

PLANNING APPLICATION REPORT

REF NO: BR/156/22/PL

LOCATION: 62-64
High Street
Bognor Regis
PO21 1SP

PROPOSAL: Upward extension of one storey and conversion of the existing first and second floors of the building to provide 38 student rooms along with associated elevational changes and reconfiguration of ground floor, including provision of refuse and recycling facilities and cycle store to the rear. This application may affect the setting of a Listed Building and is in CIL Zone 4 (zero rated) as flats.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	It is proposed to add a new storey, increasing its height from 12.5m to 15.3m but maintaining a flat roof. The building will be renewed with new windows to front/rear/side (plus projecting surrounds), new fibre cement rain screen cladding (A1 rated, non-combustible) provide new student accommodation. The ground floor will be altered to provide a new student entrance at the front and rear access to a bin store, 24 space cycle store and a lift. A communal laundry room will be at first floor level. The cafe (167m ²) will be retained and will have its mezzanine floor level upgraded to provide staff toilets. A 66m ² commercial unit (class E) will be retained at ground floor (replacing the gym). No parking is proposed.
SITE AREA	0.10 hectares.
TOPOGRAPHY	Predominantly flat.
SITE CHARACTERISTICS	The ground floor of 64 is partly occupied by a cafe and a vacant commercial unit (formerly part of the gym above). There used to be a gym at first floor, but it is understood that this space is currently vacant as is the 2nd floor. The building is from the 1960's and is formed from concrete, metal, brick and glass. It has a flat roof. It backs onto a rear service road which dead ends at this point. There are no boundary treatments.
CHARACTER OF LOCALITY	The site is in the centre of the Bognor Regis High Street and adjoins a Natwest bank. Morrisons car park lies to the rear and wraps around the western side of the building.

RELEVANT SITE HISTORY

BR/134/14/PL	Change of use of from office to Gym (D2 Assembly & Leisure)	ApproveConditionally 28-07-14
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BR/105/13/	Change of use from office to Gym (D2 Assembly & Leisure)	ApproveConditionally 21-06-13
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Permission was granted in 2013 to change the first floor to a gym and in 2014 to use half the ground floor as part of the same gym.

Permission was granted in February 2018 (BR/270/17/PL) for two additional storeys on a building 20m to the east (56 High Street). This was to facilitate conversion for 9 flats with offices at ground floor. Permission was granted under BR/270/18/PL for an additional 6 storeys above Wilkos on London Road to facilitate part use as student accommodation. This permission has lapsed but a resubmission is currently being determined.

REPRESENTATIONS

Bognor Regis Town Council object:

- Layout of cluster rooms and kitchen/diners which have the potential to cause fire risk & issues with emergency escape.
- The small size of the cluster rooms (16m² or less) will not provide acceptable living conditions.
- Whether the building is capable of conversion and able to support the additional load from the extra storey.
- The proposal provides no outside amenity space for occupiers in conflict with policy H SP4 of Arun Local Plan; and
- The proposal represents overdevelopment.

COMMENTS ON REPRESENTATIONS RECEIVED:

The objection is based on the consultation comments of the council's Structural Engineer and Private Sector Housing Officer set out below. These raise issues that are not capable of being planning considerations as they are governed by separate legislation (i.e., building regulations and private sector housing licensing). Outdoor space is a planning matter and will be discussed in the conclusions.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

NATURAL ENGLAND - no objection subject to a contribution to offset the likely impact of the accommodation in combination with other residential proposals on the Pagham Harbour Special Protection Area (SPA) and Ramsar site. Also require this be formally checked by way of an Appropriate Assessment.

SUSSEX POLICE - no objection but make a number of recommendations for measures to improve security. These are set out in full on the Councils website dated 12/07/22.

WSCC HIGHWAYS - no objection subject to conditions re construction management and cycle storage. Comment:

- The site is in a highly sustainable location near a variety of amenities. Walking, cycling, or using public transport for all these needs is readily available. There are bus services nearby providing access to the University.
- One cycle space will be provided per room.
- Drop off/pick-ups using the adjacent Morrisons car park or loading/unloading bays on the opposite side of the road will be possible.
- Enforceable parking restrictions are in place along High Street and the side roads in the vicinity of the site.
- The student letting agreement will have a clause which they agree to not bringing cars to the site; and
- Travel information packs should be provided to all students.

WSCC INFRASTRUCTURE - no objection subject to a fire and rescue contribution of £570 being provided to be used towards the supply and installation of additional fire safety equipment to vulnerable persons homes in West Sussex Fire Rescue Services Southern Area serving Bognor Regis.

WSCC FIRE - all points inside all flats are within 45m of a fire appliance in accordance with Approved Document B Volume 1 2019 Edition B5 section 13. This is to be measured along the hose lay route, not in a direct line or arc measurement. Any areas not in the 45m distance will need to be mitigated by the installation of domestic sprinkler or water mist system complying with BS9251 or BS8458 standard.

ADC STRUCTURAL ENGINEER - state there is no justification via a Structural Engineer's report to demonstrate the building is capable of conversion and able to support the additional load.

ADC ECONOMIC DEVELOPMENT - are pleased to see applications for residential accommodation at first floor level in town centres particularly where commercial occupation appears unlikely. This adds to the footfall and security of the area.

ADC ENVIRONMENTAL HEALTH - no objection subject to conditions re construction management/hours, internal noise levels, noise insulation, details of all new commercial plant / air moving equipment and post-completion noise testing.

ADC PRIVATE SECTOR HOUSING - raise concerns with the layout, namely:

- Whilst a fire curtain (roller shutter) will protect parts of the kitchens in case of a fire, fire could start elsewhere in the room or spread before activation.
- The only means of escape for the cluster bedrooms is through the kitchen.
- The layout of the cluster units & shared kitchens to the first, second and third floors should be reconfigured to avoid creating inner rooms.
- The en-suite shower rooms are too small to allow a person to dry themselves or change in.

Also, make recommendations regarding security, fire safety, lighting, internal room sizes and ventilation which will be relevant for when a license is applied for.

ADC CONSERVATION OFFICER - comments set out in full on the website but in summary:

- A heritage assessment has been provided but fails to identify the significance of the heritage assets affected in accordance with the definitions in the NPPF.
- The setting of the conservation area is varied with The Queensway to the north-east and other urban/suburban development to the north & west.
- The contribution the building makes to the setting of the Listed Building and its significance, is, at best, neutral.
- The building is a modern commercial office which is of poor design and quality. It is situated amongst a

group of more recent buildings which do not necessarily contribute towards the street character.

- The change of use to a form of residential use will help to ensure that there is a greater mix of uses in the town centre.
- It will help to ensure that the building can be better maintained.
- Whilst of a more standard, modern type of design, it will sit in with the surrounding buildings and not affect the way in which the non-designated heritage assets are experienced.
- Likewise, the fact that the site is separated from the conservation area by the mid-late C.20 designed buildings, and will be roughly the same height, means that the setting of the conservation area is not harmed; and
- The proposal will not result in harm to the setting of the designated assets and will not harm their significance.

ADC DRAINAGE ENGINEERS - Due to the scale, location, and type of application, have no conditions to request. Any alterations to surface water drainage must be designed and constructed in accordance with Building Regulations.

COMMENTS ON CONSULTATION RESPONSES:

Noted except as discussed below.

NATURAL ENGLAND - An Appropriate Assessment (AA) was issued to Natural England for review on the 6th of September 2022 and a copy is on the website. Natural England have previously advised it is appropriate for the contribution to be calculated using the same approach to student accommodation as the Bird Aware Solent strategy. This is because the site and interest features are similar to the Solent harbours, therefore it is likely that people, pets, and wildlife will behave in the same way. As pets are not allowed in student accommodation and around half of major disturbance events recorded in the Solent were from dogs off leads, a 50% reduction in the tariff is appropriate. To further achieve a consistent approach, 5 student bedrooms should be treated as one residential dwelling. Any response from Natural England will be reported by an update report.

WSCC FIRE - the comments refer to the Building Regulations which is a separate process and not something that can be subject to a condition. Therefore, an informative will be used to make the applicant aware of the requirement.

ADC STRUCTURAL ENGINEER - these issues are not planning considerations as they are governed by separate legislation. The applicant reviewed the comments and provided further information to demonstrate that structural issues have been considered and the building is capable of conversion and able to support additional load from the extra storey.

ADC PRIVATE SECTOR HOUSING - these issues are not planning considerations as they are governed by separate legislation. However, the applicant reviewed the comments and has issued an updated Technical Statement and floor plans. The floor plans now show a separate corridor access to the cluster flats (avoiding access through the kitchen) plus a heat activated fire resistant roller shutter curtain deployed around kitchen appliances. It is material that WSCC Fire raise no objection and that the front elevation is to be clad with an A1 rated, non-combustible material. Furthermore, the building is below the height threshold where a Fire Statement would be required under the The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

POLICY CONTEXT

Designations applicable to site:

Within the Built Up Boundary.
 Bognor Regis Economic Growth Area.
 Secondary Retail Frontage.
 Within 5km of Pagham Harbour SPA.
 Within 2km of Bognor Reef SSSI.
 Within 2km of Felpham SSSI.
 Current & Future Flood Zone 1.
 CIL Zone 4.

Within 60m of a Grade II Listed Building (61-65 High Street);
 Within 60m of The Steyne and Waterloo Square Conservation Area; and
 Close to several non-designated heritage assets (Buildings of Character).

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
EMPDM1	EMP DM1 Employment Land: Development Management
EMPSP1	EMP SP1 Strategic Economic Growth
EMPSP2	EMP SP2 Economic Growth Areas
ENVDM2	ENV DM2 Pagham Harbour
ENVDM5	ENV DM5 Development and biodiversity
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment
INFSP1	INF SP1 Infrastructure provision and implementation
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
RETDM1	RET DM1 Retail development
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WMDM1	WM DM1 Waste Management
WDM3	W DM3 Sustainable Urban Drainage Systems

<u>Bognor Regis Neighbourhood Plan 2015 Policy 1</u>	Delivery of the Vision
Bognor Regis Neighbourhood Plan 2015 Policy 4	Reducing underuse of property in the town centre
Bognor Regis Neighbourhood Plan 2015 Policy 8A	Design Excellence
Bognor Regis Neighbourhood Plan 2015 Policy 8B	Car Parking

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
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
SPD2	Conservation Areas

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. Relevant policies of the Bognor Regis Neighbourhood Development Plan (BRNDP) are discussed in this report.

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 the resultant building would not have a materially adverse effect on the townscape or the visual amenities of the locality and there would be no harm to amenities of any nearby residential properties. The lack of parking will not result in highway safety issues and there will be no harm to the viability or vitality of the Bognor Regis town centre. There will also be no harm to nearby heritage assets. However, there is some conflict with policy D DM4 in that the extension is not visually subservient to the host building and with H SP4 in that there is no amenity space.

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

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS**PRINCIPLE:**

The development is in the built-up area boundary (BUAB) where residential development is acceptable in

principle in accordance with policy SD SP2 of the Arun Local Plan (ALP) provided it is in accordance with other policies of the ALP covering such issues as impact on the town centre, heritage, design, residential amenity, space standards, highway safety, security, pollution, telecommunications, climate change, biodiversity, infrastructure, and impact on Pagham Harbour.

The National Planning Policy Framework (NPPF) advises decisions should promote and support the development of under-utilised land, especially if this would help to meet identified needs for housing (para 120d). Para 125 states where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that decisions avoid homes being built at low densities, and ensure developments make optimal use of the potential of each site. Higher densities are encouraged for city/town centres and other locations well served by public transport.

The proposal accords with ALP policy SD SP2 and with the NPPF guidance on the efficient use of land.

PLANNING POLICY ON HMOs:

The proposal, whilst described as student accommodation, could allow for future occupation as an HMO. It is therefore necessary to consider ALP policy H SP4 which states that applications for houses in multiple occupation (HMOs) will be favourably considered where the proposal contributes to the creation of sustainable, inclusive, and mixed communities and meet the following criteria:

- a. Do not adversely affect the character of the area including eroding the balance between different types of housing, including family housing.
- b. Do not contribute to the generation of excessive parking demands or traffic in an area; and
- c. Provide adequate areas of open space.

The development will support the local community by providing student accommodation to help meet future needs, support local educational institutions, create/maintain construction jobs and result in additional spending in the local area by future student residents. The proposal will increase footfall in the town centre and bring an element of passive surveillance to the town centre area during those times when it is least inhabited.

There is no conflict with criteria (a) as the use is in the town centre (not a residential area) and mixed uses are encouraged. Criteria (b) and (c) will be addressed in the rest of this report and despite the proposal not having any amenity space (which is a policy conflict), overall, the proposal is acceptable.

IMPACT ON THE TOWN CENTRE:

ALP policy RET SD1 states Bognor Regis and Littlehampton will be the main focus for major retail, leisure, commercial, office, tourism, cultural, community and residential development - and the council will positively welcome development & initiatives aimed at the sustainable economic growth and social wellbeing of these centres.

ALP policy EMP SP1 states the council will promote the sustainable growth of the District's economy to meet the varying needs of different economic sectors and to support regeneration within the two main towns. The policy sets out support for "the provision of appropriately scaled development where such uses compliment, and are compatible with, employment & commercial uses". The site is in the Bognor Regis Economic Growth Area and policy EMP SP2 seeks to enhance local employment opportunities and promote economic growth and regeneration to strengthen the economic base of the District and provide local job opportunities.

The student accommodation will increase footfall in and around the town centre which will result in a

boost to the sales of local shops, particularly those catering to the student demographic. A populated building in a central location adds an element of passive surveillance during times when an area is least inhabited, and this can help reduce anti-social behaviour in town centres - particularly in this case across the adjacent car park. This application attracted support from the council's Economic Development officers.

ALP policy RET DM1 states proposals for the re-use of vacant floorspace on the upper levels of commercial properties for residential, commercial and community purposes will be permitted provided that:

- (a) It can be demonstrated that non-retail use of the upper floor will not inhibit business needs for workspace, storage, or retail expansion.
- (b) The development has no significant adverse effects for the occupiers of neighbouring properties; and
- (c) The proposal reflects the need to minimise noise intrusion.

The policy states a reduction in car parking standards will normally be acceptable provided there is no adverse effect on levels of traffic congestion and road safety. Policy 4 of the BRNDP states proposals to reuse empty or underused property above shops and commercial premises along designated primary and secondary retail frontages will be supported.

The vacant ground floor commercial unit is not affected as the student entrance replaces an existing entrance lobby that provides access to the upper floors. Neither is the cafe which will receive a slight upgrade to its facilities on its upper ground floor (mezzanine) level. There are no neighbouring residential properties and although no noise assessment has been submitted (required by ALP policy QE DM1), the council's Environmental Health Officer raises no objections subject to conditions concerning new internal noise levels and new plant details. The proposal accords with ALP policies EMP SP1, EMP SP2 & RET DM1 and policy 4 of the BRNDP.

HERITAGE ASSETS:

The building is not a heritage asset in and does not lie in a protected heritage area. There are several nearby designated & non-designated heritage assets and there is potential for the development to affect the setting of these heritage assets.

ALP policy HER DM1 requires proposals to protect and enhance the setting of Listed Buildings. Policy HER SP1 refers to the need to protect the setting of non-designated heritage assets. Policy HER DM3 lists criteria for proposals affecting the setting of a Conservation Area. In particular, proposals should not harm important views into, out of or within the Conservation Area. BRNDP policy 1 requires that proposals affecting designated and non-designated heritage assets should demonstrate how proposed changes will support the delivery of relevant BRNDP objectives and the vision for Bognor Regis.

Paragraph 194 of the NPPF requires applicants to describe the significance of heritage assets affected, including any contribution made by their setting. Para 195 then requires Local Planning Authorities to identify and assess the particular significance of the heritage asset that is affected by a proposal. The Local Planning Authority must then consider the level of harm associated with the proposal and decide whether there is 'no harm', 'less than substantial harm' or 'substantial harm'. It is then necessary to counterbalance any harm with the level of public benefits associated with the proposal (as set out in para 202).

The planning statement includes a commentary on heritage issues but does not identify the significance of the affected heritage assets in accordance with the definitions in the NPPF. The Conservation Officer states the building will sit alongside the surrounding modern buildings and not affect the way in which the

non-designated heritage assets are experienced. The site is separated from the conservation area and associated Listed Buildings by mid-late 20th century buildings, and will be roughly the same height, such that the setting of the conservation area will not be harmed.

The Conservation Officer concludes there will be no harm and the proposal accords with relevant policies. There is no conflict with the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and the proposal can be supported.

DESIGN AND CHARACTER:

ALP policies D SP1 and D DM1 require development to make the best possible use of land by reflecting or improving on the character of the site/surrounding area. D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. These seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours, and the locality. In particular, extensions should be visually subservient to the host building.

BRNDP policy 8a is relevant due to this being a major development within the town centre area and it requires that new development demonstrate 'design excellence' and help to establish a strong sense of place, create attractive and comfortable places to live, work and visit. This should include using good quality materials.

The Arun Design Guide (ADG) is a material consideration and section J refers to building design and states new development must ensure the existing character and sense of place of an area is respected and enhanced. This can allow for new design forms but only where these take cues from well-designed elements of the area. New development should generally reflect the scale of existing buildings and should avoid overshadowing of neighbouring properties. Roof extensions should not be visually intrusive or block light into surrounding properties. They should not detract from the character and appearance of the building and local area.

The development will increase the height of the building by an additional storey (an increase of 2.8m) and the extension is not subservient to the building. Tall buildings are not inappropriate in the town centre and, as shown by the proposed elevation, the building will not be significantly higher than 56 High Street to the east, Gordon House (Iceland) to the west or the multi-storey car park to the north. It will be much lower than the extension of the Wilkos building to the north or the tallest building in the town centre (Fitzfleet House at 50m high).

The increased height will be most noticeable from ground level to the west, immediate south & east and from the car park to the north (including the upper levels of the multi-storey). Views from further afield will be hindered by existing roofs of other town centre buildings. The existing building is predominantly vacant and has a poor appearance to its elevations with missing sections of paint & irregular windows on its front and a west side elevation which has a mix of different shades of blue paint, light grey horizontally corrugated cladding and red brick.

The elevations will be upgraded with new and replacement windows (including projecting surrounds on the front), solar shading above windows at third floor level, fibre cement rain screen cladding on the front and part east side, painted render (rear & west side elevations) and a new canopy above the cafe's rear entrance. The materials are acceptable having regard to the existing appearance and that of other buildings in the town centre (including newer buildings such as 56 High Street), but a condition will still be imposed to control the colour and texture of the materials.

The development will bring the building back into use and smarten up its appearance which will be positive. The design approach taken appears to be consistent with the recently completed nearby

building to the east at 56 High Street. The development demonstrates a good standard of architectural principles, and the density of the scheme is appropriate given the sustainable location. There will be an impact on the character of the townscape in the immediate surroundings however, this will be a positive change to the local townscape and will bring about a positive improvement in the character of this part of the High Street.

The proposal conflicts with policy D DM4 in that the extension is not visually subservient to the host building and there is also conflict with the Design Guide for the same reason. However, there is no conflict with ALP policies D DM1 & D SP1 or with policy 8a of the BRNDP.

RESIDENTIAL AMENITY:

ALP policy D DM1 requires there be minimal impact to users/occupiers of nearby property and land. Policy QE SP1 requires all development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity. Policy D DM4 requires that extensions do not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties. The ADG sets out guidance on interface distances between dwellings and these are: 21m for back-to-back, 16m for front to front and 14m for front/back to side.

The site is not in a residential area and there are no nearby residential properties that would be adversely affected in respect of loss of light. There may be some residential conversions in upper floors of buildings fronting the High Street opposite however there is a distance of 20m between these front elevations. There is at least 28m to Gordon House to the west. There is no conflict with policies D DM1, QE SP1, D DM4 or the Design Guide.

QUALITY OF ACCOMMODATION:

As per ALP policy D DM2, it is necessary to assess the proposal against internal space standards in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if buildings will be suitable for residential use. Section J.08 of the ADG re-iterates this requirement. The standards do not provide any guidance for HMOs and as the accommodation has shared living accommodation, it is not appropriate to apply the standards for a 1 bed flat.

Arun has its own "Standards for Houses in Multiple Occupation" (March 2019) to which the comments of Private Sector Housing refer to. This is not a planning policy document and instead applies for when a private housing license is applied for. The applicant has been made aware of the concerns with room sizes. However, as this is covered by separate legislation, it is not a material planning consideration and does not require assessment through this planning application.

ALP Policy H SP4 does not define what level of open space is adequate for an HMO use and the ADG only provides standards for flatted accommodation or houses. The site has no external areas and does not include amenity space. However, this is acceptable given the location of the site in a short walk of the seafront, Waterloo Square and Hothampton Sunken Gardens. It is material that no communal amenity space was provided for the flat conversion at 56 High Street. The proposal complies with ALP policy D DM2 and the Design Guide. There is a partial conflict with ALP policy HSP4.

HIGHWAY SAFETY & PARKING:

ALP policy T SP1 seeks to ensure development provides safe access on to the highway network; contributes to highway improvements (where appropriate) and promotes sustainable transport. Schemes should accommodate efficient delivery of goods and supplies; give priority to pedestrian and cycle movements, be accessed by high quality public transport facilities, create safe and secure layouts for

traffic, cyclists and pedestrians and provide appropriate levels of parking. The Council also has a Parking Standards SPD. BRNDP policy 8b states that major developments should demonstrate that they do not impact on existing capacity of public highways to accommodate parking and regard should be had to seasonality of parking needs in Bognor Regis.

WSCC Highways raise no objection. In respect of parking, they note the management plan proposes each student tenancy agreement will include a no car ownership clause. Furthermore, that there is provision nearby using public parking spaces for students to be picked up/dropped-off. The management plan will be enforced by way of a planning condition and this approach is the same as that applied to other student developments in Bognor Regis including but not limited to BR/42/22/PL (Highfield Road), BR/270/18/PL (London Road) and BR/270/16/PL (Campbell Road).

Due to the sustainable location, students will not need to own a car to get between the site and University or to access shops, local services, and other facilities. WSCC Highways state the nil parking provision will not adversely affect highway safety. The application includes a large internal cycle store such that students can cycle to and from nearby facilities whilst remaining confident of the security of their bicycle.

The proposal complies with the NPPF guidance and the relevant policies of the development plan.

LIGHT POLLUTION:

ALP policy QE DM2 states outdoor lighting should not have an adverse impact on neighbouring uses or the wider landscape. Further, that schemes proposing outdoor lighting be accompanied by an assessment. The application is silent on lighting proposals. There is no objection from Environmental Health, and it is possible to impose a condition to secure approval of any new external lighting. On this basis, the proposal accords with QE DM2.

SECURITY:

Policy D DM1 requires new development provide security measures to make places feel safer. It states this should be achieved through natural surveillance and human presence by locating buildings along public routes and spaces. It is also relevant to consider 'Secured by Design' principles.

The proposal will add movement and population to an underutilised building and will provide passive surveillance over surrounding land. New lighting (if proposed & approved) will further aid in reducing any concealed nearby locations available for potential crime. The application has been assessed by Sussex Police who raise no objections but make a series of recommendations on security. An informative will direct the applicant to ensure that these measures are implemented. The proposal is in accordance with policy D DM1.

WASTE MANAGEMENT:

ALP policy WM DM1 advises that all new residential development must be designed to ensure that kerbside collection is possible for municipal waste vehicles. Section H.07 of the ADG advises that it should meet the requirements of users of the buildings while being as unobtrusive as possible. It should be convenient and safe for users to access and ensure efficient collection by waste vehicles.

A large refuse and recycling store is shown to be provided in the rear part of the building at ground floor. This will be accessed internally or from a rear access door. The bins would be appropriately managed by the appointed management company to ensure that they are maintained, cleaned and waste is regularly collected. Waste is already collected from the rear of the site and so there is no change to the existing

situation.

TELECOMMUNICATIONS:

ALP policy TEL SP1 state all proposals for residential, employment and commercial development must be designed to be connected to high quality communications infrastructure. This policy will be adhered to by means of a condition to require evidence of such a connection before the student rooms are occupied. On this basis, there is no conflict with the policy.

CLIMATE CHANGE/SUSTAINABLE CONTRUCTION:

ALP policy ECC SP2 requires all new residential and commercial development be energy efficient and should incorporate decentralised, renewable, and low carbon energy supply systems. It states for major developments, 10% of the total predicted energy requirements should be produced from renewable/low carbon energy generation on site, unless it is demonstrated this is unviable. Policy ECC SP1 requires that new development be designed to adapt to impacts arising from climate change. The application states the scheme will incorporate a significant area of PV solar panels on the flat roof together with heating and hot water assistance by air source heat pumps although gas will still be used for cooking. On this basis and with the imposition of a condition to secure the appropriate energy efficiency technologies, the proposal will comply with the relevant policies.

BIODIVERSITY:

ALP policy ENV DM5 requires proposals achieve a net gain in biodiversity and protect habitats on site. The application is not accompanied by an ecological appraisal but existing buildings in high density urban areas and town centres tend to have low potential as habitat for protected species therefore this is acceptable. However, it is still necessary to demonstrate biodiversity net gain and a condition will be imposed to require that bird/bat nesting facilities are placed on the building. This satisfies policy requirements.

STRUCTURAL ISSUES:

There are no policies in the development plan which discuss the structural aspects of development other than in respect of Listed Buildings or the conversion of rural buildings. Further to the comments of the Structural Engineer, the applicant supplied structural calculations to demonstrate that structural issues have already been considered and that the existing building is capable of conversion and able to support the additional load from the extra storey. These structural matters will then be assessed through Building Regulations.

INFRASTRUCTURE REQUIREMENTS:

ALP policy INF SP1 requires development proposals provide or contribute towards the infrastructure & services needed to support development to meet the needs of future occupiers and the existing community. This type of development is not liable for CIL, so it is appropriate to seek mitigations through a s106 legal agreement.

WSCC have requested a financial contribution of £570 towards the supply and installation of fire safety equipment to vulnerable persons homes in the West Sussex Fire Rescue Services Southern Area serving Bognor Regis. This will offset the impacts of the proposal by improving the safety of other existing properties in the area. This contribution is necessary to make the development acceptable in terms of ALP policy INF SP1, is directly related to the needs of the development (with the contributions required to meet the demands of - and mitigate the impacts of - the development) and is fairly &

reasonably related in scale and kind. Such a contribution has previously been secured for other student accommodation schemes in the local area such as BR/270/18/PL (London Road) and BR/311/18/PL (Chichester University). This will be secured by a s106 agreement.

PAGHAM HARBOUR:

ALP policy ENV DM2 requires residential developments in 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 unit was agreed by the Council's Cabinet on 10 April 2017. The site lies in the designated Zone B and in accordance with previous advice from Natural England, the contribution has been calculated in accordance with the same approach to student accommodation as the Bird Aware Solent strategy.

As pets are not allowed in student accommodation and around half of major disturbance events recorded in the Solent were from instances where dogs were off a lead, a 50% reduction in the tariff is appropriate. To achieve a consistent approach, 5 student bedrooms should then be treated as one residential dwelling. The contribution has been calculated by dividing the number of bedrooms by 5 and then by 2. The contribution will be £3,309.80 and this will be secured by a s106 agreement.

Notwithstanding, ADC are required by planning law to carry out an Appropriate Assessment (AA) to assess the impact of increased recreational disturbance arising from the proposal on the Pagham Harbour Special Protection Area (SPA) & Ramsar Site. An AA was issued to Natural England for review on the 6th of September 2022 and any comments from Natural England will be reported to the Meeting. As such, there is no conflict with policy ENV DM2

SUMMARY:

The development will alter the character of the local townscape however this impact will be generally positive, particularly given the underused nature of the building and its poor appearance. The development will benefit the town centre through increased footfall and better natural surveillance of existing public spaces.

There is some conflict with D DM4 and the ADG in that the extensions are not visually subservient to the building, but this conflict is outweighed by the benefits to the scheme. Similarly, the benefits outweigh the minor policy conflict in respect of amenity space provision. The report has addressed all of the relevant policies of the ALP, BRNDP and the NPPF. There will be no harm to the town centre, to the character of the area, to heritage assets, to residential amenity, to the existing environment and townscape or to the safety and convenience of local highways.

The proposal would represent a boost to the Council's current HLS shortfall, meets the definition of sustainable development and an approval would accord with paragraph 11d of the NPPF which 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 (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". The ALP is broadly not out of date but as there is a housing land shortfall, para 11d does apply.

The recommendation is for Planning Committee to delegate to the Group Head of Planning in consultation with the Chair and Vice Chair with authority to:

- (a) Grant planning permission subject to conditions; and
- (b) Subject to a Section 106 Agreement, the terms of which are substantially in accordance with those

set out in this report with any minor amendments authorised by the Group Head of Planning

Should the s106 not be completed within 4 months of the date of the Planning Committee's resolution to grant planning permission, then the application shall be refused for the following reasons:

(1) In the absence of a signed Section 106 agreement, the development makes no provision for contributions to improving local fire & rescue services and is thereby contrary to the aims and objectives of the NPPF and Arun Local Plan policy INF SP1.

(2) In the absence of a signed Section 106 agreement, the application fails to make a financial contribution towards the cost of providing accessible natural open green spaces to mitigate the harm to the Pagham Harbour Special Protection Area and the proposal is therefore not in accordance with Arun Local Plan policies ENV DM1 and ENV DM2.

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 in accordance with a s106 legal agreement which secures:

FIRE AND RESCUE

A contribution of £570 to be used towards the supply and installation of additional fire safety equipment to vulnerable persons homes in the West Sussex Fire Rescue Services Southern Area serving Bognor Regis.

PAGHAM HARBOUR

A contribution of £3,309.80 towards the cost of delivering measures to avoid, or mitigate to an acceptable level, the harm caused to Pagham Harbour.

CIL DETAILS

There is no CIL payable for student accommodation.

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

- 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 and documents:

PL102 "Proposed Site Plan".
PL105 Rev C "Proposed Ground & First Floor Plan".
PL106 Rev C "Proposed Second & Third Floor Plans" .
PL107 "Proposed Roof Plan".
PL108 "Proposed South & East Elevations".
PL109 "Proposed North & West Elevations".
PL110 "Proposed Section"; and
"Technical Statement" Rev A 12/08/22.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D DM1, D DM4, T SP1, QE DM1, QE DM2 and QE SP1 of the Arun Local Plan.

- 3 No construction activities shall take place other than from 08:00 hours until 18:00 hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no work involving power tools or machinery on Sunday or Bank/Public Holidays. In addition to these hours of working, the Local Planning Authority may approve in writing a schedule of activities where it is necessary to conduct works outside the hours specified in this condition.

Reason: To protect the amenity of existing town centre residential occupiers such as those at nearby Gordon House or above existing commercial properties in accordance with policy QE DM1 of the Arun Local Plan.

- 4 The development permitted shall only be carried out and occupied in accordance with the submitted "Proposed Management Plan" by Fresh Development/My Student Lets. The proposed mitigation/management measures shall be fully implemented prior to occupation of any part of the building and adhered to permanently thereafter. There shall be no deviation from these mitigation measures without approval in writing from the Local Planning Authority. This condition shall apply to any future alternative uses of the building unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that local parking facilities are not adversely affected and to protect the amenities of nearby local residents, nearby businesses, and the new residents within the

proposed accommodation in accordance with policies T SP1, T DM1, QE DM1 and QE SP1 of the Arun Local Plan.

- 5 No development shall take place, including any works of demolition, until a Construction & Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority (who shall consult with West Sussex County Council and the Councils Environmental Health Officers & Structural Engineer). Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction (including details of any access by mobile cranes if required),
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials, and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works,
- An indicative programme for carrying out of the works,
- Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s),
- Safety measures to protect the occupiers of affected buildings and the general public during the construction phase
- Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination,
- Measures to control the emission of dust and dirt during construction,
- A scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In the interests of the safety/amenity of nearby residents & occupiers of any nearby noise sensitive premises, the safety & general amenities of the area and in the interests of highway safety in accordance with policies D DM1, QE SP1, QE DM1, QE DM2, QE DM3 and T SP1 of the Arun Local Plan and the NPPF. This is required to be a pre-commencement condition because it is necessary to have the site set-up agreed prior to access by construction staff.

- 6 Prior to the commencement of the development hereby approved, a scheme to demonstrate that the internal noise levels within the residential units will conform to the 'Indoor ambient noise levels for dwellings' guideline values specified within Table 4 under section 7.7.2 of BS 8233:2014 and shall be complied by a competent acoustician on sound insulation and noise reduction for buildings and shall be submitted to and approved in writing by the Local Planning Authority. The scheme should take into account the correct number of air changes required for noise affected rooms. The works specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: To protect the amenity of future occupants in accordance with policy QE DM1 of the Arun Local Plan. This is required to be a pre-commencement condition because some measures may need to be built into the fabric of the building.

- 7 Details, including acoustic specifications, of all fixed plant, machinery and equipment

associated with air moving equipment including fans, ducting and external openings, compressors, generators or plant or equipment of a like kind, installed within the site which has the potential to cause noise disturbance to any noise sensitive receivers, shall be submitted to and approved by the Local Planning Authority before installation. The rating level of noise emitted from the use of this plant, machinery or equipment shall not exceed the measured background sound level when assessed by a competent acoustician using BS 4142:2014, at any adjoining or nearby noise sensitive premises. All plant shall be enclosed with sound insulating material and mounted in a way which will minimise transmission of structure-borne sound.

The approved plant shall be maintained in accordance with the approved details and shall not be altered without the prior written approval of the Local Planning Authority.

Reason: To protect the amenity of future occupants in accordance with policy QE DM1 of the Arun Local Plan.

- 8 No development other than structural improvements to the existing building shall take place unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction/refurbishment of the resultant building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and the character & appearance of the town centre area by endeavouring to achieve a building of visual quality in accordance with policies HER SP1, D SP1, D DM1 and D DM4 of the Arun Local Plan.

- 9 No development other than structural improvements to the existing building shall take place until full details of the placement of bird/bat nesting facilities on the building have been submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented in full prior to occupation and thereafter retained to the satisfaction of the Local Planning Authority.

Reason: In the interests of biodiversity enhancement as per the requirements of Arun Local Plan policy ENV DM5 and the NPPF.

- 10 No development other than structural improvements to the existing building shall take place unless and until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that the development will achieve energy efficiency measures that reflect the current standards applicable at the time of submission and incorporate decentralised, renewable and low carbon energy supply systems. The approved scheme shall thereafter be implemented prior to occupation of any part of the new buildings 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 Prior to the occupation of any of the new student bedrooms, a strategy for the provision of the highest available headline speed of broadband provision to future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall take into account the timetable for the delivery of 'superfast broadband' (defined as having a headline access speed of 24Mb or more) in the vicinity of the site (to the extent that such information is available). The strategy shall seek to ensure that upon occupation of a dwelling, the provision of the highest available headline speed of broadband service to that dwelling

from a site-wide network is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway. Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site will continue in accordance with the approved strategy.

Reason: To safeguard the amenities of future residents in accordance with Arun Local Plan policy TEL SP1.

- 12 No individual student room hereby approved shall be occupied until the optional requirement for restricted water consumption in Part G of the Building Regulations as demonstrated through the water calculator has been complied with for that accommodation.

Reason: To improve the sustainability of the dwellings in accordance with policy W DM1 of the Arun Local Plan.

- 13 The sound insulation of the floor / ceiling between the ground and first floor shall achieve a minimum airborne sound insulation value of 50 dB (DnT,w + Ctr). Before the student accommodation is brought into first use, a test shall be undertaken by a competent acoustician and submitted to the Local Planning Authority to demonstrate compliance with this level.

Reason: To protect the amenity of future residential occupiers in accordance with policy QE SP1 of the Arun Local Plan.

- 14 Following implementation of the building envelope, glazing and ventilation specifications (where appropriate), sound testing shall be carried out to demonstrate that the internal noise levels within the residential units will conform to the 'Indoor ambient noise levels for dwellings' guideline values specified within Table 4 under section 7.7.2 of BS 8233:2014.

Reason: To protect the amenity of future occupants in accordance with policy QE DM1 of the Arun Local Plan.

- 15 No new external lighting shall be installed on the building or site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The scheme should seek to conform with the recommendations within BS5489:1-2013 or updated standard. The lighting approved shall be installed and shall then be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the area, the interests of minimising crime and to minimise unnecessary light spillage outside the development site in accordance with policies QE SP1 and QE DM2 of the Arun Local Plan.

- 16 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 17 **INFORMATIVE:** This decision has been granted in conjunction with a section 106 legal agreement to secure the following provisions:

FIRE AND RESCUE

A contribution of £570 to be used towards the supply and installation of additional fire safety equipment to vulnerable persons homes in the West Sussex Fire Rescue Services Southern Area serving Bognor Regis.

PAGHAM HARBOUR

A contribution of £3,309.80 towards the cost of delivering measures to avoid, or mitigate to an acceptable level, the harm caused to Pagham Harbour.

- 18 INFORMATIVE: A formal application for connection to the public sewerage system may be 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 the New Connections Services Charging Arrangements documents at <https://beta.southernwater.co.uk/infrastructurecharges>.
- 19 INFORMATIVE: In the interests of crime prevention and deterrence, the development should incorporate security measures in accordance with the consultation advice of Sussex Police as available on the Councils website (dated 12 July 2022).
- 20 INFORMATIVE: Please note the recommendations of our Private Sector Housing Team on our website dated 03/08/22 and 23/08/22 which includes guidance on fire safety, ventilation, lighting, other hazards and licensing standards.
- 21 INFORMATIVE: Surface water drainage should be designed and constructed to comply with building regulation requirements. Infiltration should be fully investigated, if however it is found that infiltration does not work controlled discharge to ordinary watercourse will be required. The applicant should be aware that any proposals to discharge flows to a watercourse require Ordinary Watercourse Land Drainage Consent prior to works.
- 22 INFORMATIVE: All parts of the new student accommodation must be within 45m of a fire appliance in accordance with the requirements of Approved Document B: Volume 1 2019 edition B5 section 13. Any areas not within the 45 metre distance will need to be mitigated by the installation of domestic sprinkler or water mist system complying with BS9251 or BS4854 standards.
- 23 INFORMATIVE: The applicant should provide Travel information packs for each student let informing them of all available transport options in the locality and should also offer travel vouchers to encourage use of these.

BACKGROUND PAPERS

[The documents relating to this application can be viewed on the Arun District Council website by going to https://www.arun.gov.uk/weekly-lists and entering the application reference or directly by clicking on this link.](https://www.arun.gov.uk/weekly-lists)

BR/156/22/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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