

Recommendation Report for Planning Permission

REF NO: BR/91/25/PL

LOCATION: 1 & 2 Sudley Terrace
High Street
Bognor Regis
PO21 1EY

PROPOSAL: Change of use of upper floors at 1 Sudley Terrace and additional storey to provide 4 No. 1 bed flats with associated works. This application may affect the setting of a listed building and is in CIL zone 4 (zero rated).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to change the use of the 1st and 2nd floor of the building and to construct a third floor to form 4.No flats.
TOPOGRAPHY	Predominantly flat.
SITE CHARACTERISTICS	The site is occupied by a semi detached building occupied of three storeys with the ground floor serving commercial premises. This adjoins a four storey property to the west which wraps around the corner.
CHARACTER OF LOCALITY	The area is mixed in use, with properties of three to four storeys in height, predominately with commercial units to the ground floor and residential above.

REPRESENTATIONS

Bognor Regis Town Council provided no objection.

No representation received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ENVIRONMENTAL HEALTH - No objection subject to conditions regarding noise and working hours.

WSCC HIGHWAYS - No objection.

CONSERVATION OFFICER - No harm to the setting and therefore no harm to the significance.

NATURAL ENGLAND - Further information required to determine the impacts.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. A Pagham Harbour S106 has been completed which addresses the comments raised by Natural England.

POLICY CONTEXT

Built up area boundary
Listed Building to rear
Pagham Harbour Zone B
Article 4
Town Centre Retail Boundary
Economic Growth Area

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development

[Bognor Regis Neighbourhood Plan 2015 Policy 4](#) Reducing underuse of property in the town centre

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

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

POLICY COMMENTARY

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

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that it would not result

in adverse harm upon the character of the area, amenity of residents nor upon nearby heritage assets.

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

- (2) in dealing with an application for planning permission the authority shall have regard to -
- (a) the provisions of the development plan, so far as material to the application,
 - (aza) a post examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

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

BIODIVERSITY NET GAIN

This application is not liable for Biodiversity Net Gain (BNG) being of de minimis threshold.

CONCLUSIONS

PRINCIPLE

The site is within the Built-Up Area boundary. This accords with Arun Local Plan (ALP) policy SD SP2 which seeks to focus new development in the BUABs and where the principle of development is acceptable subject to accordance with relevant policies. The key policies of the Arun Local Plan are D DM1, D DM4, HER DM1 and T SP1 of the Arun Local Plan.

The NPPF (paragraph 124) supports the effective and efficient use of land for sites in the built-up area but advises new development should maintain an area's prevailing character and setting (including residential gardens) and secure well-designed, attractive, and healthy places.

Paragraph 11(c) states that development proposals that accord with an up-to-date development plan should be approved without delay. 11(c) is relevant in this case as the proposal falls within the built-up area boundary and will be determined under an active adopted local plan.

The proposal is acceptable in principle given it would provide 4 flats in a sustainable town centre location which is in close proximity to shops, facilities and services. The proposal is acceptable in principle and is in accordance with paragraph 11c of the NPPF.

Bognor Regis has a made Neighbourhood Plan with policy 4 of relevance to this application. The Arun Design Guide (ADG) and Arun Parking Standards are also relevant.

DESIGN AND VISUAL AMENITY

The building forms part of a terrace of properties which fronts High Street and forms part of Bognor retail centre. The proposal seeks to change the use of the 1st and 2nd floor of the building. The ground floors will remain as existing retail space. The first floor and second floor currently serves as 4 offices and these will be converted to form 2.No flats. An additional floor is proposed to form a 3rd floor, which will have a further 2.No flats with 4 flats proposed in total.

The additional floor proposed is designed with a mansard roof with 4 small dormers. The development will be highly visible from the street scene due to its location, fronting Bognor High Street. The design and height of the roof will match that of the adjoining building at No 3/4 Sudley Terrace. The scale and

appearance of the building remains in keeping with surrounding development. The remainder of the works are predominately internal alterations to enable the conversion.

The materials will match that of the host and neighbouring property which again ensures it is appropriate in appearance to the wider area consisting of render and slate roof.

The proposal will alter the appearance of the building although will not appear out of character, nor exceed the height of neighbouring properties.

The ADG states the scheme should 'Respond to the existing scale and massing of the surrounding built environment, emulating this scale in the majority of cases.' 'Avoid insensitive extensions and alterations which deviate from the general scale and massing of the surrounding area'. The alterations to the roof are in keeping with the existing scale and massing of the area and accords with the ADG.

Policy 4 of the Bognor Regis Neighbourhood Plan states the reuse of empty/underused property above shops and commercial premises located along designated primary and secondary retail frontages will be supported. This application seeks to make a more efficient use of storage space above an existing shop and complies with Policy 4 of the Neighbourhood Plan.

The development appears appropriate in design and scale and will not result in adverse harm upon the surrounding area. As such it is in accordance with ALP policies D DM1 and D DM4, Policy 4 of the Bognor Neighbourhood Plan and the ADG.

RESIDENTIAL AMENITY

Policy D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality.

The proposal will provide 4 No flats. Whilst this may result in additional coming and goings from the site, this would not give rise to adverse harm and is consistent with other residential uses in the area.

The additional floor will not give rise to unacceptable overbearing or overshadowing as a result of its location on site, with the extension contained within the existing footprint of the building. The height of the building will match the height of both neighbouring buildings to the east and west.

To the rear, the building backs onto car parking which serves flats to the east. There is two storey development to the rear elevation which adjoins buildings to the west however the proposal is a sufficient distance away in such that it would not result in adverse overbearing.

There are two additional rear facing windows proposed at 4th floor level however due to the position of the development and surrounding development, it would not result in overlooking. Remaining windows serving the flats are existing and whilst there would be additional views by the change of use, the proposal would not result in adverse overlooking. Four front facing dormers would overlook the street scene.

The ADG states developments should 'Preserve the amenity of the original and neighbouring properties in terms of privacy and overshadowing'. The proposal complies with this.

The conversion and addition of another floor will not result in adverse harm by way of overbearing, overshadowing or overlooking upon neighbouring amenity in accordance with ALP policies D DM1 and D DM4 and the ADG.

SPACE STANDARDS

ALP Policy D DM1(3) indicates planning permission will only be granted where it has minimal impact on the users or occupiers of nearby land. This would be avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance.

The flats have a floor area at least 37sqm and these comply with the minimum nationally described space standards and the sizes of the proposed flats are acceptable.

Policy H.04 of the ADG SPD advises that outdoor amenity spaces should be of an appropriate size and shape and be usable and enjoyable. Balconies should provide a minimum of 3sqm of usable space.

No outdoor space is proposed due to the limited size of the plot. The site is within 100m walking distance to the Esplanade and 300m to Hotham Park.

Whilst no private amenity space is provided, in this case due to the siting of the development in close proximity to alternative public open space and town centre location, it is acceptable in accordance with ALP policy D DM2.

PARKING/HIGHWAYS

Policy T SP1 of the ALP supports development which incorporates appropriate levels of parking and promote sustainable transport methods.

Regard should be had to para 116 of the NPPF which states: "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".

The Arun Parking Standards note the site falls in Parking Zone 4 and for each 1-2 bed dwelling in this location, 1 parking space should be provided. A total of four parking spaces should be delivered by this proposal.

The application does not propose any parking spaces and does not comply with the guidance. The site is in a highly sustainable location, fronting Bognor High Street and is in close proximity to shops and services. The site is around a 300m walk from Bognor Railway Station and is in close proximity to public transport.

In terms of cycle parking, 1 space should be provided per flat with a total of 4 spaces required for this application. Cycle storage was proposed to the front of the building however the location was unsuitable for cycle storage, forward of the building line, with potential to clutter the highway. Due to the nature of the site, with no other suitable locations for cycle storage on site, in this case, a nil cycle storage provision is acceptable. The site is in a highly sustainable location.

The proposal does not technically comply with ADC Parking Standards as it does not provide parking on site. Due to its sustainable location, the development is acceptable on parking grounds and complies with ALP policy T SP1.

BIODIVERSITY

To comply with ALP Policy ENV DM5 biodiversity net gain should be demonstrated on site and this could be achieved through the installation of features such as green roofs, bird/bat boxes or the provision of new habitat on site.

No details have been provided with regards to a net gain at the site. The site is almost wholly built over and meets the de-minimis exemption from Statutory Biodiversity Net Gain. The site has minimal ecological value. A Phase 1 Bat Survey was provided which demonstrates that no evidence of bats were

found on site or within the roof voids and the dwelling has negligible potential for roosting bats.

Conditions securing the provision of two bird boxes at high level on the rear elevation have been attached to ensure the proposal would provide some biodiversity net gain in accordance with ALP policy ENV DM5.

HERITAGE

Policy HER DM1 relates to listed buildings and set out criteria for which proposals must meet in order to be acceptable. These include preservation or enhancement of the building, protecting its architectural and historical integrity, as well as its special interest.

Para 208 of the NPPF (2024) requires the Local Planning Authority (LPA) to identify the significance of the heritage asset affected by a proposed development. The building is located within the setting of a Grade II Listed Building, The Bognor Club, located to the rear of the property. This property derives its significance from its architectural and historical interest.

Para 212 of the NPPF (2024) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).

No's 1 & 2 Sudley Terrace form part of a larger terrace of four buildings which have clearly been altered over time from their simple early C.19 appearance. These changes include the introduction of replacement windows and doors. No's 3 and 4 have already been extended upwards through the addition of an extra storey and altered roof form.

The extension will provide an additional floor to the building at No 1 & 2 and will reflect the neighbouring example. These properties are not viewed in the context of the principal elevation of the listed building. The additional storey would be screened by the existing rooftop extensions to adjacent buildings, and as such, would not result in harm to the listed building's setting.

On balance, it is considered that the development will not adversely impact the setting of the listed building, and as a consequence, there is no harm to the overall significance of the heritage asset. The proposal complies with ALP policies HER SP1 and HER DM1 and the NPPF.

FLOOD RISK

ALP policy W DM2 refers to flood risk, the sequential/exception tests and mitigation measures.

The site is not in a flood risk zone nor at risk from climate change. However, the Arun mapping does indicate that the area has high groundwater.

As a result, the development will not give rise to an increase in flood risk and is in compliance with W DM2 of the ALP.

PAGHAM HARBOUR

Pagham Harbour is designated as a Special Protection Area and Ramsar site and ALP Policy ENV DM2 requires any proposals for new residential development within the Pagham harbour buffer zone (0 to 5km) to pay a contribution of £962 per new unit to contribute towards strategic access management measures.

A S106 has been completed for a contribution of £3848 towards Pagham Harbour mitigation and as such the scheme accords with ALP policy ENV DM2.

SUMMARY

The development accords with relevant development plan policies and is in accordance with 11(c) of the NPPF and is recommended for approval subject to conditions.

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

The site falls within 5km of the Pagham Harbour Management Zone which is a Special Protection Area. Any proposals for new residential development which is likely to have an impact (within the 5km zone) is required to contribute £962 per unit. A section 106 has been completed which provides £3848 for the cost of delivering 4 units.

CIL DETAILS

The application is exempt from CIL being flats within CIL zone 4.

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:

- Location Plan - 1817/DP01
- Block Plan - 1817/DP0
- Proposed Ground and First Floor Plan (not including cycle shelter) - 1817/DP07
- Proposed Second and Third Floor Plan - 1817/DP08
- Proposed Roof Plan - 1817/DP09
- Proposed South Elevation - 1817/DP10
- Proposed East and North Elevation - 1817/DP11

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

- 3 Prior to the occupation of the dwellings hereby approved two bird boxes shall be installed a maximum of 0.3m below the first-floor eaves of the eastern elevation of the building. The bird boxes shall be maintained in perpetuity.

Reason: To provide ecological enhancement and biodiversity net gain on site in accordance with Arun Local Plan Policy ENV DM5.

- 4 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to a financial contribution of £3848 towards the Pagham Harbour Access Management Mitigation Measures.

- 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 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.