

Recommendation Report for Planning Permission

REF NO: BR/41/26/PL

LOCATION: Belmont Lodge
Belmont Street
Bognor Regis
PO21 1LE

PROPOSAL: Retention of a single storey office building. This application may affect the setting of a listed building and is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks the retention of a single storey detached building.
TREES	None on site.
BOUNDARY TREATMENT	The site has flint wall along the southern elevation with vehicular access. The side elevation of the neighbouring shop provides the boundary to the west.
SITE CHARACTERISTICS	The site is occupied a detached building (Belmont Lodge) which serves as a 40 bed HMO. There is a separate detached building to the northern boundary with a further 3 units and a detached pitched roof office building to the western boundary, which forms this application (BR/41/26/PL).
CHARACTER OF LOCALITY	The area is mixed in use, with both residential and commercial uses nearby. Bognor Regis High Street is located to the rear of the site.

RELEVANT SITE HISTORY

BR/74/16/PD	Prior notification under Class O for change of use from Use Class B1(a) offices to Use Class C3 dwellinghouses	No Objection 17-05-16
BR/172/25/PL	Replacement of existing pitched roof with a mansard type roof over Block A outbuilding of Belmont Lodge to create ancillary accommodation for the existing flats at ground floor level. This application may affect the setting of a listed building and is in CIL Zone 4 (Zero Rated) as other development.	

REPRESENTATIONS

Bognor Regis Town Council - objection

- Overdevelopment. When considered alongside related development on the site, it results in an over-intensive and cumulative form of development that fails to respect the character of the site.
- The development appears to form part of a series of incremental changes, preventing a holistic assessment of the overall impact.
- The works have been undertaken without prior consent.
- Increased activity and pressure of the site affecting neighbouring amenity.

No representations received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and addressed in the conclusion.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Economic Regeneration - No comment to make.

ADC Drainage Engineers - Objection. Insufficient information has been submitted to evidence that flood risk will not increase.

Conservation Officer - The application is considered to not cause harm to the significance of the non-designated heritage asset or the setting of the neighbouring locally listed building.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built up area boundary

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
HERDM1	HER DM1 Listed Buildings
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERSP1	HER SP1 The Historic Environment
DSP1	D SP1 Design
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

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

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to conflict with relevant Development Plan policies in that insufficient information has been submitted to demonstrate that infiltration is achievable on site and the drainage scheme will not result in an increase in flood risk.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

BIODIVERSITY NET GAIN

This application is not liable for mandatory Biodiversity Net Gain (BNG) being solely on hardstanding it is below the de minimis threshold.

CONCLUSIONS**PRINCIPLE**

The site is within the built-up area boundary where the principle of the development is acceptable subject to compliance with relevant policies in the plan such as design, amenity, flood risk and parking.

Bognor Regis has a made Neighbourhood Plan although none of the policies are relevant to this application.

DESIGN AND VISUAL AMENITY

Arun Local Plan (ALP) policy D SP1 requires that development proposals make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

The proposal seeks the retention of a single storey building. This has a length of 18.25m and a width of 3.6m and is situated along the western boundary of the site. This adjoins a building to the north serving flats and retains approximately 2.3m to the southern (front) boundary.

The building has a lean to roof with a maximum height of 4.85m reducing to 2.75m. The building is used in part for storage with a garage door to the southern end and an office as it extends north with an entrance door and two windows.

The building is fairly modest in size and is similar in height to the building to the north, with matching roof tiles. This helps the building blend into the site. It retains a suitable amount of space across the site to Belmont Lodge, approximately 14.3m and as such, the addition does not appear as an overdevelopment.

Whilst the proposal adds further built form to the site, due to its design, with the roof sloping towards centre of the site, it does not appear overbearing upon the street scene.

The proposal does not result in adverse harm upon the character and appearance of the street scene in compliance with ALP policy D DM1 and D SP1.

RESIDENTIAL AMENITY

ALP policy D DM1(3) indicates planning permission will only be granted where it has minimal impact on the users or occupiers of nearby land.

The building which is sought for retention runs along the western boundary. Its rear elevation adjoins a wall which forms the side elevation of a shop fronting Belmont Street. As a result of its position and height, it would not result in harm upon the neighbouring property to the west. No.6 at The Arcade has rear facing windows at first floor which look across the site, however due to the height of the building, views would not be achievable and the building would not result in adverse harm.

There are windows to the western elevation of Belmont Lodge which would have views of the development. There is hardstanding between which serves as a parking area and with the development at single storey, it would not give rise to adverse overlooking.

Due to the siting and scale of the development, it would not give rise to adverse overbearing, overshadowing or overlooking and would comply with ALP policy D DM1 and D SP1.

FLOOD RISK AND SURFACE WATER DRAINAGE

ALP policy W DM2 refers to flood risk and policy W DM3 refers to the use of sustainable drainage methods.

The site is not within a present-day Flood Zone, however, by 2061 the southern boundary of the site will fall within FZ3a, and by 2111 the area where the office is will be within FZ3a during the defended scenario. Arun mapping indicates the area may have high groundwater.

ADC Drainage Engineers have objected. The D&A Statement indicates that, as the building has been constructed on an existing hard surface, there will be no change to the surface water run-off arising from the site. Following a site history search, it cannot be confirmed whether the resurfacing of the site was

proposed or approved under any previous application. An earlier permission at the site stated it was a gravelled car park and this was to be retained. As no evidence of resurfacing can be found, this application will increase the impermeable surfacing on site.

Following this, the agent submitted further information explaining that the car park is afforded a soakaway approximately in the location of the vehicular access into the car park. The objection from the drainage engineers is maintained. Whilst infiltration is the highest priority discharge location, insufficient information has been provided to ensure the existing system is appropriate for its intended use. Evidence of ground conditions along with evidence of existing drainage will be required. Without understanding ground conditions or the capacity or contribution areas of the existing system, it is not possible to ensure that flood risk is not being increased.

To support an infiltration-based design, winter groundwater monitoring must be undertaken to confirm that a minimum of one metre of unsaturated ground can be maintained between the base of the soakaway or infiltration structure and the peak groundwater level. Ground conditions and infiltration potential in Bognor Regis are highly variable.

As insufficient evidence has been submitted regarding the soakaway and general conditions of the site regarding infiltration, it cannot be determined whether the proposed development would give rise to an increase in flood risk in conflict with ALP policy W DM2 and W DM3.

PARKING

ALP Policy T SP1 seeks to ensure that development provides safe access on to the highway network, contributes to highway improvements and promotes sustainable transport.

The building is occupied for storage and as an office to manage properties on the site and in the surrounding district. The area utilised for the building was shown as parking under the previous application (BR/74/16/PD). The applicants statement notes that parking was underused.

The site utilises an existing access. The permission approved under BR/74/16/PD for use of the site as a HMO showed parking for 12 cars. No specific parking bays have been designated on site and as such the parking location is not controlled, although an earlier indicative plan demonstrated 7 car parking spaces in the location of the development. The location of the building has removed these spaces to the western boundary. On recent site visit, there were approximately 7 cars parked to the centre of the site with room for additional cars. It is unclear which of these serve the office and which relate to the residential use on the site.

The use of the property would likely generate some additional vehicular parking. Arun Parking Standards does not have a specific requirement for offices however it states 'parking for non-residential uses needs to consider the accessibility of the site, the likely demand for parking and the viability of the site.

Whilst no additional spaces are proposed as part of this application and existing spaces have been lost due to the introduction of the building, it is unlikely that the demand is such that it could not be accommodated on site.

The site is opposite a large public car park (Regis Centre Car Park) and around half a mile walk from Bognor Regis Railway Station. The proposal is within close proximity of sustainable transport methods.

Whilst the proposal does not propose parking spaces, due to the nature of the building and its sustainable location, it would not result in significant harm upon parking in the area nor upon the highway in compliance with ALP policy T SP1.

HERITAGE ASSETS

ALP policy HER DM1 and HER DM2 relate to the protection of listed buildings and locally listed buildings.

Paragraph 216 of the NPPF requires the effect of development on the significance of a non designated heritage asset to be taken into account in determining an application, with a balanced judgement reached having regard to the scale of any harm or loss and the significance of the asset.

The site is in close proximity to a number of heritage assets. Locally Listed Buildings are directly to the west at the Arcade and York Road and Grade II Listed Buildings are to the east at Bognor Regis Town Hall with the Bognor Regis and District War Memorial to the front. The larger building on the site (Belmont Lodge) is a Non-Designated Heritage Asset. One of the defining features of Belmont Lodge is its Regency character. A key part of this is the restrained appearance of the building, where the shallow pitched tiled roofs are deliberately hidden behind a plain pediment. This design draws attention to the simple, well proportioned elevations rather than the roof itself.

The proposal is retrospective for a single-storey office building situated within the existing car park. The building has a rendered finish which matches Belmont Lodge and a mono-pitch roof with grey roof les. The design is simple in appearance and reads as part of a group with the neighbouring single-storey outbuilding (former garage). This, together with its location, means that it has a neutral impact on Belmont Lodge and the neighbouring arcade. Overall, the development would have a neutral impact and would not give rise to harm upon the heritage assets.

The proposal complies with relevant policies of the ALP.

SUMMARY

The proposal is in the built-up area where development is acceptable subject to compliance with relevant policy. Para 11(c) of the NPPF states that development should be approved without delay where it accords with the Plan. In this instance, the proposal does not accord. The proposal conflicts with policy relating to drainage. This is due to the lack of sufficient surface water drainage evidence and it cannot be concluded that surface water from the proposal is adequately drained and will not increase flood risk elsewhere, in conflict with policy W DM3 and the relevant paras of the NPPF.

As a result the application is recommended for refusal for the following reasons.

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.

CIL DETAILS

This application is not CIL liable.

RECOMMENDATION

REFUSE

- 1 Insufficient information has been provided to demonstrate that the development can sustainably drain surface water. As such, it has not been proven that the development can be adequately drained and would not increase flood risk elsewhere. This is in conflict with policy W DM2 and W DM3 of the Arun Local Plan and the NPPF.
- 2 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.