

Recommendation Report for Planning Permission

REF NO: BR/73/19/PL

LOCATION: Land To East Of Royal Norfolk Hotel
Aldwick Road
Bognor Regis
PO21 2LH

PROPOSAL: Erection of 3 No. terraced residential dwellings, garden/cycle storage sheds & associated parking utilising the existing access (resubmission following BR/214/18/PL). This application affects the setting of a listed building & affects the character & appearance of The Steyne, Bognor Regis Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Three dwellings in a terrace, all have 4 bedrooms (with the 4th in the roof space). The footprint of the terrace is 210.6m ² (10m by 21.06m). It is 9.3m high (eaves of 5.6m). The use of the roof space is facilitated by small velux windows on the front (to a shower room) and larger velux windows on the rear acting as an escape window (sill height of 1.1m). Dwelling floor levels will be set at 5.85m above Ordnance Datum (AOD) and there will be an increase in site levels to a mean AOD of 5.7m to account for future flood risk.
	To the rear there are gardens and each dwelling has a storage shed/covered bin store area. Access is from the north (as existing) and leads to 8 parking spaces (2 per dwelling and 2 visitor spaces). It is proposed to keep the garden to the south as an open area and to retain the southern hedge.
SITE AREA	0.1435 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	20.9 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	Three Cabbage Palm trees on the other side of the southern boundary hedge but not affected by the development.
BOUNDARY TREATMENT	The site is enclosed by an approx. 3.5m high hedge to West Street (east boundary), a part wall/part fence of 1.7-2m to the Mews access (north boundary), an approx. 2.5-3m high hedge to the hotel (south boundary) and a 1.8m high close boarded fence to the west boundary with the hotel building.
SITE CHARACTERISTICS	Overgrown roughly square shaped parcel of land. Part of open land between the hotel and West Street but is enclosed by boundary treatments. There is evidence of tipping/litter and unauthorised camping on site. The site is overlooked by the flank wall of the hotel and by the rear elevations of dwellings to

the north. It is understood that the site was formerly a kitchen garden and then tennis courts.

CHARACTER OF LOCALITY

Predominantly commercial but with residential properties to the north and some to the east. Within the Steyne & Waterloo Conservation Area and the setting of a Grade II Listed Building (the three storey white rendered Royal Norfolk Hotel).

RELEVANT SITE HISTORY

BR/214/18/PL	Erection of four terraced residential dwellings, garden/cycle storage sheds & associated car parking, utilising the existing access - This application may affect the character & appearance of The Steyne, Bognor Conservation Area & will affect the setting of a Listed Building	Withdrawn 21-01-19
BR/163/15/PL	Phase II development of Norfolk Mews to provide 4 new dwellings (a terrace of 3 & a detached dwelling), associated car parking for 8 cars & landscaping. Access will be through the existing access of West Street - This application affects the character and appearance of The Steyne & Waterloo Square Conservation Area	Refused 16-10-15 Appeal: Dismissed 13-10-16
BR/315/07/	Mews development comprising 13 no 1 & 2 bedroom dwellings incorporating conversion of former accommodation building and replacement of derelict stores. Improvements to existing vehicular access onto West Street - Re-submission following application BR/184/07/	App Cond with S106 11-01-08
BR/315/05/	Residential development comprising 19 no. dwellings including the conversion and partial demolition of existing outbuildings, with associated car parking access and landscaping.	Refused 23-11-05 Appeal: Dismissed 07-06-06
BR/254/04/	Residential development of 22 no. dwellings (including 7 No refurbished units). (Re-submission of BR/43/04)	Refused 02-09-04 Appeal: Dismissed 26-04-05
BR/43/04/	Residential development of 22 no. dwellings (including 7 no. refurbished units)	Refused 26-04-04 Appeal: Withdrawn 23-03-05

BR/315/05 sought permission for 19 dwellings across two areas to the northwest and northeast of the hotel. This included a two storey terrace of 6 dwellings along the West Street frontage together with a rear parking area. The terraced block measured 28m in length, 10m deep and with a ridge height of 8.6m.

This application was refused and dismissed on appeal (ref APP/C3810/A/06/2008358). The Inspector found a number of issues with the scheme including the loss of the open land between the hotel and West Street, the impact on views of the hotel & the Conservation Area, and the poor design of the scheme. The Inspector ruled that the part of the scheme fronting West Street would significantly harm the setting of the Listing Building and the character/appearance of the Conservation Area.

The applicants made a new submission (BR/315/07) just for the site to the northwest (now known as Royal Norfolk Mews). This was approved.

BR/163/15/PL was for 4 new dwellings (a terrace of 3 and 1 detached dwelling), associated car parking for 8 cars & landscaping. It was refused for a number of reasons and dismissed on appeal.

The main issues were the effect on the setting of the Royal Norfolk Hotel and the character and appearance of the Steyne and Waterloo Square Conservation Area; and whether the proposal would provide adequate levels of privacy for occupants and hotel guests. The Inspector found harm in respect of the first issue.

The Inspector noted that

- The Royal Norfolk Hotel is a landmark building within the town and occupies a prominent position opposite the sea-front. Its open setting, which includes the extensive lawns to the front of the building, contributes to its prominence within the town. It contrasts with the denser development within other parts of the Conservation Area;
- Although the appeal site is separated from the hotel frontage it nevertheless contributes to the setting of the listed building;
- The proposed detached dwelling at the rear of the site would considerably diminish the spacious setting of the hotel which is integral to its significance;
- In its present form the site does not make a positive contribution to the Conservation Area due to its unkempt state. Notwithstanding this, it is screened by a boundary hedge and fence and contributes to the open character of this part of West Street. It therefore has a neutral effect on the appearance of the Conservation Area;
- The terraced dwellings would provide some enclosure to the street scene in a similar manner to other dwellings within the Conservation Area. They would be two storeys high with projecting bay windows to both floors and would extend close to the back edge of the pavement. The rear elevation of the proposed terrace would be separated from the hotel by a distance of about 34 metres. The dwellings would be wider than many others within the Conservation Area. They would be about 6 metres high at the eaves and 9 metres high at the ridge and would appear to be higher than other properties on the western side of the street;
- Despite the hotel building being only 10m from the proposed dwelling, the secondary windows in the first floor of the new dwelling could be obscure glazed and as such there would be no harm to the amenity of either the hotel or the new dwelling; and
- The properties in the Conservation Area vary in terms of their appearance. It is not necessary for the appeal scheme to replicate the appearance of existing dwellings. Nevertheless, taken together, the greater width and height of the terraced dwellings adds to the visual prominence of the proposal.

BR/214/18/PL (terrace of 4 dwellings) on the front of the site was withdrawn following concerns raised by the local planning authority. Informal post-decision negotiation followed and has led to the current

application.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

"OBJECTION Members were concerned about the effect of the proposed development on the setting of The Royal Norfolk Hotel, which is listed grade II, and on the character and appearance of West Street which lies within The Steyne and Waterloo Square Conservation Area. It was also felt that loss of open space to the east of the hotel would harm the character of the Conservation Area.

In addition, 37 letters of objection raising the following concerns:

- (1) Applicant has made enough money from this Hotel;
- (2) Applicant has allowed former tennis courts land to become derelict;
- (3) Tennis Courts should be reinstated for public benefit;
- (4) Land should be purchased by the Council and developed as cafe with gardens, play area or other community space;
- (5) Overdevelopment of the site;
- (6) Buildings would be unsightly and detract from the Hotel's appearance;
- (7) Loss of views of the hotel from West Street;
- (8) Would harm setting of the Listed Building and the character/appearance of the Conservation Area;
- (9) Contrary to NPPF (paras 127,192) and Local Plan policies (HER SP1, HER DM3, D SP1 & D DM1);
- (10) Access arrangements are contrary to an covenant;
- (11) Increased traffic congestion and traffic obstruction on West Street;
- (12) Plans create a blindspot between Royal Norfolk Mews visitor parking and the new parking area;
- (13) Not clear as to whether cars can park at the front of the dwellings;
- (14) Numerous applications (1952, 1983, 2004, 2005, 2015, 2018) - should be refused once and for all;
- (15) Bognor Regis does not need further housing;
- (16) Construction works will impact on living conditions;
- (17) Applicant refused to discuss concerns with objectors; and
- (18) Applicant has not served notice on Royal Norfolk Mews Management Ltd.

COMMENTS ON REPRESENTATIONS RECEIVED:

The concerns of the Town Council and residents concerning Listed Buildings, Conservation Areas, character/design, overdevelopment, traffic safety & congestion are discussed in the conclusions.

The following responses are offered to the other resident concerns:

- (1) The financial situation of the application is not a material planning consideration;
- (2) Even if true it is not a material planning consideration and this application must consider the situation as it is now;
- (3)-(4) Alternative development options would only work if the land was publicly owned;
- (10) Ownership issues and covenants are not material planning considerations and need to be considered outside of the planning process;
- (12) Whether a blind spot occurs or not, it will be on private land and not adoptable highway. Traffic speeds on this access road will be low and this will mitigate any harm;
- (13) The frontage is restricted by double yellow lines, this should dissuade any vehicles from parking;
- (14) Noted, the planning history is set out elsewhere in this report.

- (15) The Councils Housing Land Supply data shows there is need for further housing in the district;
(16) These works are temporary and conditions can be imposed to control construction hours;
(17) There is no requirement for the applicant to discuss with objectors; and
(18) According to the application form, notice was served on Royal Norfolk Mews Management Ltd.

CONSULTATIONS

WSCC Strategic Planning
Environment Agency
Listed Building Officer
Conservation Officer
Economic Regeneration
Arboriculturist
Engineers (Drainage)
Engineering Services Manager
Southern Water Planning
Historic England
Environmental Health

CONSULTATION RESPONSES RECEIVED:

ENVIRONMENT AGENCY (EA) - Originally stated no objection subject to conditions to secure the proposed mitigation measures including that finished floor levels to be set no lower than 5.72 metres above Ordnance Datum (AOD). Asked for an informative regarding flood proofing.

HISTORIC ENGLAND - Do not wish to offer any comments.

SOUTHERN WATER - No objections subject to a condition to approve foul sewerage disposal.

WSCC HIGHWAYS - No objections. The site is sustainably located, parking provision meets the required standards and the access is safe and there have been no accidents associated with it. The proposal would not have a 'severe' impact on the operation of the Highway network and is not contrary to the National Planning Policy Framework (para 109). Recommend parking/cycle storage conditions.

ADC DRAINAGE - Request the imposition of drainage condition and accompanying informative.

ADC ECONOMIC DEVELOPMENT - No comment.

ADC CONSERVATION OFFICER - Comments in full on Councils website. The following is a summary:

- A heritage statement has been provided in accordance with the relevant guidance in the NPPF 2019;
- The Royal Norfolk Hotel is a landmark building within the Conservation Area and occupies a prominent position along the sea-front;
- The hotel has an open setting, which consists mostly of extensive lawns to the front of the building, along with an enclosed area to the east. Both areas contribute to the buildings prominence within the local area. This area also forms one of a handful of open spaces within the Conservation Area;
- The site appears to be in an unkempt state and is in separate ownership. However the nature of the site means that it contributes to the open character of this part of West Street;
- The development could lead to the loss of the open space, cause harm to the character of the

Conservation Area and could restrict views of the side elevation of the hotel;

- The hedging of the site should be retained as it contributes to the setting of the Listed Building;
- The terrace would continue development further towards the seafront in a location which does not appear to have had development before. It could erode the space around the Listed Building, and harm the established character of the area;
- The terrace of houses would be located in close proximity to the Listed Building and even with the hedge screening on the southern boundary could be read in the context of the Listed Building;
- If well designed so that the development closely relates to the surrounding buildings in terms of design and materials, the impact of the proposal could be reduced. This would require traditional materials and design features to be an integral part of the design of the buildings;
- It is considered that it is such that the impact can be described as causing less than substantial harm in accordance with para 196 of the NPPF (2019); and
- You will need to consider the public benefits that the development may achieve as part of your assessment of the application, along with the contents of section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The applicant has agreed to the pre-commencement surface water and foul water conditions.

The EA have been re-consulted following the proposed amendment to raise floor levels by a further 0.13m (to 5.85m). They raise no objections and state that the additional raising of the finished floor level provides an overall betterment in terms of safety of occupants from flood risk. They request a change to the previously requested condition to refer to the new finished floor levels.

The Conservation Officer was re-consulted regarding the floor level increase but has verbally stated that the raising of the building by a further 13cm would not alter the previously submitted comments.

POLICY CONTEXT

Designations applicable to site:

Within Built Up Area Boundary;
 Steyne & Waterloo Conservation Area;
 Listed Building Grade II (& associated setting);
 Adjacent to Buildings of Character;
 Flood Zones 1-3; and

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM2	ENV DM2 Pagham Harbour
ENVDM5	ENV DM5 Development and biodiversity
HDM1	H DM1 Housing mix
HERDM1	HER DM1 Listed Buildings

HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment
HSP1	HSP1 Housing allocation the housing requirement
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water

[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:

SPD2	Conservation Areas
SPD9	Buildings or Structures of Character

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 Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

Policy 2 of the Bognor Regis Neighbourhood Development Plan (BRNDP) is considered to be relevant as it refers to development affecting the setting of designated and undesignated heritage assets.

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 relevant Development Plan policies in that it would not cause demonstrable harm to the character of the area, to the character and special qualities of the surrounding heritage assets, to the safety of the highway, to the amenities of neighbouring residents and it makes appropriate provision for the protection of the Pagham Harbour Special Protection Area.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE:

Policy SD SP1 of the ALP 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)."

The site is in the settlement boundary of Bognor Regis and there are various local amenities and services within walking distance of the site along street lit footways. The proposal is environmentally sustainable as residents will not need to rely on the private car to access basic services & facilities.

NPPF para 118(d) states "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". Furthermore, para 123 states where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. Higher densities will be encouraged for city/town centres and other locations that are well served by public transport. The Council is currently unable to demonstrate a 5 year Housing Land Supply (HLS) and therefore it is necessary to consider existing urban brownfield sites.

The proposal accords with SD SP1 and SD SP2 of the Arun Local Plan and with the guidance in the NPPF on the efficient use of land. This does not automatically imply permission should be granted and it necessary to consider whether there is any harm that will arise from this development.

PLANNING HISTORY

The planning history is discussed at length above. Previous appeal decision (BR/163/15) is considered to be highly material and it is important to compare the dismissed scheme on appeal with the proposal.

The Inspector found harm with the 2015 scheme from the detached dwelling located at the rear of the site which was 10m from the hotel. This scheme proposes dwellings only along the frontage at a distance of 33m from the hotel. This application propose sheds at the rear of the site. These are 16m from the hotel and are much lower in height/scale than the detached dwelling on the previous scheme.

The dwellings previously shown along the front were to be about 34m from the hotel (a similar distance to that now proposed). They had a footprint of 28m (length) by 10m (depth). The new scheme has a length of 21m and a depth between 10 and 11m. This ensures that an open area is preserved at the south of the site ensuring more views of the hotel from West Street. The new scheme is marginally

higher than before (9.3m versus 9m) but this is not considered to be a significant increase.

HERITAGE ASSETS:

The site lies in the "Bognor Regis The Steyne" Conservation Area and is in the setting of a Grade II Listed Building (The Royal Norfolk Hotel). Both of these are designated heritage assets. The site is around 20m of three locally listed buildings (nos. 33, 40 & 45 West Street). These are non-designated heritage assets.

Relevant Local Plan policies are HER DM1 (Listed Buildings), HER DM2 (Locally Listed Buildings or Structures of Character) and HER DM3 (Conservation Areas). HER DM1 requires that proposals protect and, where possible, enhance the setting of Listed Buildings. Policy HER DM2 only covers the alteration or extension of such buildings and does not infer any protection to the setting of these. Policy HER DM3 lists criteria for proposals affecting the setting of a Conservation Area. The relevant criteria are as follows:

- (a) New buildings and structures should acknowledge the character of their special environment in their layout, form, scale, detailing, use of materials, enclosure and the spaces created between buildings; and
- (e) It retains historically significant boundaries, important open spaces and other elements of the area's established pattern of development, character and historic value, including gardens, roadside banks and verges.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that: "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Section 72 states: "In the exercise, with respect to any buildings or other land in a conservation area, of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

It is necessary to consider policy guidance in the National Planning Policy Framework (NPPF) which sets out several steps when considering impact on heritage assets. Para 189 requires applicants to describe the significance of heritage assets affected, including any contribution made by their setting. Para 190 requires Local Planning Authorities to identify and assess the particular significance of the heritage asset that may be affected by a proposal. The Local Planning Authority must then consider the level of harm associated with the proposal and decide whether there is any harm and if so, whether this is 'less than substantial harm' or 'substantial harm'. It is then necessary to counterbalance harm with the level of public benefits associated with the proposal (as set out in paras 193-196).

Separately, in respect of the non-designated heritage assets (Buildings of Character on West Street), it is necessary to refer to the guidance in para 1907 of the NPPF. This states that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The applicants provided a Heritage Statement which although contains references to the previous 2012 version of the NPPF and to a terrace of 4 dwellings (i.e. that proposed by the withdrawn application), the Statement does provide information in accordance with the relevant paragraphs of the NPPF 2019 as described above. The Statement concludes the proposal is acceptable in terms of visual amenity and would not be harmful to the identified heritage assets.

The Conservation Officer has assessed the proposal and comments are set out in full on the Council's website and summarised above. In short, the Conservation Officer considers the proposal results in harm to the designated heritage assets but that the level of harm is less than substantial. Therefore, para 196 of the NPPF is brought into play. This states: "this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use".

According to the Planning Practice Guidance, such benefits should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, they do not always have to be visible or accessible to the public to be genuine public benefits. Public benefits may include sustaining or enhancing the significance of a heritage asset and the contribution of its setting, reducing or removing risks to a heritage asset and securing the optimum viable use of a heritage asset in support of its long term conservation.

It is considered in this case that the proposal will result in the following public benefits:

- Provide new family sized housing with associated small scale social & economic benefits;
- Sympathetically redevelop an existing unused, vacant piece of land which is currently a magnet for unauthorised camping and littering; and
- Opening up this piece of land to street level views from West Street towards the hotel thus enhancing the openness of the majority of the site.

It should be noted that there is no direct harm (i.e. no alteration) to any of the non-designated heritage assets on West Street. The indirect impacts are to the setting of these assets - i.e. how they are experienced in the locality and streetscene. It is considered that as these are already experienced in an urban location, that the building of three more houses on the west of West Street will not harm the significance of these non-designated heritage assets.

The development has taken account of the planning history, particularly the comments of the Inspector from the 2016 appeal, and has proposed a scheme which focuses development along the site frontage with only small scale built features at the rear close to the hotel. This allows for the maintenance of the majority of the open space to the east of the hotel and is therefore less challenging to the landmark status of the Hotel building. The development includes a gap at the southern end which also preserves some views from West Street through the site. The design of the dwellings is more in character with that of existing terraced properties elsewhere in West Street.

The proposal complies with the guidance in the NPPF, with policies HER DM1 and HER DM3 of the ALP and with sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

OTHER DESIGN CONSIDERATIONS:

Policy D DM1 of the Arun Local Plan requires that the Council seek to make the best possible use of land by reflecting or improving upon the character of the site and the surrounding area. It requires the Council to consider scale, massing, aspect, siting, layout, density, building materials, landscaping, and design features. It is necessary that development demonstrates a high standard of architectural principles, use of building materials and hard and soft landscaping to reflect the local area. In terms of density, D DM1 requires that housing makes efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. The policy requires the scale of development keep within the general confines of the overall character of a locality. ALP policy D SP1 "Design" requires development to make an efficient use of land and also reflect local character.

Policy 2 of the Bognor Regis Neighbourhood Development Plan (BRNDP) states: "Development

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

The site lies between the two-three storey hotel building to the west, predominantly low pitched two storey dwellings to the north and an open area to the south. To the east on the opposite side of West Street, there is a mix of two and three storey dwellings. Buildings in the surrounding streetscene are considered to have differing heights, differing roof forms, differing window styles and different render colours. However, bay/sash windows are a common feature and there is also a prevalence of double or triple height bay windows. It is also noted that there are other instances of velux rooflight in the streetscene.

The building will be higher in both ridge and eaves heights than the existing two storey dwellings to the north but lower in height than some of the three storey buildings on the opposite side of West Street. However, it is not considered that the difference in height between the proposal and those buildings to the north is significant given the wide gap between the two sites which means that the height difference is less pronounced. The new building will be rendered (likely white but with materials to be agreed by condition) and includes both sash and bay windows to its elevations.

The building will be constructed on a building line not dissimilar to those to the north with space between the front and the back of the pavement. There will then be a low brick wall with railings which takes inspiration from the front boundary/entrance treatment to the Royal Norfolk Mews development.

It is acknowledged that the land is to be raised (and the finished floor level raised similarly) in order to ensure that future occupants are safe from current & future flood risk. It is not considered this additional height is such that the scale of the development is out of character with the surrounding area.

Overall, it is considered that the proposal complies with ALP policies D DM1, D SP1 and with BRNDP policy 2.

FLOOD RISK:

The site falls predominantly within Flood Zone (FZ) 1 but also with parts of the site within FZ 2 and 3. However, the proposed houses are entirely within FZ1. The site is also shown in the Councils Strategic Flood Risk Assessment (SFRA) as being at risk of flooding in the future, suggesting that the application site may become part of flood zone 3a by the year 2061.

ALP policy W DM2 states that development in areas at risk from flooding, will only be permitted where all of the following criteria have been satisfied:

- a. The sequential test in accordance with the National Planning Policy Guidance has been met.
- b. A site specific Flood Risk Assessment demonstrates that the development will be safe, including access and egress, without increasing flood risk elsewhere and reduce flood risk overall.
- c. The sustainability benefits to the wider community are clearly identified.
- d. The scheme identifies adaptation and mitigation measures.
- e. Appropriate flood warning and evacuation plans are in place; and
- f. New site drainage systems are designed to take account of events which exceed the normal design standard i.e. consideration of flood flow routing and utilising temporary storage areas."

The application is accompanied by a Flood Risk Assessment (FRA) which the Environment Agency have considered - they raise no objections provided that finished floor levels are set above 5.85m AOD.

A sequential assessment is required where a site is at high risk of current or future flooding. Para 158 of the NPPF states that the sequential approach should be used in areas known to be at risk now or in future from any form of flooding. Para 155 NPPF also states that the development "should be made safe for its lifetime without increasing flood risk elsewhere." Furthermore, para 33 (Reference ID: 7-033-20140306) of the associated Planning Practice Guidance states that it should not normally be necessary to apply the sequential test to development in proposals in flood zone 1 (and with a low probability of flooding from rivers or the sea) unless the flood risk assessment indicates there may be flooding issues now or in the future (for example by climate change).

As the application site will become part of Flood Xone 3a by the year 2061, it was necessary for the applicant to carry out a sequential site assessment. The revised Flood Risk Assessment states that:

- The Bognor Regis area is densely developed with little or no vacant sites available for development other than major developments along the sea front which are not comparable with the minor nature of this proposal;
- Other available residential sites lie outside the Bognor Regis area and again fall into the category of major developments;
- There are no sites with extant planning permission or submitted proposals similar to the application site in Bognor Regis itself;
- The only available minor sites are in Selsey, Littlehampton, Chichester or Angmering; and
- It is reasonably safe to assume that there are no available sites in the area with a lower risk of flooding.

Notwithstanding, the applicant, has stated in the revised 'Flood Risk Assessment and Mitigation' statement that relatively small mitigation measures can be undertaken to alleviate any risk and remove the site from present flood zones 2 and 3 together with the 2061 Zone 3a levels predicted in the future. These changes concern the raising of the proposed finished floor levels by 0.13m to 5.85m and also the raising of ground levels to a mean height of 5.7m. As result, the ground levels will be above the height of the 2061 predicted flood level.

In respect of the other criteria within the policy, the sustainability benefits to the wider community are set out in the Heritage Assets section of this report and the Councils drainage engineer has raised no objections to the drainage aspects of the scheme. Therefore, the proposal is considered to comply with ALP policy W DM2.

HIGHWAY SAFETY & PARKING:

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 parking, it states: "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". In addition, policy T DM1 requires that new development be located within easy access of established non-car transport modes/routes and also seek to contribute to the improvement of such routes & facilities.

Para 108 of the NPPF 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 109 which states that: "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."

It is proposed to take access from the existing driveway into the Royal Norfolk Mews development and therefore there will be no changes to the adopted highway network. The proposal is for 8 parking spaces (2 per dwelling with 2 visitor spaces) and this is in accordance with the parking demand generated by the proposal (7 spaces) as according to the West Sussex Parking Demand Calculator.

WSCC Highways have assessed the proposal and consider that the parking provision meets the required standards and that the access is safe and there have been no accidents associated with it. They therefore raise no objections. The proposal is therefore in accordance with policies T DM1 and T SP1 of the ALP and with the guidance on highway safety within the NPPF.

RESIDENTIAL AMENITY:

Policy D DM1 requires the Council have regard to certain aspects when considering development including having minimal impact to users and occupiers of nearby property and land. Policy D DM4 requires that extensions/alterations: sympathetically do not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties. Regard should be had to para 127 of the NPPF which states that developments should provide a high standard of residential amenity for existing and future users. 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 Council currently has no specific policies regarding the relationship between dwellings. However, 20m between dwellings is an accepted general standard and also ensures that rear private gardens to houses are at least 10m deep). Also 13.5m is an accepted standard for side to front/rear relationships. There is no general standard for flank to flank but flanks do not tend to contain principal windows therefore a narrow gap is often appropriate.

A previous application was partly refused on the grounds that there would be overlooking between hotel windows and new dwelling windows at a distance of only 9m. However, the appeal Inspector considered this relationship to be acceptable. The residential dwellings now proposed will be around 33m from the hotel and this is considered to be more than acceptable to preserve the privacy of hotel and residential occupiers. The relationship to the nearest dwelling to the north (Pennington Lodge, 40 West Street) is also acceptable as although this dwelling does have south facing principal windows, there is a gap of at least 17m and the new building's flank windows are secondary in nature and can therefore be obscure glazed to protect amenity.

The gap to the dwellings on the opposite side of West Street is predominantly around 16m and therefore less than the 20m 'rule'. However, this reflects an existing characteristic of the area and to avoid this would mean utilising a different building line which would have a greater impact on the hotel and the general character of the area. It is not considered that the new dwellings will result in any shading of existing dwellings/gardens and that the only new shading will be to the road and pavement when the sun is in the west.

The proposal therefore complies with policies D DM1 and QE SP1.

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 therefore 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 dwellings will be suitable for residential use. All three dwellings have the same layout

and size. The requirement for a three storey, 4 bedroom, 8 person house is 130m² but each of the dwellings have a floor area of at least 162m² and are therefore in compliance with the standards.

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. Until this Design Guide is published, there is no policy within the ALP regarding private gardens sizes. Para 127 of the NPPF states that planning decisions should ensure that developments have a high standard of amenity for existing and future users. Each of the dwellings will have a rear garden of at least 12.5m however dwelling 1 will have a garden that is longer than this in part and also wider than the other two houses. This will ensure that views through the site of the hotel are retained. A condition will be imposed to control any future development in this area. The amount of external amenity space is considered to be acceptable.

The proposal therefore complies with policies D DM1 & D DM2 and with the guidance within the NPPF on amenity (para. 127).

PAGHAM HARBOUR:

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

The application site lies within the designated Zone B and accordingly it was necessary to apply this requirement. The net increase in 3 dwellings results in a contribution of £2,613 at the current rate and this is secured by the signed legal agreement.

SUMMARY:

There is no in principle objection to residential development on this site within the built up area and it is considered that the proposal complies with development control criteria concerning highway safety, character, residential amenity, flood risk, parking and internal space standards. The report does conclude that there will be less than substantial harm to the affected heritage assets, however this harm is outweighed by the public benefits associated with the development.

It is therefore recommended that the application be approved subject to the following conditions and the signed S.106 legal agreement covering a financial contribution in respect of Pagham Harbour.

HUMAN RIGHTS ACT

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

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

report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

SECTION 106 DETAILS

This decision will be granted with a S106 legal agreement relating to a contribution of £2,613 towards the provision of accessible natural open green spaces to offset the impact of the development on the Pagham Harbour Special Protection Area.

RECOMMENDATION

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

Dwg. RNHB.PLAN 1 Ground Floor Plan & Front Elevations/Streetscene;
 Dwg. RNHB.PLAN 2 First Floor Plan, Attic Floor Plan, Typical Section;
 Dwg. RNHB.PLAN 3 West, South & North Elevations;
 Dwg. RNHB.PLAN 4 Storage Sheds and Covered Areas - Plans & Elevations;
 Dwg. RNHB.PLAN 5 Site Plan;
 Dwg. RNHB.PLAN 7 Location Plan;
 Dwg. RNHB.BLOCK PLAN Location Plan with Building Layout; and
 Proposed Street Scenes (Aug 2019).

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

- 3 The development permitted by this planning permission shall only be carried out in accordance with the submitted Flood Risk Assessment (FRA) as dated July 2019 and the following mitigation measures detailed within the FRA:

1. Finished floor levels are set no lower than 5.85m above Ordnance Datum (AOD);
2. Prior to occupation of any of the dwellings, a 225mm thick brick wall to the front and front side of the houses (in accordance with the approved drawings) shall be constructed to a minimum height of 450mm with framework to accommodate a sliding flood barrier shuttering in the gaps providing gated pedestrian access;

The mitigation measures shall be fully implemented prior to occupation and subsequently in

accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To ensure safe occupation of the dwellings and to reduce the risk of flooding to the proposed development and future occupants all in accordance with policy W DM2 of the Arun Local Plan and the National Planning Policy Framework.

- 4 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

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

- 5 Prior to the commencement of construction works details of a proposed foul drainage system shall be submitted to and approved in writing by the Local Planning Authority (including details of its siting, design and subsequent management / maintenance) and no dwelling shall be occupied until works for the disposal of sewage have been fully implemented in accordance with the approved details.

Reason: To ensure that the proposed development has a satisfactory means of disposing of foul sewerage in accordance with policies W DM1 and W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because it would not be possible to implement a foul drainage scheme once development had been completed.

- 6 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for all external surfaces of the proposed buildings have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the buildings.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity, the setting of the nearby Listed Building and the character and appearance of the Conservation Area by endeavouring to achieve a building of visual quality in accordance with policies D DM1, HER DM1 and HER DM3 of the Arun Local Plan and the National Planning Policy Framework.

- 7 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall

be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy D DM1 of the Arun District Local Plan.

- 8 Notwithstanding the submitted plans no development above damp proof course (DPC) level shall take place until details of all new boundary treatments have been submitted to and approved by the Local Planning Authority and none of the approved dwellings shall be occupied until such boundary treatments have been erected.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity, the setting of the nearby Listed Building and the character and appearance of the Conservation Area by endeavouring to achieve a building of visual quality in accordance with policies D DM1, HER DM1 and HER DM3 of the Arun Local Plan and the National Planning Policy Framework.

- 9 Prior to occupation of the new dwellings, a strategy for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings shall be submitted to the local planning authority for approval and thereafter implemented in accordance with the approved details and the charge points shall thereafter be permanently retained and maintained in good working condition.

Reason: New petrol and diesel cars/vans will not be sold beyond 2040, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun District Council Electric Vehicle Infrastructure Study (November 2017) and the National Planning Policy Framework

- 10 The new dwellings shall not be occupied unless and until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that the new houses will incorporate decentralised, renewable and low carbon energy supply systems. The approved scheme shall thereafter be implemented prior to occupation of the dwellings and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

Reason: To ensure that the development is energy efficient and in accordance with policy ECC SP2 of the Arun Local Plan.

- 11 No part of the development shall be first occupied until the car parking and turning spaces has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

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

- 12 No part of the development shall be first occupied until the covered and secure cycle parking/storage sheds and the bin storage spaces have been provided in accordance with the approved plans. The approved cycle storage and bin storage spaces shall thereafter be retained in good working condition.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and to protect the amenities of nearby residents in accordance with Arun Local Plan policies T SP1 & WM DM1 and the National Planning Policy Framework.

- 13 None of the approved dwellings shall be occupied unless and until details of the construction and materials of all new joinery (windows & doors) have been submitted to and approved by

the Local Planning Authority and the new joinery so approved shall be constructed in accordance with approved details.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity, the setting of the nearby Listed Building and the character and appearance of the Conservation Area by endeavouring to achieve a building of visual quality in accordance with policies D DM1, HER DM1 and HER DM3 of the Arun Local Plan and the National Planning Policy Framework.

- 14 All bathroom and toilet windows in the elevations of any of the dwellings hereby approved shall be glazed with obscured glass and permanently retained so thereafter.

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

- 15 The first and second floor landing/stairs windows in the northern flank wall of plot 3 shall at all times be glazed with obscured glass.

Reason: To protect the amenities and privacy of the residents of 40 West Street to the north in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

- 16 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the dwelling houses shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space, safeguard the cohesive appearance of the development and control the development in order to protect the setting of the adjacent Listed Building and the character & appearance of the Conservation Area in accordance with policies D DM1, HER DM1 and HER DM3 of the Arun Local Plan and the National Planning Policy Framework.

- 17 No demolition or construction activities shall take place, other than between 08.00 to 18.00 hours (Monday to Friday) and 08.00 to 13.00 hours (Saturday) with no noisy working activities on Sunday or Bank Holidays.

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

- 18 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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 19 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which is available to read on the SW website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.

- 20 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to a contribution of £2,613 towards the provision of accessible natural

open green spaces to serve the Pagham area.

- 21 INFORMATIVE: The Environment Agency strongly recommend the use of flood proofing and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage. To find out which measures will be effective for this development, please contact your building control department. In the meantime, if you'd like to find out more about reducing flood damage, visit the flood risk and coastal change pages of the planning practice guidance. The following documents may also be useful: Department for Communities and Local Government: Preparing for floods, <http://www.planningportal.gov.uk/uploads/odpm/4000000009282.pdf>, Department for Communities and Local Government: Improving the flood performance of new buildings: <http://www.communities.gov.uk/publications/planningandbuilding/improvingflood>
- 22 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes regarding surface water drainage are located here <https://www.arun.gov.uk/surfacewater> on Arun District Councils website. A surface water drainage checklist is available here <https://www.arun.gov.uk/drainagechecklist> on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.
- 23 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.