

Recommendation Report for Planning Permission

REF NO: BR/5/26/PL

LOCATION: 35 Glamis Street
Bognor Regis
PO21 1DJ

PROPOSAL: New build 2 storey residential townhouse comprising of 1 No 2b/3p and 1 No 3b/5p flats. This application is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	152sqm.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	131dph.
BOUNDARY TREATMENT	Timber boundary fence to full perimeter of site with low brick boundary wall to front and short strip of damaged brick boundary wall to north.
SITE CHARACTERISTICS	The site comprises a residential garden with shed to the north side of 35 Glamis Street. It is physically separated from the main rear amenity space of No. 35 by a timber fence. 2 No. garages reside to the west of the plot within the applicant's ownership, but do not fall within the red edge of the site.
CHARACTER OF LOCALITY	The area is primarily residential in nature, with town centre uses found further south/southwest. To the east is St Mary's RC Primary School and further to the west is the Bognor Regis Railway Station. The proposal would physically connect to, and is therefore, directly related to, a 3-storey terrace of dwellings comprised of red brick with buff brick stringcourses, slate/plain tiles, two-storey bay window features, inset porches, and a decorated gables. This terrace is short but visually appealing with almost identical facades and are all Non-designated Heritage Assets. The proposal would read as an end-of-terrace unit on the northern end.

REPRESENTATIONS

Bognor Regis Town Council - Objection:

- Overdevelopment and excessive scale.
- Adverse impact on neighbouring residential amenity.
- Harm to the character and appearance of the area.
- Parking pressure concerns.

No other representations.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Drainage Engineers - Objection:

- Objections on standards 1-4 of the National Standards for Sustainable Urban Drainage Systems (NSfS).
- No objection subject to conditions on NSfS Standards 5-7.
- Insufficient information has been submitted in respect of the existing and proposed surface water drainage system.
- Infiltration is positive, but no evidence to demonstrate it is viable has been submitted.
- The site is highly constrained and soakaways usually cannot be positioned within 5m of buildings.
- The proposed system may disrupt existing on-site drainage arrangements. Evidence on this is needed.
- The proposal also includes a restricted discharge to the adjacent surface water sewer which, according to records, is actually on the other side of the street compared to the plans provided.
- No evidence of permission to connect to, or sufficient hydraulic capacity within, the surface water sewer has been provided.
- If infiltration is found unviable, further/alternative interception measures will need to be included.
- Insufficient evidence has been provided to allow for an assessment of whether flood risk will be increased elsewhere by the proposed surface water drainage design.
- Insufficient evidence has been provided to demonstrate water quality benefits.
- The imposition of conditions at this stage rather than overcoming the objection could result in a circumstance where the condition(s) cannot be discharged. In the event of attaching a condition that cannot be discharged, permission may be invalid or that condition could be deemed to be unreasonable.

Ecology - No objection:

- The habitats metric has incorrectly recorded the baseline habitat of the site. It references other green roof where it is likely other vegetated garden. This does not impact the calculations, but is an error to be noted.
- The metric shows a loss of 50.12% of biodiversity (habitat) units and off-site credits will be required.
- The inclusion of an integral swift brick and bat tube is advised to be secured by condition.

WSCC Highways:

- Do not anticipate that the proposed development would give rise to a significant material intensification of movements on the local highway network.
- No vehicular parking is proposed. Under the Arun Parking Standards, a development of this size and location would normally be expected to provide three car parking spaces.
- Parking demand would fall on surrounding streets.
- While existing parking restrictions mean this is unlikely to create a highway safety issue, the Local Planning Authority may wish to consider the potential impact on on-street parking from an amenity perspective.
- The site is in a sustainable location, being within walking/cycle distance of local services, amenities and public transport connections, so residents need not necessarily rely on a private car for travel.
- Cycling is a viable option in the area, and the proposals do include cycle parking provision for both dwellings.

- Do 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 and that there are no transport grounds to resist the proposal.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Built-up Area Boundary

Wider Town Centre Area (Bognor Regis Neighbourhood Development Plan)

Potential Susceptibility to ground water flooding ($\geq 75\%$)

Partial Low Risk of Surface Water Flooding in the future (2040-2060)

Pagham Harbour Zone B

Article 4 Direction

Economic Growth Area

2km Buffer for Site of Special Scientific Interest (Bognor Reef and Felpham)

DEVELOPMENT PLAN POLICIES

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

SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions and alter to exist builds (res and non-res)
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVSP1	ENV SP1 Natural Environment
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVDM2	ENV DM2 Pagham Harbour
ENVDM5	ENV DM5 Development and biodiversity
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development
HERDM1	HER DM1 Listed Buildings
HERSP1	HER SP1 The Historic Environment
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

[Bognor Regis Neighbourhood Plan 2015 Policy 2](#) Promoting the Seaside Identity

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 complies with relevant Development Plan policies in that it would not unacceptably compromise the residential amenity of neighbouring residents, provides sufficient amenity for its occupiers, and would contribute positively to the housing stock of the District in a highly sustainable location.

The proposal conflicts with relevant Development Plan policies in that it would result in unacceptable harms to the visual amenity and character of the area, detract from the significance of neighbouring heritage assets, has not demonstrated that it would be safe from flood risk for its lifetime, that it could be adequately and sustainably drained without increasing flood risk on site or elsewhere, does not meet on-site parking recommendations, and currently results in unmitigated harms to the Pagham Harbour Special Protection Area.

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 liable for Biodiversity Net Gain (BNG) and the following is a summary of the key points:

- Loss of 50.12% of biodiversity (habitat) units.

- Off-site credits required.

CONCLUSIONS

PRINCIPLE

The site is in the Built-up Area Boundary (BUAB) where development is acceptable in principle subject to the consideration of other relevant Development Plan policies in accordance with Arun Local Plan (ALP) Policy SD SP2.

The NPPF is an important material consideration in determining applications. As the Council cannot demonstrate a 5-year Housing Land Supply (HLS) and the proposal would contribute the equivalent of two additional residential units in a highly sustainable location to the Council's current shortfall, para 11(d) of the NPPF and the application of the 'presumption in sustainable development' is normally triggered.

NPPF paragraph 11d states "where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
- ii. 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places, and providing affordable homes, individually or in combination."

The conclusions in respect of flood risk, drainage, and the Pagham Harbour Special Protection Area (a Habitats Site) constitute 'strong reasons' for refusal in line with NPPF paragraph 11d(i) and the 'tilted balance' (11d(ii)) is not triggered.

CHARACTER AND DESIGN

The proposal comprises a residential development over three floors with a front bay window with a gable above, two-storey flat-roofed rear/side projection and single storey flat-roofed side projection, two modest side dormers, rooflights, and balconies. It also includes front/side slatted fencing around the perimeter of the site and a roof infill at No. 35 Glamis Street (within the ownership of the applicant) to ensure the roof form aligns with the existing terrace.

Materials are to consist of buff brickwork with decorative stringcourses, grey powder-coated windows, grey powder-coated standing seam roof, and timber slatted and solid fencing. The materials for the roof infill at No. 35 have not been specified, but a condition could have secured these details and they would likely have been required to be tiles that match the existing terrace.

The proposed development would provide two residential flats, one 2-bedroom, 3-person flat and one 3-bedroom, 5-person flat.

The proposed development is to connect to the northern end of a short but visually appealing terrace of dwellings (Nos. 35-41), in effect, extending the terrace. The proposal would thus, be the new end-of-terrace unit. The existing buildings in the terrace are Locally-listed Buildings of Character (Non-designated Heritage Assets) identified in Arun District Council's list of such assets. The terrace is of 3-storeys and comprised of red brick with buff brick stringcourses, slate/plain tiles, two-storey bay window features, inset porches, and decorated gable ends. The terrace is short but visually appealing terrace with almost identical facades.

The proposed development has sought inspiration from the form and massing of the existing terrace to

which it would connect but has incorporated modern design influences and a contrasting palette of modern materials. It includes windows of differing design, proportions and levels, a squared bay window rather than chamfered, decorative string courses that appear not to align with those of the remaining terrace, balconies/terraces with balustrades, and side/rear projections which, although are subservient to the proposed building, all of which would result in a distinct lack of continuity between the proposal and the remainder of the terrace.

Section J.04 of the Arun Design Guide (ADG) states 'New designs should respond to the frontages and facades of existing buildings in their immediate surroundings and exemplars in the wider context in order to ensure a high-quality elevational treatment that integrates with the surrounding context' and 'Contemporary schemes are encouraged to reflect traditional designs and use these as inspiration through the reinterpretation of key aspects such as layout, window to wall ratio, proportions, and window and door placement'.

While contemporary schemes are encouraged, they should respond to their immediate context, particularly when they form a direct relationship with an established line of buildings that make a significant positive contribution to the visual amenities of the locality.

Although it is clear that the proposal has been derived from an assessment of the existing terrace and it has informed the general form of the proposals, the features outlined above would, cumulatively, result in a building design that distinctly contrasts and visually jars with the remainder of the terrace.

The form of the proposed development has taken general inspiration from the terrace to which it connects, however, its additional flat-roofed projections are not something that is consistent with the remainder of the terrace. Nos. 35 and 41 do include two-storey rear projections, but these run off the rear elevation and do not wrap around the side as present on the proposed structure. That said, the sideward projection of this component is limited and set back from the front elevation by a significant amount. Additionally, it has a significantly lesser depth than the two-storey rear components of the remaining terrace and overall, it would read as a subordinate component that is not overly dominant over the main building or the terrace. This element remains acceptable in terms of scale and massing and its visual impacts on the locality.

The single storey side projection would introduce a tall, flat, built wall against the pavement of William Street where there is presently a more lightweight timber fence. The siting of a built wall/building of this scale and form at the edge of William Street is consistent with flat-roofed elements immediately opposite and would also be acceptable in terms of scale and massing and its visual impacts on the locality.

The introduction of balconies to the front and side of the site would be a new element that appears to otherwise be absent within the immediate locality. However, this is a dense urban environment where properties often have limited amenity space, a close spatial relationship with neighbouring properties, and a large number of windows that incur a more mutual sense of overlooking and surveillance that is expected in such environments. The principle of a balcony/balconies at this site is acceptable (subject to neighbouring amenity) but the inclusion of a balcony at second-floor to the front elevation results in a design element that establishes further visual contrast with the remainder of the terrace as outlined above. Thus, the inclusion of the front balcony proposed with balustrading and flat/parapet roof is inappropriate on design grounds.

The development density is approx. 131 dwellings per hectare (dph), which is significantly above the recommended density of 60-100 dph for flats within a town centre location outlined in Section G.02 of the ADG. Each unit also includes rear amenity spaces that are awkwardly shaped and fall below the recommended 10.5m minimum depths outlined within Section H.04 of the ADG. It is accepted that within dense urban environments, smaller private amenity spaces can be acceptable provided they involve

sufficient privacy and light accessibility and remain functional, and the amenity merits of these spaces are considered in the quality of accommodation section below. For the purposes of considering character, the small and awkwardly shaped amenity spaces, combined with the development density, are notable indicators that the development is may be overly dense and could indicate that the proposal is an overdevelopment.

While the density of the proposal development and its minimal external amenity spaces are below the recommendations of the ADG, it must be acknowledged that the surrounding development has a varied development density, but with many terraced and flatted dwellings having comparable development densities and even more limited external amenity spaces. For example, Nos. 48-52 William Street and Nos. 2-4 Laburnum Mews have an average plot density of approx. 138dph with gardens that are approx. 17sqm each.

The rear elevation of the proposal would also be separated from the neighbouring flats (Prince William Court) by approx. 19m, and from No. 33 Glamis Street by approx. 11m. Minimum back/front-side separation distances are recommended at 14m as outlined within Section H.04 of the ADG. That said, these distances are often unrealistic for infill developments within a dense urban grain such as this and rear/front-side and rear-rear distances within the surrounding development pattern are often less than the relevant recommendations made within the ADG. In this context, the separation distances between properties are acceptable and commensurate to the development pattern of the area.

While the development would be notably dense, it would not be of a density that is anomalous to the character of the area and does not, therefore, constitute harm to the character of the area, nor would it be an overdevelopment to the extent that it should be refused on these grounds.

The dormers would be a modest addition to the northern roof slope of the proposed dwelling. Dormers within the locality are typically of pitched/hipped roof designs but remain of comparable scale. The principle of including two dormers such as these is acceptable, but not in the materials proposed, which as aforementioned, would contribute to an overall incongruous design of development.

The proposed slatted timber fencing to the front of the site would appear to be relatively lightweight compared to traditional timber fencing but adds a sense of physical enclosure to the front amenity area that is otherwise predominantly absent at the remainder of the terrace. It is suggested that this is removed along the eastern boundary and reduced in height along the eastern end of the northern boundary. This would allow for discrete siting of bins against the northern side of the front amenity space but also help maintain continuity with the remainder of the terrace.

The proposal is not sufficiently sympathetic to the character of the remaining terrace and would stand out as an incongruous form of development on the prominent corner of Glamis Street and William Street. It would detract from the currently positive contribution the existing terrace makes to the visual amenity of the area, and result in unacceptable harms to the visual amenity and character of the area in conflict with ALP policies D SP1 and D DM1.

The roof infill alteration No. 35, subject to the use of appropriate materials, would have been an acceptable alteration to ensure continuity between the existing and proposed development and would be in accordance with ALP policy D DM4. As this infill remains within the blue edge, its construction could also have been secured by way of condition.

It is noted that the agent submitted revised elevations and plans close to the expiry of the application. As discussed with them, these have not been considered formally under this application, though the revisions do go some way to addressing some of the concerns outlined above.

QUALITY OF ACCOMMODATION

Both units include internal floor areas and dimensions that are sufficient such that they are in accordance with the Nationally Described Space Standards (NDSS). Each habitable room is also served by one or more openings and would have sufficient access to natural light.

As set out above, Section H.04 of the Arun Design Guide recommends a minimum rear garden depth of 10.5m, although smaller gardens may be acceptable in certain circumstances where adequate daylight and privacy are demonstrated. Excluding the areas occupied by cycle storage, Flat 1 would have a rear garden of approximately 23sqm, with a shallow depth of between 2-4m and a width of about 7.5m. Flat 2 would have a rear garden of approximately 21sqm, with a depth of around 9.7m and a narrow width of between 2-3.5m. Both gardens would be enclosed by boundary fencing and the existing garages to the west and would be west-facing, with two- or three-storey built form to the east and south, which would significantly restrict the opportunity for direct sunlight to evenings. Additionally, the inclusion of the first-floor terrace serving flat 2 with patio and balustrading that would meet the west elevation, would result in direct downward overlooking of the amenity space serving flat 1, reducing its privacy significantly when the terrace is in use.

It is likely that the occupants of each flat would be acquainted, but nonetheless, the amenity of the rear garden serving flat 1, and therefore, the amenity afforded to its resident, would be limited. The privacy afforded to the garden serving flat 1 could be significantly improved by relocating the patio of the terrace toward the east, positioning green roof areas/bioretenion planters between the patio and west elevation of this single-storey projection, and relocating the balustrading to prevent traversal onto the green roof area. Thereby physically separating the useable terrace area from the rear garden serving flat 1 and reducing downward overlooking/the feeling of surveillance. The applicant should consider this in any further submission. Conditions securing 1.8m tall, obscured screening could have been attached to prevent direct and downward overlooking from the western edge of the terrace.

The privacy of the rear garden serving flat 2 would be limited due to the presence of first-floor bedroom windows on the north elevation of No. 35, which would look directly toward and over the garden. While this may reduce the sense of, and actual level of, privacy within the garden, such a close relationship between openings and gardens is typical in a dense urban environment such as this.

Overall, while the rear amenity spaces are limited in area, have limited direct light accessibility and privacy, these traits are not uncommon for a dense urban grain such as that in which the proposal is situated and not so extreme that they would be a reason to refuse the development. This is particularly the case when considering potential mitigation measures, and the proximity of the site to public gardens within the area, the amenities of the High-Street, and the proximity to the foreshore. The gardens would provide sufficient functional space for limited residential activities such as drying laundry, but the public open spaces and amenities nearby would provide ample opportunity for exercise and outdoor recreation.

The lower quality of the external amenity spaces provided would be harmful to the residential amenity of occupiers, but with consideration of the local context and mitigating factors outlined above, the harms would not result in a significantly adverse impact on residential amenity such that the proposal is in conflict with ALP policy QE SP1.

NEIGHBOURING RESIDENTIAL AMENITY

With regard to No. 35, there would undoubtedly be some adverse impact on neighbouring residential amenity by way of overbearing and overshadowing due to the close relationship between the proposal and No. 35's first-floor north- and east-facing bedroom windows, but these impacts are comparable to those established within the remainder of the terrace, commensurate to the dense urban grain of the area, and not so harmful that they are concluded to be significantly adverse.

The proposal remains sufficiently separated from other neighbouring properties such that there would be no unacceptably adverse overbearing or overshadowing impacts.

The first-floor terrace and kitchen/lounge windows on the north elevation of the proposal would be separated from the south elevation of No. 33 Glamis Street (comprising four flats), by approx. 11.5m, the width of William Street and its pavements. While the separation of the openings/terrace is relatively limited, and they are approximately in alignment, the relationship is comparable to properties found further west along William Street and is not atypical for a dense urban environment such as this. The same can be said for the second-floor dormer windows. There would be a relatively close inter-overlooking relationship between the properties but not one that is uncharacteristic or wholly unexpected within the context, and it would not result in unacceptably adverse impacts on residential amenity.

The proposed openings on the west side, for similar reasons to those outlined above, would not have any unacceptable inter-overlooking impacts with Prince William Court.

The first-floor south-facing lounge window would have a close and direct relationship with the first-floor north-facing bedroom windows of No. 35. This relationship is close, and there would be a clear adverse impact on the privacy of each room as a result. This south-facing window is a secondary opening, with the lounge area being served by another 5-6 windows. A condition could have been imposed to ensure this opening is obscure-glazed and fixed shut up to 1.7m to prevent undue inter-overlooking impacts. It is also noted that no proposed south elevation was submitted, which is unusual given the two-storey rear projection would be visible despite the remainder of the property being connected. A condition, again, could have been attached to secure details of this elevation and ensure they are consistent with the remainder of the proposal, however, since this application is being refused, the applicant is advised to produce a southern elevation ahead of any further submission. They may opt to omit the first-floor south-facing window if preferred.

East-facing openings would look out over the street and toward the primary school opposite. The school is a commercial site and the overlooking impacts would be almost identical to those of the existing properties Nos. 35-41 Glamis Street. It would have no unacceptable impacts as a result.

It is noted that air source heat pumps (ASHPs) are proposed, but it is unclear whether these may produce noise levels that are detrimental to the amenity of occupants. A condition could have been sought to ensure any noise generated by the ASHPs would not be unduly detrimental to the amenity of occupiers/neighbours.

Overall, the proposal would have no unacceptable overbearing, overshadowing, or overlooking impacts and while some adverse impacts on residential amenity are present in conflict with ALP policy D DM1, the proposal remains in accordance with ALP policy QE SP1.

ENERGY EFFICIENCY

ALP policy ECC SP2 requires all new residential and commercial development to be energy-efficient and to demonstrate how they will achieve energy efficiency measures that reflect the current standards, use design and layout to promote energy efficiency, and incorporate decentralised, renewable, and low carbon energy supply systems such as solar panels or air source heat pumps. The inclusion of energy efficient materials would be controlled at the Building Regulations stage.

To ensure that adequate decentralised, renewable, and low carbon energy supply systems are provided, a condition could have been attached to secure their provision. It is noted that air source heat pumps are proposed, and subject to condition would not likely produce unacceptable noise levels for occupiers/neighbours.

The inclusion of solar panels, however, could be preferable and should be considered by the applicant. If they are to be included in the future, these should not be included on the east roof slope (principal elevation), to ensure they do not detract from the positive visual contribution the remaining terrace makes to the area. The potential use of solar panels, and/or reassurance in respect of ASHP noise, should be provided in any future submission.

In any event, subject to the relevant conditions, the proposal is in accordance with relevant Development Plan ALP policy ECC SP2.

TRANSPORT, PARKING, AND SUBSEQUENT RESIDENTIAL AMENITY IMPACTS

The proposal is for one 2-bedroom dwelling and one 3-bedroom dwelling within Parking Zone 4. In accordance with the Arun Parking Standards, the proposal would require three car parking spaces and two cycle storage spaces. The proposal does not include any car parking provisions but includes eight cycle storage spaces, one per occupant.

By virtue of not including any car parking provisions on site, it is likely that the car parking requirements of the proposal would need to be accommodated on public highways within the area. From the site visit, it appears that the surrounding streets are often at or close to capacity, and are subject to comprehensive parking restrictions, including parking permit schemes for residents.

WSCC Highways have raised no objections, identifying that the site is in a highly sustainable location with many alternative transport connections within walking distance of the site. They concluded that there are no transport grounds to refuse the application, but that the lack of parking and need for car parking to be accommodated on street may warrant consideration of amenity grounds.

The requirement for the proposed development's parking to be accommodated on site may result in adverse residential amenity impacts on the occupiers or neighbouring residents due to displacement of existing parking arrangements. However, the extent or presence of these impacts would fall to whether occupiers own/have access to cars and whether they make regular use of the extensive alternative public transport connections within the locality. It is likely that occupiers will be aware of the limited/no parking availability prior to purchase/occupation and that they would make use of the alternative modes of transport available, limiting the likelihood of resultant adverse impacts on residential amenity.

The proposal is not in accordance with the Arun Parking Standards or ALP policy T SP1 but given the highly sustainable location with extensive amenities and alternative transport connections readily available, and the extensive cycle parking provisions, the lack of parking provisions on site is not sufficient reason to refuse the development. The proposal remains in accordance with ALP policy QE SP1.

WASTE MANAGEMENT

The proposal suggests bin storage to the front of the site within the front garden, which is not uncharacteristic of the locality, and would be partially screened by the slatted timber fencing to the front.

It is suggested that the bin storage area be situated along the north side of the front amenity space to ensure they are in a more discrete location.

The proposal is in accordance with ALP policy WM DM1.

HERITAGE

The host dwelling, alongside the remainder of its terrace (33, 39, and 41), Locally-listed Buildings of Character. Neighbouring units 33, 45 and 47 Glamis Street are also Locally-listed Buildings of Character. These are Non-designated Heritage Assets identified as such for meeting criteria b-c of the criteria

outlined in ALP policy HER DM2.

The proposal has been accompanied by a Heritage Statement identifying these heritage assets and acknowledging their significance. It does not discuss their contribution to the area but does explain how the proposal has been designed to relate to the assets.

For the reasons outlined within the 'Character and Design' section of this report, the proposal would unacceptably jar with the established and positive design of the existing terrace. The proposal makes use of a material palette and includes a number of design features that directly contrast with the traditional and decorative architectural style of the terrace and would diminish and detract from the currently positive contribution the assets make to the character of the area.

As the proposal would result in harm to the significance and the setting of these Locally-listed Buildings of Character (non-designated heritage assets), a balanced judgement must be made, and in this instance, the proposal would unacceptably compromise the significance of the assets despite the limited public benefits of the scheme. Namely the provision of two dwellings in a time of acute housing need and the short- and long-term economic stimulus during construction and by virtue of additional residents that would likely provide patronage to Bognor Regis Town Centre.

The proposal is in conflict with ALP policies HER SP1, HER DM2, Bognor Regis Neighbourhood Development Plan (BRNP) Policy 2, and the NPPF.

DRAINAGE AND FLOOD RISK

During the lifetime of the application Arun District Council updated its Strategic Flood Risk Assessment (07/04/26). This has not had a significant impact on the flood risk designations of the site.

The site will be marginally at low risk (1 in 1000) of surface water flooding in the future (2040-2060). It also has a high potential to be at risk of groundwater flooding, though there are no historic records of groundwater flooding and the mapping data used to predict areas at potential risk of groundwater flooding is broad and cannot be relied upon to confirm a risk of groundwater on specific sites. The site is otherwise in Flood Zone 1.

A Site-Specific Flood Risk Assessment (FRA) for flood risk has been provided which accurately identifies the site is not currently at risk of surface water flooding and within flood zone 1. However, it does not identify the future (2040-2060) surface water flood risk on site outlined on the EA's risk of surface water flood maps (<https://check-long-term-flood-risk.service.gov.uk/map>). The submitted FRA includes an assessment of groundwater flood risk from 'Avista' which concludes that while there is a moderate risk of groundwater flooding at the site, properties at or above ground level without basements, are not considered to be at risk from this level of groundwater flooding. There are no historic groundwater flooding records at the site and overall, the proposal is not likely to be at risk of groundwater flooding.

The submitted FRA has not considered surface water flood risk in the future and as such, it cannot be confirmed that the proposals would be sufficiently safe from flood risk for the lifetime of the development. On this basis, and in accordance with NPPG Paragraph: 027 Reference ID: 7-027-20220825 and Paragraphs 170 and 175 of the NPPF, a Sequential Test is required to support this development. No such test has been submitted which weighs against the application.

The applicant is advised that subject to an FRA successfully addressing the low risk of surface water flooding in the future, no Sequential Test would be required.

Officers understand that the applicant may not have known about the EA's risk of surface water flood maps (<https://check-long-term-flood-risk.service.gov.uk/map>) as these are separate to the usual EA

Flood Maps for Planning. However, Officers also advise that the EA informed the Council that the risk of surface water flooding data (including in the future) were to be moved to the generic EA flood maps for planning in January 2026. At the time of writing this report, this does not appear to have occurred but may happen prior to any future submission.

As the site, and the proposal, will be at risk of surface water flooding during the lifetime of the development and this has not been appropriately addressed by the submitted FRA, the proposals cannot be confirmed to be safe from flood risk for the lifetime of the development and an appropriate Sequential Test is required, but one has not been submitted. The proposal is therefore in conflict with ALP policies W SP1 and W DM2, and NPPF Paragraphs 170, and 173-175.

The proposal has been supported by a surface water drainage strategy; however, it has not been informed by any on-site investigations or evidence. The proposal is for a hybrid infiltration/surface water sewer strategy and includes the use of permeable paving, sedum roofs, rainwater butts, but outside of permeable hard surfaces, lawn, and rainwater re-use, the primary method of surface water discharge would be a combination of infiltration to a soakaway in the rear garden and discharge to the surface water sewer within William Street.

The proposal suggests partial discharge by way of infiltration but has not been accompanied by winter groundwater monitoring to ascertain peak groundwater levels, infiltration testing to confirm there are suitable ground conditions, nor evidence to suggest that a soakaway could be located within 5m of the surrounding buildings without prejudicing the existing or proposed buildings. Additionally, the proposal has not been accompanied by evidence that the applicant would have permission to connect to the surface water sewer in William Street or that it has sufficient hydraulic capacity to allow for the connection. It is also noted that sewer mapping suggests the surface water sewer within William Street is located on the other side of the street, which may influence the viability of the proposed connection.

There is a lack of evidence regarding the existing dwelling's current surface water drainage arrangements. Should the existing dwelling discharge by way of soakaway, there is a likelihood of the soakaway being located within the grounds of the proposal site, and so the proposed development may prejudice the existing drainage arrangements.

The ADC Drainage Engineers have been consulted on this application and have objected on NSfS Standards 1-4. They have provided detailed comments on relevant standards which the applicant is advised to review in detail.

Overall, insufficient evidence and investigations have been submitted to confirm that the proposed development could be adequately and sustainably drained in accordance with the NSfS and without prejudicing any existing drainage arrangements that may be present on site. As such, it cannot be confirmed that the proposal would not increase flood risk on site or elsewhere in conflict with the NSfS, ALP policy W DM3, and NPPF paragraphs 181, 182 and 187(e).

ECOLOGY, BIODIVERSITY, AND PAGHAM HARBOUR

The proposal is not exempt from Statutory Biodiversity Net Gain (BNG) and the proposal is required to achieve a biodiversity net gain in line with ALP policy ENV DM5.

The proposal has been accompanied by relevant Statutory BNG assessments, but due to the nature of the development and the constraints of the site, an on-site BNG is not possible. The site is currently a section of residential garden, consisting primarily of overgrown lawn, a single shrub, and a dilapidated shed. It is of minimal ecological value.

The proposal would result in the loss of 50.12% of habitat units on site, and a minimum 10% net gain will

need to be provided off-site by way of credits. Given the limited ecological value of the site and the nature of the proposal, this is acceptable.

The existing and proposed site would remain a vegetated garden, minus the loss of the footprint of the building and associated hardstanding. The proposal has sought to include sedum green roofs and the planting of three trees to offset on-site habitat loss. The proposed tree planting cannot be considered within the statutory BNG metrics as the site would be afforded a set value as an 'other vegetated garden'. However, they would still inevitably provide some on-site ecological value. This, in combination with the sedum green roofs, and proposed ecological enhancements such as an integrated swift brick and bat tube as suggested by the Council's ecologist, the proposal would achieve sufficient ecological enhancement.

There is some concern that tree planting within the rear gardens may not be viable without interfering with cycle storage or the intended drainage designs. A condition securing the finalised locations of planting could have been secured, but one of the trees directly overlaps with a cycle store and does not appear viable, so has not been considered as a contributing element at this time. The applicant is advised that the drainage designs and cycle storage will need to be integrated with and not conflict with any proposed planting under any future submission.

The proposal will not achieve a measurable on-site biodiversity net gain in conflict with ALP policy ENV DM5, but as a residential garden of low ecological value within a dense urban area, the loss of the existing biodiversity value of the site would not result in any significant harm and the existing value could not be guaranteed to remain long term. With consideration of securing net gains off-site and on-site ecological enhancements, the conflict with ALP policy ENV DM5 does not amount to any significant harm.

As the site is in the zone of influence of the Pagham Harbour Special Protection Area (SPA), Arun is required to carry out an Appropriate Assessment (AA) to assess the impact of the proposal on the European Site. Given the dense urban grain of the area, the limited scale and bulk of the proposal, and the low ecological value of the site, the proposal would not have any direct adverse impact on the SPA and as such, the need for an AA is screened out.

The site lies within Pagham Harbour Zone B where a financial contribution of £962 per new residential unit is required to mitigate against potential recreational pressures on the Pagham Harbour SPA. This must be secured by S.106 agreement. A draft S.106 agreement to this effect was submitted during the lifetime of the application, however, it has not been possible to complete this agreement within the lifetime of the application. If the application were to be approved, or this application were to proceed to an appeal, the completion of this agreement could have been awaited and resolved in either such instance, however, since the application is to be refused on alternative grounds, the completion of the S.106 agreement has not been awaited and the matter remains outstanding.

In the absence of a completed S.106 agreement to secure the necessary financial contribution for the mitigation of recreational pressures against the Pagham Harbour SPA, the proposal would likely result in indirect harms to the SPA and as such, the proposal is currently in conflict with ALP policies ENV SP1, ENV DM1, and ENV DM2.

The site is in the 2km Buffer Zone of two SSSIs, Bognor Reef and Felpham. Given the scale and nature of the development, and that it lies within a dense urban grain, the proposals would not have any adverse impact on the SSSIs.

The proposal is in conflict with ALP policies ENV SP1, ENV DM1, and ENV DM2 since the S.106 agreement to secure a financial contribution for the mitigation of potential recreational pressures has not

been completed. Upon completion of the agreement, the applicant is advised that the proposal will comply with the aforementioned policies.

SUMMARY

The proposal is in conflict with ALP policies ENV SP1, ENV DM1, and ENV DM2 since the S.106 agreement to secure a financial contribution for the mitigation of potential recreational pressures has not been completed and therefore, the proposal would result in indirect harms to the Pagham Harbour SPA.

Insufficient evidence and investigations have been submitted to confirm that the development could be adequately and sustainably drained in accordance with the NSfS and without prejudicing any existing drainage arrangements that may be present on site. As such, it cannot be confirmed that the proposal would not increase flood risk on site or elsewhere in conflict with the NSfS, ALP policy W DM3, and NPPF paragraphs 181, 182 and 187(e).

The submitted FRA has not considered surface water flood risk in the future and as such, it cannot be confirmed that the proposals would be sufficiently safe from flood risk for the lifetime of the development. Additionally, and on this basis, in accordance with NPPG Paragraph: 027 Reference ID: 7-027-20220825 and Paragraphs 170 and 175 of the NPPF, a Sequential Test is required to support this development but no such test has been submitted. The proposal is in conflict with ALP policy W DM2 and NPPF paragraphs 170 and 175.

The proposal, by virtue of its design, is unsympathetic to the character of the terrace to which it would be attached and would stand out as an incongruous form of development on the prominent corner of Glamis Street and William Street. It would detract from the currently positive contribution the existing terrace, which consists of Locally-listed Buildings of Character, makes to the visual amenity of the area, and result in unacceptable harms to the visual amenity and character of the area in conflict with ALP policies D SP1, D DM1, HER SP1, and HER DM2, BRNP Policy 2, and the NPPF.

For the reasons outlined above, the proposal 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

The application was accompanied by a draft S.106 agreement that sought to secure the relevant financial contribution of £1924 (£962 x 2) that would have mitigated against recreational pressures on the Pagham Harbour SPA. At the time of this determination, the S.106 agreement has not been completed.

The applicant is advised that during the lifetime of the application the relevant fee rose to £974 per unit, and that any future submission would need to account for this incremental increase.

CIL DETAILS

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

RECOMMENDATION

REFUSE

- 1 The proposal, by virtue of its design, is unsympathetic to the character of the terrace to which it would be attached and would stand out as an incongruous form of development on the prominent corner of Glamis Street and William Street. It would detract from the currently positive contribution the existing terrace, which consists of Locally-listed Buildings of Character, makes to the visual amenity of the area, and result in unacceptable harms to the visual amenity and character of the area in conflict with Arun Local Plan policies D SP1, D DM1, HER SP1, and HER DM2, Bognor Regis Neighbourhood Development Plan Policy 2, and the NPPF.
- 2 Insufficient evidence and investigations have been submitted to confirm that the proposed development could be adequately and sustainably drained in accordance with the National Standards for Sustainable Urban Drainage Systems (NSfS) and without prejudicing any existing drainage arrangements that may be present on site. As such, it cannot be confirmed that the proposal would not increase flood risk on site or elsewhere in conflict with the NSfS, Arun Local Plan policy W DM3, and NPPF paragraphs 181, 182 and 187(e).
- 3 The submitted FRA has not considered surface water flood risk in the future and as such, it cannot be confirmed that the proposals would be sufficiently safe from flood risk for the lifetime of the development. Additionally, and on this basis, in accordance with NPPG Paragraph: 027 Reference ID: 7-027-20220825 and Paragraphs 170 and 175 of the NPPF, a Sequential Test is required to support this development but no such test has been submitted. The proposal is in conflict with Arun Local Plan policy W DM2 and NPPF paragraphs 170 and 175.
- 4 In the absence of a completed S.106 agreement to secure the relevant financial contribution for the mitigation of recreational pressures on the Pagham Harbour Special Protection Area (SPA), the proposal would result in indirect harms to the Pagham Harbour SPA in conflict with Arun Local Plan policies ENV SP1, ENV DM1, and ENV DM2.
- 5 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 discussing those with the Applicant. It has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. The Local Planning Authority has clearly set out, within its report,

the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.