

Recommendation Report for Planning Permission

REF NO: BE/74/18/PL

LOCATION: 1 Finch Gardens
Bersted
PO22 9EQ

PROPOSAL: Erection of 1 No. attached dwelling

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This two bedroom dwelling will be attached to 1 Finch Gardens and will become an end of terrace house. It will be same height and a similar width with materials to match. It has one off-street parking space on the frontage and a second within a new bay at the rear of the garden. No. 1 retains two off-street frontage parking. Bin storage is in the rear garden and it will be necessary to erect a new dividing boundary fence between the dwellings.
SITE AREA	0.1 hectares
RESIDENTIAL DEVELOPMENT DENSITY	10 per hectare.
TOPOGRAPHY	Predominantly flat but slight slope up from Finch Gardens and the garage is also slightly below the level of the verge on Woodlands Road.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Open plan to the front, 1.8m high wall to Woodlands Road.
SITE CHARACTERISTICS	Residential site comprising two storey, two bed semi-detached dwelling with large front forecourt parking area and detached flat roofed single garage to west side. First floor flank bathroom window. Red brick, green/grey hanging tiles to the front and grey concrete roof tiles.
CHARACTER OF LOCALITY	Residential area - mix of semi-detached, link detached and terraced two storey dwellings. Some bungalows on Woodlands Road. The new western building line will match with that of no. 27 Finch Gardens opposite. Neighbouring properties consist of: - 27 Finch Gardens (opposite) - two storey semi-detached dwelling in a matching design to 1 Finch Gardens; - 71 Woodlands Road (to the west) - semi-detached bungalow; and - 88 Woodlands Road (behind the site) - two storey end terrace dwelling with a first floor flank obscure glazed bathroom window facing the site.

None.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bersted Parish Council

Originally objected for the following reasons:

- (1) Overdevelopment and not sustainable as required in the Arun LP Policy SD SP1;
- (2) Bersted Neighbourhood Plan Policy HDQ8 requires two parking spaces per dwelling and the planning committee does not consider this application has the space to provide that for the existing and new dwelling. (each frontage is 4 metres wide); and
- (3) Highway safety - the proposed dwelling is at the junction of a road and causes concern for entry and egress from the property.

Following consultation on the amended plans, advised that: "Original objection still stands but a further comment regarding the revised plans is that the kerb is dropped where the proposed parking for this property is shown."

In addition, 5 letters of objection raising the following issues:

- (1) Houses in this location are all semi-detached;
- (2) Unduly cramped and un-neighbourly development turning a corner section from semi-detached to terraced - harmful to local character;
- (3) Prominent corner where visual impact much greater;
- (4) Harmful impact on safety of Woodlands Road which is a very busy through road and bus route;
- (5) Local parking spaces are limited;
- (6) Frontage is not wide enough to sustain 2 x 2 cars thus resulting in cars parking on the road;
- (7) Loss of light to 2, 3 & 4 Finch Gardens;
- (8) Harm to open aspect of 69 Woodlands Road and the openness of the area;
- (9) Objection to relocation of the lamp post closer to the front of 3 or 4 Finch Gardens; and
- (10) Impact on existing house prices.

COMMENTS ON REPRESENTATIONS RECEIVED:

In respect of the Parish Council comments, issues relating to sustainability and highway safety will be considered within the conclusions section, however, the site now provides sufficient space to allow the off-street parking of 4 cars and this has been agreed by WSCC Highways.

The following comments are offered in response to the local resident objections:

- (1) It is agreed that nos. 1-4 and nos. 22-27 Finch Gardens plus 65/67 & 69/71 Woodlands Road are all semi-detached. However, there are terraced dwellings to the immediate north of the site and also at the eastern end of Finch Gardens;
- (2) - (3) Visual Amenity and Character will be considered within the conclusions section;
- (4) Highway safety will be considered within the conclusions section;
- (5) Parking issues will be considered within the conclusions section;
- (6) This objection related to the original plans and this has now been resolved to the satisfaction of WSCC Highways;
- (7) -(8) Residential amenity issues are considered within the conclusions section;
- (9) WSCC Highways state it is unlikely there will be a need to relocate the lamp post; and

(10) This is not a material planning consideration.

The applicant has provided a letter in support which makes the following points:

- 1-4 Finch Gardens have NNE facing gardens which get no sun in the gardens during the winter months. In the summer they only get sun in the back 3/4 of the gardens until the sun comes round to the West and then the shadows from boundary fencing gradually takes away the sun;
- There will be no overshadowing to the garden of 2 Finch Gardens and would be happy to prove this with photos or professional shadow drawings if required.
- 1 Finch Gardens is a semi-detached house on a very diverse estate. To the left of the house is one more semi and then a row of 7 terraces. To its right are bungalows and directly behind are another row of terraces. Opposite are three semis, which are not symmetrical to the side of 1 Finch Gardens;
- The dwelling would bring the building line out no further than the opposite house;
- Consider that people would be hard pressed to tell that new dwelling was not part of the original estate once it was completed;
- The 3m grass verge (that belongs to 1 Finch Gardens will remain undeveloped and open, to be of benefit to neighbours and residents of the estate; and
- Boundary wall will stay in place and new dwelling will be in the same position as the garage.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

Environmental Health

Natural England

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

NATURAL ENGLAND - No objection subject to a contribution being secured in respect of the Pagham Harbour mitigation measures.

WSCC HIGHWAYS - Following re-consultation on amended plans, now raise no objection subject to conditions on access, parking spaces and cycle storage. Comment that:

- If this application is approved, the applicant will be required to apply for a license from the local area office to carry out the works on the highway;
- Relocation of the lamp column is no longer anticipated to be required;
- Extending the vehicle crossover may affect the existing water point & gull, therefore the applicant should contact the appropriate utility company to discuss the relocation and/or incorporation of these into the proposed development;
- The new plan shows that all 4 car parking spaces for both the existing and proposed dwellings now meet the minimum dimensions for Manual for Streets (MfS) of 2.4m x 4.8m;
- The site is approximately a 10 minute bicycle ride from Bognor Regis train station; and
- Local bus stops are also within a minutes' walk from the site.

ADC DRAINAGE ENGINEERS - Comment that the proposed development is not located within a fluvial or pluvial flood risk zone and that the scale of development and its location means that they have no additional comments to make or conditions to recommend regarding surface water drainage.

ADC ENVIRONMENTAL HEALTH - No objection in principle. Requests a condition to protect residents

from noise from construction machinery and vehicles.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Drainage will instead be dealt with by the Building Regulations process.

POLICY CONTEXT

Designations applicable to site:

Within the Built Up Area Boundary; and
Pagham Harbour Zone B.

DEVELOPMENT PLAN POLICES

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
ENVDM2	ENV DM2 Pagham Harbour
HSP1	HSP1 Housing allocation the housing requirement
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development

Bersted Neighbourhood Plan 2014 Policy ES1	Design of new development
Bersted Neighbourhood Plan 2014 Policy ES2	Surface water management
Bersted Neighbourhood Plan 2014 Policy ES5	Building design
Bersted Neighbourhood Plan 2014 Policy HDQ2	Integration of new housing
Bersted Neighbourhood Plan 2014 Policy HDQ5	Design of new housing development
Bersted Neighbourhood Plan 2014 Policy HDQ6	Outdoor space
Bersted Neighbourhood Plan 2014 Policy HDQ7	Attention to detail
Bersted Neighbourhood Plan 2014 Policy HDQ8	Car parking

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011-31, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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.

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

The relevant Bersted Neighbourhood Development Plan policies have been considered within this report.

Section 38 (5) of the Planning and Compulsory Purchase Act 2004, states that: "If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document".

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 complies with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality, the safety of local highways, the residential amenities of the adjoining properties or upon the established character of the surrounding 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:

The ALP 2011-2031 (ALP) was adopted on the 18th July. With this in place, the Council can demonstrate an NPPF compliant 5 year housing land supply. This site lies within the built up area boundary where development is acceptable in principle in accordance with ALP policy SD SP2 and provided it is in accordance with other policies of the Local Plan covering such issues as visual amenity/character, residential amenity, highway safety & parking and space standards.

Paragraph 118 (d) of the NPPF states that "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".

SUSTAINABILITY:

It is noted that Bersted Parish Council consider that the proposal is not sustainable development and does not comply with ALP policy SD SP1. This states that:

"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). It will work pro-actively with applicants to jointly find solutions which mean that proposals can be approved wherever possible and to secure development that will contribute to the social, economic and environmental conditions south of the National Park through to the coast and throughout its settlements (both coastal and inland)."

This site is in a sustainable urban location which is within walking and cycling distance of a range of shops, facilities and services. There is a doctors surgery within a walk of 500m, a primary school within a walk of 665m and two large supermarkets within around 1.6km. There are bus stops within a short walk to the north, on Rowan Way and south close to the junction of Woodlands Road & Cygnet Walk. The proposal results in minor economic and social benefits including additional Council Tax receipts, a New Homes Bonus payment, the maintenance of construction jobs, additional spending by new residents on local goods & services, a new starter family dwelling to help meet future needs. It is not considered that there are harmful environmental costs to the proposal.

It is therefore considered that the proposal complies with ALP policy SD SP1 and the guidance on sustainable development within the NPPF.

VISUAL AMENITY & CHARACTER:

Bersted Parish Council and local residents consider the proposal to be an overdevelopment, to be cramped & unneighbourly and also harmful to both the streetscene and local character.

Policy D DM1 of the ALP 2011-2031 requires that the Council have regard to certain aspects including:

(1) Character - "Make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features.";

(2) Appearance/attractiveness - "Demonstrate a high standard of architectural principles, use of building materials, craftsmanship and hard and soft landscaping to reflect the local area";

(13) Density - "The density of new housing will make 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. Proposals should take into account the density of the site and its surroundings. The density of large sites should be varied to guard against uniformity"; and

(14) Scale - "The scale of development should keep within the general confines of the overall character of a locality unless it can be demonstrated that the contrary would bring a substantial visual improvement."

Furthermore, policy D SP1 "Design" states that:

"All development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details. Development proposals should have been derived from: a thorough site analysis and context appraisal; adherence to objectives informing sustainable design (inclusivity, adaptability, security, attractiveness, usability, health and wellbeing, climate change mitigation and habitats); and the influence these objectives have on the form of the development. With major developments or allocated sites in the Development Plan, in addition to a Design and Access Statement,

a context appraisal, context plan and analysis of the site will also be required."

Policy D DM4 relates to applications to extend existing buildings and states that:

"When considering applications for extensions and alterations to existing buildings, the Council will require that:

- a. the extension or alteration sympathetically relates to and is visually integrated with, the existing building in siting, massing, design, form, scale and materials;
- b. the extension or alteration is visually subservient to the main building and provide a high standard of amenity;
- d. in streets characterised by relatively small gaps at first floor level between buildings, any extension or alteration at first floor level does not come to within a minimum of one metre of the side boundary and;
- e. the extension or alteration does not compromise the established spatial character and pattern of the place but is instead a positive addition."

Bersted Neighbourhood Plan (BNDP) policies ES1, ES5, HDQ2, HDQ5 and HDQ7 are all relevant. Policy ES1 states that: "New development which would have an effect on the appearance or character of the surrounding area should be of a high quality design and should contribute to local character by creating a sense of place appropriate to it's location". Policy ES5 requires that building design contribute positively to the historic character of Bersted.

Policy HDQ2 states that "Proposals for new housing must ensure that the new homes are well connected to the surrounding area and visually integrated with their surroundings." Furthermore, HDQ5 requires that new housing is of a high quality and is designed to reflect the local character.

Policy HDQ7 requires that the following items are integrated into the design at an early stage:

- bin stores and recycling facilities;
- cycle stores;
- meter boxes;
- lighting;
- flues and ventilation ducts;
- satellite dishes and telephone lines; and
- gutters and pipes.

The dwelling will be attached to the existing dwelling and will have the same front building line. The western flank building line will match with the existing western flank wall of no. 27 Finch Gardens opposite. It is accepted that the proposal results in development closer to Woodlands Road however there remains grass verge between the new house and the pavement and this verge has a depth of between 2 and 3m. It is not considered that the siting of the dwelling forward of the building line of nos. 88-94 Woodlands Road is harmful to the character of the area due to the 11m distance to these properties.

As stated elsewhere in this report, the area has a mixed character with instances of semi-detached, link detached and terraced housing plus bungalows to the west on Woodland Avenue. The addition of a dwelling will result in a change to the character of nos. 1-4 Finch Gardens but it is not considered that this will be harmful to the prevailing character of the area. In terms of the layout, the dwelling will have a very similar footprint and garden size to that of other dwellings on this side of Finch Gardens and as such, it is not considered that an argument can be made that this is a cramped form of development.

It is not considered that the proposal will fully comply with ALP policy D DM4 as it is not a subservient

addition to the existing dwelling. However, this is acceptable given a subservient new dwelling would not be in character or visually integrate with the existing form of development.

Although the proposal would not fully comply with ALP policy D DM4, it will comply with ALP policies D DM1 & D SP1 as well as policies ES1, HDQ2, HDQ5 and HDQ7 of the BNDP.

HIGHWAYS & PARKING:

It is noted that Bersted Parish Council and local residents consider that the proposal will have a harmful impact on the safety of Woodlands Road and that local parking spaces are limited.

ALP 2011-2031 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 highway safety, it states that:

"The Council will support transport and development which: Explains how the development has been designed to: (i) accommodate the efficient delivery of goods and supplies; (ii) give priority to pedestrian and cycle movements and have access to high quality public transport facilities; (iii) create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter."

In respect of parking, it states that:

"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"

BNDP policy HDQ8 requires a minimum of two spaces per dwelling. It states developments which removes off road parking spaces will not be supported unless alternative provision is made which increases or maintains the number of parking spaces.

NPPF Para 108 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 also be had to paragraph 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."

The proposal provides 2 off-street parking spaces per dwelling and accords with the WSCC parking space standards. Therefore, there is no conflict with BNDP policy HDQ8. It is noted that the WSCC parking demand calculator indicates a likely demand, based on the requirements of both houses, of 5 spaces i.e. an additional visitor space share between two. It is noted that residents consider there to be only limited space within the locality for on-street parking. However, it is not considered that the occasional parking of an extra car would adversely affect the safety of the local highway.

The side of the site fronts onto Woodlands Road and the parking of a car within the short section of frontage between the Finch Gardens junction and 88 Woodlands Road would not create conflict with existing residents (i.e. the conflict that is created when a car is parked outside someone else's house).

WSCC Highways have carefully assessed this scheme. They originally raised objection due to the fact that the four parking spaces originally shown on the frontage were not of the correct dimensions. The scheme was then amended to only show three spaces on the front with a fourth to the rear. The Highways advice as received concludes that the proposal would not a 'severe' impact on the operation of

the Highway network and therefore is not contrary to the National Planning Policy Framework (paragraph 109), and there are no transport grounds to resist the proposal.

It is considered the proposal accords with policy T SP1 of the ALP and with policy HDQ8 of the BNDP.

RESIDENTIAL AMENITY:

Local residents consider that the proposal will result in a harmful loss of light to nos. 2, 3 & 4 Finch Gardens and will also have an overbearing impact to the amenity of 69 Woodlands Road.

ALP policy D DM1 requires the Council have regard to certain aspects when considering new development including: (3) Impact - "Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance."

Furthermore, policy D DM4 (c) requires that extensions or alterations do not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties.

Finally, policy QE SP1 states that: "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 natural environment or upon leisure and recreational activities enjoyed by residents and visitors to the District."

There are no policies within the BNDP which refer to residential amenity issues.

It is not considered that the dwelling will result in harmful overlooking of neighbouring properties. The new flank bathroom window will be obscure glazed and will be 19m from the front windows of the Woodlands Road bungalows to the west. This distance and the presence of verge, public pavement and road between will also ensure that there is no harmful overbearing impact to the bungalows. The new rear windows will look out across private gardens toward the front parking area of 88 Woodlands Road. The new front windows will be at least 20m from the front of 27 Finch Gardens opposite.

Nearby non-adjoining residents to the east consider that the new house will take away light to their gardens. The occupier of no. 1 disputes this. The new house will be to the west of these existing properties and as such could affect sunlight during the evening when the sun is typically higher in the sky than in the mornings. Aside from a small rear single storey projection, the new house will have the same rear building line as the existing dwelling, and it is not considered it will have any greater impact on those gardens to the east than the existing dwelling. 2-4 Finch Gardens have rear single storey extensions and their immediate private garden space is further north than that for no. 1.

The dwelling includes a 1.06m deep rear single storey projection which has the potential to harm the amenity of the existing dwelling. This projection accords with the 45 degree rule and would not be considered to be overbearing or cause harm by reason of loss of light to the existing dwelling.

It is considered the proposal complies with ALP policies D DM1, D DM4 (c) and QE SP1.

SPACE STANDARDS:

Policy D DM2 of the ALP 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 necessary to assess the proposal against the internal space standards set out in the Governments Technical Housing Standards (Nationally Described

Space Standard) to determine whether the two houses are suitable for residential use.

This two storey, two bedroom, four person dwelling would require a gross internal floor area of 79m². The dwelling has an internal floor area of only 76.1m² and is therefore 2.9m² short. It should be noted that the dwelling is 4.2m² larger than the existing dwelling which therefore is 7.1m² less than the standard. It is therefore considered that the new dwelling is an improvement on the existing dwelling and it is not considered that a refusal could be sustained for this minor shortfall in space standards.

ALP policy D DM1 refers to the need for compliance with the Arun Design Guide. This is to replace policy D DM3 "External Space Standards" which was deleted at the request of the Local Plan Inspector. Until such time as this Design Guide is published, there is no policy within the Arun Local Plan regarding private gardens sizes. However, regard should be had to paragraph 127 of the NPPF which requires that new development has a high standard of amenity for existing and future users. In addition, policy HDQ6 of the BNDP states that "A private outdoor garden amenity space, or a shared amenity area must be provided for all new dwellings. The proposal includes a private garden area which is of a similar size and depth to that of other dwellings on the north side of Finch Gardens and is therefore acceptable.

The proposal is therefore considered to comply with BNDP policy HDQ6 and with ALP policy D DM1.

PAGHAM HARBOUR:

The application is accompanied by a signed legal agreement relating to a payment of £871 towards the mitigation of the impacts of the development on the Pagham Harbour Special Protection Area.

Arun Local Plan 2011-2031 policy ENV DM2 states that all 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 £1,275 per new residential unit was agreed by the Councils Cabinet on 20 July 2015. The report to Cabinet stated that:

"The access management measures identified are referred to as Strategic Access Management and Monitoring (SAMMs). As these do not include the allocation of specific land, they are not classified as physical infrastructure, and are not included under the definition of infrastructure within Section 216 of the Planning Act 2008, meaning the pooling restrictions as set out under Regulation 123 of the CIL Regulations (2010) as amended, does not apply. It is common practice by many other authorities (for example Elmbridge) that contributions towards SAMMs are gathered through S106 planning obligations. This approach has also been confirmed within Counsel advice sought by the Council. As a contribution is required to make the development acceptable in planning terms, it is therefore in compliance with the tests under Regulation 122 of the CIL Regulations (2010) as amended"

The Councils Cabinet subsequently approved a reduction in the tariff from £1,275 to £871 as of the 10th April 2017.

The application site lies within the designated Zone B and accordingly it was necessary to apply this requirement. The net increase of one dwelling resulted in a contribution of £871 at the current rate and it is this that is secured by the signed legal agreement.

SUMMARY:

This new dwelling represents an efficient use of currently under-utilised urban land and does so without compromising the visual amenity of the area, the amenities of existing neighbouring residential occupiers or the safety of the public highway. There is some conflict with policy D DM4 of the ALP but this is outweighed by compliance with all other policies and with the fact that the proposal concerns a

new dwelling not an extension. It is recommended that the planning permission be granted subject to the following conditions and the agreed legal agreement.

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 conjunction with a Section 106 legal agreement relating to a contribution of £871 towards the Pagham Harbour Access Management Mitigation Measures.

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:

Drawing 1 Rev A "Location Plan";
Drawing 2 Rev A "Block Plan";
Drawing 13 Rev D "Proposed Site Plan";
Drawing ADC/9/18-15 "Proposed Elevations"; and
Drawing ADC/9/18-14 "Proposed Floor Plans";

Reason: For the avoidance of doubt and in the interests of amenity and the environment in

accordance with policies D DM1 and T SP1 of the Arun Local Plan.

- 3 The materials/finishes of the external walls/roofs of the new dwelling hereby permitted shall match in colour/texture with those of the existing building, 1 Finch Gardens.

Reason: In the interests of amenity in accordance with D DM1 and D SP1 of the Arun Local Plan.

- 4 No part of the development shall be first occupied 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 includes the use of renewable energy supply systems. The approved scheme shall thereafter be implemented prior to occupation of the dwelling 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.

- 5 No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on drawing 13 Rev D "Proposed Site Plan".

Reason: In the interests of road safety and in accordance with T SP1 of the Arun Local Plan.

- 6 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan (Drawing 13 Rev D "Proposed Site Plan"). These spaces shall thereafter be retained at all times for their designated purpose.

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

- 7 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority. The cycle spaces shall thereafter be permanently retained in good working condition.

Reason: To provide alternative travel options to the use of the car in accordance with policies T SP1 and T DM1 of the Arun Local Plan.

- 8 No construction machinery or construction vehicles shall be operated at the site during the construction process and no construction deliveries taken at or dispatched from the site except between the hours of 07:30am to 17:30 Monday to Friday, 08:00 to 13:00 Saturday and not at any time on Sundays, bank or public holidays.

Reason: To protect the amenity of other residential houses within Finch Gardens and Woodlands Road during the construction process in accordance with policy QE SP1 of the Arun Local Plan.

- 9 The bathroom window on the new western elevation of the building shall at all times be glazed with obscured glass.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policy D DM1 of the Arun Local Plan.

- 10 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 but not 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 existing layout in respect of parking provision and garden space in accordance with policies T SP1 and D DM1 of the Arun Local Plan.

11 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.

12 INFORMATIVE: The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted. Additional information about the licence application process can be found at the following web page:

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-orcrossovers-for-driveways-licence/>

Online applications can be made at the link below, alternatively please call 01243 642105.

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-orcrossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-applicationform/>

13 INFORMATIVE: The applicant is responsible for liaising with the necessary utility company and other involved parties in respect of relocating the lamp column (if required), as well as covering the cost.

14 INFORMATIVE: The applicant should contact the relevant utility company to discuss the relocation and/or incorporation of the existing infrastructure into the proposed vehicle crossover.

15 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to a contribution of £871 towards the provision of accessible natural open green spaces to serve the Pagham area.