting in a close proximity to other non-designated heritage assets as mentioned above.

The proposal is for the conversion of a significant amount of the building to residential use and the extension to the top is considered acceptable since it would allow the building to remain in use whilst reflecting the mixed use character of the locality. The conversion would involve external changes by proposing second floor extension to the terrace visible especially from the London Road and from the rear. Given three storey element of an existing terrace to the south west the proposed extension would be its natural continuation and would not detract from the appearance of the proposal building and the

locality in the context of the heritage assets and as a result the impact of the proposed development would be neutral. The retention of attractive windows to the upper floors and the traditional features are supported.

The development would satisfy the requirements the policies HER SP1 and HER DM2 of the Arun Local Plan and relevant paragraph of NPPF.

CHARACTER OF THE AREA:

Policy D DM1 of the Arun Local Plan requires 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 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.

The Arun Design Guide Supplementary Planning Document (SPD) adopted 25th January 2021 is a material consideration in the determination of applications. Part R.O1 which deals with Apartments, 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.

Para 130 of the NPPF 2021 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 National Design Guide was published in 1 October 2019. Part C1 maintains that well-designed places are:

- based on a sound understanding of the features of the site and the surrounding context, using baseline studies as a starting point for design;
- integrated into their surroundings so they relate well to them;
- influenced by and influence their context positively; and
- responsive to local history, culture and heritage.

The building is currently vacant, formerly retail has been operating on the ground floor with offices and storage rooms on the first floor. The ground floor retail unit would retain (reduced in size to provide residential access), the first floor would be converted to residential use and together with second floor extension would create 3 residential units.

The building is part two part three storeys with a parapet roof, it is white painted rendered to the front and the rear consists of red brickwork. The proposed second floor extension would have the height of the existing three storey element and would be its continuation and the proposed windows would match existing fenestration and materials painted smooth render and red facing brickwork to the rear.

Given a traditional design which would be exploited and the position of the extension, it would present a positive appearance especially viewed in context of neighbouring buildings. The proposal transforms the first floor and the space above into residential self-contained flats. The changes would be visually integrated with the proposal building in sitting, massing/design and responds to the pattern of surrounding development.

It is not considered that the development would detract from the local and wider area's character. The proposal complies with Arun Local Plan policies D DM1, D SP1, Arun Design Guide, National Design Guided and with the guidance on character in the NPPF.

NOISE & RESIDENTIAL AMENITY:

Arun Local Plan policy D DM1 requires that the Council have regard to certain aspects when considering new development including: (3) Impact - "Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance."

Policy QE SP1 states: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity, the natural environment or upon leisure and recreational activities enjoyed by residents and visitors to the District."

Policy QE DM1 seeks to protect against the impacts of new noise generating development. It states that: "Developers proposing new noise generating development must seek advice from an early stage to determine the level of noise assessment required."

It is not considered that a residential use would be a noise generating form of development especially within an area of a mixed use development. The residential use would have similar characteristics to other residential properties in the locality.

All new habitable windows of the north east elevation are facing to the street in a separation distance of approximately 15m from the habitable windows of an opposite buildings to the north east. In the town centre location, where a closer relationship of residential apartments from one to another is not unusual and it is acceptable. The windows on the south western elevation of the proposed extension would face to the rear parking area of buildings along High Street. Given the position of the property and the character of locality it is not considered the proposal would cause unacceptable loss of privacy to users and occupiers of nearby properties.

There is a concern in relation to the proposed bedroom at first floor in a close vicinity to the existing air conditioning plants. However this can be controlled by imposing an appropriate condition.

As such it is considered that the proposal complies with Arun Local Plan policies D DM1 and QE SP1.

INTERNAL & EXTERNAL SPACE STANDARDS

Policy D DM2 states: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance". It is necessary to assess the proposal against internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if the building is suitable for residential use.

The 1 bed/1person flat (1) has an internal space area of 45.8sqm, whilst the requirement according to the space standards is 39sqm. This flat would exceed the minimal space standard required by the Nationally Described Space Standards. Flat 2 (1 bed/2per) has an internal space area of 49.1sqm what is acceptable and flat 3 (1 bed/2per) has an internal space area of 57.4sqm what would exceed the requirement of the minimal space standard required by the Nationally Described Space Standards which is 50sqm for 1 bed/2persons flat.

Arun Local Plan policy D DM1 refers to the need for compliance with the Arun Design Guide. This is to part replace D DM3 "External Space Standards" which was deleted at the request of the Local Plan Inspector. Para 127 of the NPPF states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

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.

The proposal does not benefit from a rear garden. Hotham Park and the beach are in walking distance of the site. Residents will be able to easily access outdoor places for recreation etc.

Whilst the proposal complies with the relevant internal standards it fails to comply with external standards providing no amenity space. However it would be acceptable given the vicinity of public open space and the coast.

CAR PARKING & HIGHWAY SAFETY:

Arun Local Plan policy T SP1 seeks to ensure development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. In respect of highway safety, it states that:

"The Council will support transport and development which: Explains 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."

In respect of parking, it states that:

"The Council will support transport and development which: incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking".

Para 110 of the NPPF (2021) states: "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Regard should be had to para 111 which states:

"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

According to the requirement of the Arun Parking Standards 1 parking space for 1 or 2 bed flat in Parking Behaviour Zone 4 is required. The applicant has proposed a NIL parking provision. The site is in a sustainable location within walking and cycling distance of a range of public services, amenities and employment options. Buses and rail station provide a realistic travel opportunity for longer trips as such

the future occupiers would not rely on use of private cars.

WSCC do not consider this proposal would 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.

Residents would have access to secure cycle storage, located within the ground floor lobby whilst refuse storage would be located adjacent to the rear entrance (externally). There are no changes to the access arrangements of the site.

It is considered the proposal would satisfy policy T SP1 of the Arun Local Plan, Arun Parking Standard and with the guidance on highways in the NPPF.

BIODIVERSITY:

Policy ENV DM5 of the Local Plan requires development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. They shall incorporate elements of biodiversity including green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitats (whether designated or not)."

Taking into account the condition and character of site, it is considered the proposal accords with the policy above subject to suggested condition.

IMPACT ON THE PAGHAM HARBOUR SPECIAL PROTECTION AREA:

ALP Policy ENV DM2 requires 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 £1,275 per new residential unit was agreed by the Councils Cabinet on 20 July 2015. The Councils Cabinet subsequently approved a reduction in the tariff from £1,275 to £871 as of the 10th April 2017.

NPPF, paragraph 174 a) stresses that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status).

The site lies in designated Zone B and this application results 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.

According to Natural England's advice, an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended), PART 6, Chapter 2 should be carried out. Therefore it should be considered whether the proposed development as a whole, notwithstanding financial measures, is likely to have a significant effect on the Pagham Harbour Special Protection Area.

The application for the first floor extension of property results in recreational disturbance only to Pagham Harbour. Having considered the mitigation and avoidance measures to be provided in-perpetuity through the contribution to the Joint Pagham mitigation scheme, Arun District Council conclude that with mitigation the plan or project will not have an Adverse Effect on the Integrity of the European protected site(s).

On the basis of a net gain of 3 units, the contribution of £2,613 should be paid and this should be

secured by the agreed Section 106 agreement. The applicant failed to signed Section 106 agreement in conflict with policy ENV DM2 of the Arun Local Plan.

SUMMARY

The extension above the retail area resulting in three flats represent an efficient use of urban land without compromising the visual amenities or character of the area, highway safety or the amenities of nearby residential occupiers, however, due to the absence of a signed Section 106 agreement the application is recommended for refusal.

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

This decision would be granted with a S106 legal agreement relating to a contribution of £2,613 towards the cost of delivering measures only to avoid or mitigate to an acceptable level, the harm caused to Pagham Harbour by the Development.

CIL DETAILS

This application is not CIL liable as it falls within in Zone 4 and the 'Flats' element is Zero rated.

RECOMMENDATION

REFUSE

- 1 In the absence of a signed Section 106 agreement, the application fails to make a financial contribution towards the cost of providing accessible natural open green spaces to mitigate the harm to the Pagham Harbour Special Protection Area and the proposal is therefore not in

accordance with Arun Local Plan policies ENV DM1 and ENV DM2.

- 2 **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 discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.