

Recommendation Report for Planning Permission

REF NO: BE/7/21/PL

LOCATION: 377-379 Chichester Road
Bersted
PO21 5AT

PROPOSAL: Demolition of outbuilding & change of use of redundant shop to 3 No. two bedroom flats, associated parking & gardens. This site is in CIL Zone 4 (Zero Rated) & may affect the setting of a listed building.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is for the conversion of the ground floor shop to 3 two bed flats and alterations to the building, the demolition of the outbuilding and the provision of on-site parking and garden areas. The long ground floor front elevation would be broken up with a recessed front entrance to two of the flats and one new window. The shuttered shop entrance, display panels and refuse storage area will be removed. The new fenestration would match the flats on the upper floors. To the rear some of the utilitarian single storey will be converted to residential use and up and over doors will be replaced with matching brickwork and fenestration to match the flats above. The existing outbuilding at the east end of the service yard will be removed and replaced with private and communal gardens and pedestrian access to the existing and proposed flats. A cycle storage shed and refuse storage area will be provided along the southern edge of the site.
SITE AREA	0.07 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	143 dwellings/hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Low flint wall on the sound eastern boundary, dwarf brick wall to the front of existing ground floor flat, up to 2m high brick wall to the south on the boundary with No 13 Chalcraft Lane.
SITE CHARACTERISTICS	Two and half storey substantial brick built building with single storey lean to roof front projection that fronts the pavement along Chichester Road. A large portion of the ground floor having been designed to accommodate retail which has been vacant for at least four years. The upper floors of the building

CHARACTER OF LOCALITY

comprise 5 one bed flats and 1 two bed flat. The ground floor comprises 1 one bedroom flat. The main building is characterised by a double ridge gabled roof with gabled dormers on the north east roof plane and roof-lights on the south-western. Single storey extensions to the south west elevation (to be demolished) with a hardstanding parking area.

Built-up area comprising predominantly residential 2 storey set back semi-detached and terrace dwellings of substantial size and regularity along Chichester Road and very well set residential, detached, semidetached bungalows and two storey terrace along Chalcraft Lane. The property is on the dominant corner position on the southern corner of junction of Chalcraft Lane, Chichester Road and North Bersted Street with The Royal Oak, grade II listed building, in the middle of the junction and Holy Cross Church on the opposite side of Chichester Road. A pair of semi-detached Nos 373 & 375 Chichester Road to the immediate south-east are grade II listed buildings as well.

RELEVANT SITE HISTORY

BE/10/05/	Demolition of existing dwelling house, shop & storage buildings & erection of new shop and 6 no. flats together with associated parking.	ApproveConditionally 11-05-05
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None

REPRESENTATIONS

Bersted Parish Council: No objection but make following comments: Effect of on street parking should be considered as the development is near a junction and mini roundabouts on Chichester Road.

1 letter of objection: At the moment everyone that lives in the flats parks in empty shop car park and the question is where they will end up?

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

- Highways have not objected and commented: 'it is unlikely that the proposal for C3 use would have an adverse impact on the local highway network.'
- This application is for a conversion of redundant shop to 3 flats with associated parking. The applicant in their Design & Access Statement expressed an intention to either leave all spaces unallocated and allow upper and lower ground floor flat residents to use them or allocate one parking space to each of the proposed two bed flats, leave the disabled space and fifth parking space with an electric charge point for all residents and visitors.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ECONOMIC DEVELOPMENT has no comment on this application.

ENGINEERS Comments on Surface Water Drainage: Due to scale, location and type of application we have no conditions to request. Any alterations to surface water drainage must be designed and constructed in accordance with building regulations.

SOUTHREN WATER: requires a formal application for a connection to public foul.

CONSERVATION OFFICER: There are two grade II listed buildings; The Royal Oak diagonally opposite and a pair of semi-detached to the south-east, early 19th centuries Cottages constructed from cobbles and they are of architectural and historical significance. The proposal building due to its retail use at ground floor level imposes a blank elevations dominated by brickwork thus not presenting a positive appearance especially viewed in the context of neighbouring buildings. The additional windows on the north-east elevation would be an improvement upon the ground floor elevation enhancing this blank wall. Scale and appearance of the windows are acceptable. It is suggested the roof lights be of conservation standard to ensure a more appropriate appearance for the neighbouring listed building. The demolition of the outbuildings and their replacement with garden improves the relationship with the neighbouring heritage assets. The proposal will not harm the settings of the heritage assets, or their significance as a result.

WSCC Highways Authority comments: Taking into account the existing shop use in terms of highway safety and level of activity of the site, it is unlikely the proposal for C3 use would have an adverse impact on the local highway network.

AD GREEN SPACE: This is a prominent building visible from the road, but which development could be used to enhance the visual impact in this location. No objection subject to suggested condition.

NATURAL ENGLAND: No objection, subject to the appropriate financial contribution an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).

ENVIRONMENTAL HEALTH: No objection in principle to the proposal, subject to condition.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The Appropriate Assessment has been sent to Natural England and approved.

POLICY CONTEXT

Designation applicable to site:

Pagham Harbour Access Management Zone B;
Built-Up Area Boundary;
Listed Buildings LLC Layer.

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
ENVDM2	ENV DM2 Pagham Harbour
ENVDM5	ENV DM5 Development and biodiversity
HERDM1	HER DM1 Listed Buildings
HERSP1	HER SP1 The Historic Environment
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
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

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 EE4	Local shopping facilities
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

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The relevant policies of the Bersted Neighbourhood Development Plan have been taken into account in determining this application: ES1 Design of new development, ES2 Surface water management, ES5 Building design, EE4 Local shopping facilities, HDQ6 Outdoor Space, HDQ7 Attention to detail and HDQ8 Car parking.

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 Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area. The proposal is not considered to materially affect the character or the setting of the Grade II Listed Buildings.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

KEY ISSUES

The key issues are principle, loss of retail unit, design and visual amenity, residential amenity, highways/traffic, impact on heritage assets and impact on Pagham Harbour.

PRINCIPLE:

The site is in the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan and provided it is in accordance with other policies of the Local Plan covering such issues as principle of conversion, character, residential amenity, noise, highway safety & parking and space standards.

Regard should be had to policy SD SP1 of the Arun Local Plan which states "When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF)." Para 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 where land supply is constrained and available sites could be used more effectively (for example converting space above shops)".

The NPPF is an important material consideration in determining planning applications. It sets out a presumption in favour of approving sustainable development. Para 11 of the NPPF confirms the presumption in favour of sustainable development and advocates in section d) that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites) granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

The Council can demonstrate a 3.3 year supply of housing land and therefore, relevant policies for the supply of housing should not be considered up to date, which triggers the presumption in favour of sustainable development under footnote 7 and paragraph 11(d) of the NPPF (2019).

Irrespective of the housing land supply position, it is necessary to consider whether the proposal would be sustainable development for which there is a presumption in favour.

The site is in a sustainable location in walking distance of a range of shops, facilities and services, this includes a public house opposite, a Tesco Express a short distance to the east of the site. There are frequent bus services on Chichester Road providing access to Bognor Regis, Littlehampton, Chichester etc. and this includes Chichester and Barnham Railway stations. Bus stops for these services are located a very short distance of the site. Therefore, the LPA considers the development comprises sustainable development when assessed against the three objectives in the NPPF.

The proposed development complies with policies SD SP2 and SD SP1 of the Arun Local Plan and relevant paragraphs of the NPPF.

PRINCIPLE OF CONVERSION:

Policy RET DM1 protects retail units. The underlying intent behind Policy RET DM1 is to maintain the retail offering in the District. In the case of this application, the entire retail floor space would be lost. Individual proposals for changes of use from retail are considered under Section 2 of policy RET DM1 and the Council will take account of location of premises. Section 2 sets 3 criteria: a. The proposal would not create a concentration of non retail uses; b. Proposal is in keeping with the character of the area; c. There is no detrimental effect on the character or amenities of the area. The Council will require evidence that the unit has not been made deliberately unviable.

Policy RET SP1 of the Local Plan supports development in Bognor Regis that forms the major focus for residential development throughout the plan period. Policy RET SP1 accords with para 8 of the NPPF in achieving the environmental role of sustainable development by guiding housing to sustainable built up locations. Para 68(c) of the NPPF requires planning authorities to support the development of windfall sites through their policies and decisions - giving great weight to the benefits of using suitable sites within existing settlements for homes.

Policy EE4 of the Bersted Neighbourhood Development Plan states development proposals involving changes of use of ground floor premises from retail to non retail uses will only be permitted where it can be shown the development would not harm the vitality of local shopping facilities or the amenities of the area and a shop window display frontage in keeping with the character of the area is maintained.

The development utilises a site which provides a mix of retail and residential units and delivers three 2 bed flats towards the Council's annualised housing targets in a period where a housing land supply exists has been identified. The development would deliver these additional flats on a previously developed site which is sustainably located. Such an approach is supported by policy RET SP1 of the Arun Local Plan and paragraph 68(c) of the NPPF.

The applicant in their Design and Access Statement states the shop owner operated a convenience store until about 7 years ago, when it closed due to lack of viability. They secured a tenant who attempted to operate a convenience store. It proved not to be viable and closed in November 2016. The premises have been continuously marketed since by Parsons Son and Basley Commercial lettings or by the owner of the premises. No one has taken on the lease despite the offer of reduced start up lease arrangements. The shop premises have been vacant ever since, despite marketing.

The development results in 3 additional flats and would improve the relationship with the neighbouring heritage assets. There is a Tesco Express and other shops a very short distance to the east. There are massive food retail units located a short drive or bus ride to the east.

The proposal would satisfy the requirement of section 2 of the Arun Local Plan policy RET SP1 and relevant paragraphs of the National Planning Policy Framework

HERITAGE:

Policy HER SP1 of the Arun Local stresses that designated heritage assets will be given the highest level of protection. Policy HER DM2 plan requires that all Locally Listed Buildings must be largely intact and not adversely affected by later extensions or alternations and preferably, although not exclusively, they should make a positive contribution to their surroundings or the street scene.

Policy ES5 of the Bersted Neighbourhood Development Plan sets down that the design of new buildings should contribute positively to the historic character. Listed Buildings and their settings and Conservation Areas and their settings, will be conserved and enhanced to reinforce the quality and character of Bersted.

NPPF part16 states that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so they can be enjoyed for their contribution to the quality of life of existing and future generations. In para 190 the local planning authority is required to consider the significance of heritage assets (including the setting) that may be affected by the proposal.

NPPF para 193 states that considering the impact of a development on the significance of a designated heritage asset, great weight should be given to the asset's conservation irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to significance; and where a development proposal (paragraph 196) will lead to less than substantial harm to the significance of designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The property is in close proximity to designated heritage assets, such as 375, 373 Chichester Road and The Royal Oak PH, Grade II Listed Buildings.

The proposal is for the conversion of a shop premises at the ground floor to residential is considered acceptable since it allows the building to remain in use whilst reflecting the mixed use character of the locality. The conversion would involve small external changes to the front elevation. The long ground floor front elevation would be broken up with a recessed front entrance to two of the flats and one new window would be inserted to the unanimated elevation of single storey projection ground floor and two roof-lights would be inserted to its lean to roof. The new fenestration would match that of the flats on the upper floors. The Conservation Officer suggested that roof lights be of conservation standard to ensure a more appropriate appearance for the neighbouring listed building. The changes to the rear would not be visible in the context of the heritage assets and as a result will have a neutral impact. The Conservation Officer shares the opinion that the application is considered to not cause harm to the significance of the heritage assets or their setting.

The development would satisfy the requirements of NPPF, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the policies HER SP1 and HER DM2 of the Arun Local Plan and policy ES7 of the Bersted Neighbourhood Development Plan.

CHARACTER OF THE AREA:

Policy D DM1 of the Arun Local Plan 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.";

(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."

Policy D SP1 "Design" states: "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.

Policies ES1 and HDQ5 of the Bersted Neighbourhood Development Plan require new development to be of a high quality and to reflect the character of the location.

The Arun Design Guide Supplementary Planning Document (SPD) adopted 25th January 2021 is a material consideration in the determination of applications. Part R.O1 which deals with Apartments, requires development to provide flatted developments which integrate well with and respond sensitively to their setting. Well-designed apartment buildings make a valuable contribution to meeting housing.

Para 127 of the NPPF states: "Planning policies and decisions should ensure that developments: (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)."

The National Design Guide was published in 1 October 2019. Part C1 maintains that well-designed places are:

- based on a sound understanding of the features of the site and the surrounding context, using baseline studies as a starting point for design;
- integrated into their surroundings so they relate well to them;
- influenced by and influence their context positively; and
- responsive to local history, culture and heritage.

There are no considerable changes to the external appearance of front elevation except of the animation of a blank elevations dominated by brickwork through the insertion of a new fenestration, presenting a positive appearance especially viewed in the context of the neighbouring buildings. The additional windows on the north-east elevation would be an improvement on the existing ground floor elevation enhancing this blank wall. The proposal will transform the large area of vacant ground floors into residential self-contained flats. To the rear some of the utilitarian single storey wing will be converted to residential use and the up and over doors will be replaced with matching brickwork and fenestration to match the flats above. The outbuilding at the east end of the rear service yard will be removed and replaced with private and communal gardens and pedestrian access to the existing and proposed flats. The changes would be visually integrated with the rear of the proposal building in sitting, massing and design and would respond to the pattern of surrounded development. It is not considered that the proposal property would detract from the local and wider area's character.

The proposal complies with Arun Local Plan policies D DM1, D SP1, policy ES5 of the Bersted Neighbourhood Development Plan, Arun Design Guide and with the guidance on character in the NPPF.

NOISE & RESIDENTIAL AMENITY:

Arun Local Plan policy D DM1 requires that 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."

Policy QE SP1 states: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity, the natural environment or upon leisure and recreational activities enjoyed by residents and visitors to the District."

Policy QE DM1 seeks to protect against the impacts of new noise generating development. It states that: "Developers proposing new noise generating development must seek advice from an early stage to determine the level of noise assessment required."

It is not considered a residential use would be a noise generating form of development especially within an area of a mixed use development. The residential use would have similar characteristics to other residential properties in the locality.

All new habitable windows are at ground floor level only in north-east elevation facing to the street. Given the position of the property and the character of locality it is not considered the proposal would cause unacceptable loss of privacy to users and occupiers of nearby properties.

The proposal will improve the living conditions of the existing flats residents on site. The immediate neighbour to the south would benefit from the change of the rear service yard for private and communal gardens which would be a more suitable use of land adjacent to the rear garden of a dwelling. The same applies for the residents at 375 Chichester Road, who will benefit from having unsightly outbuildings removed from their side boundary and replaced with a landscaped communal garden.

As such it is considered that the proposal complies with Arun Local Plan policies D DM1 and QE SP1.

CAR PARKING & HIGHWAY SAFETY:

Arun Local Plan policy T SP1 seeks to ensure that 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".

Policy HDQ8 of the Bersted Neighbourhood Development Plan stresses that proposals for new development will have adequate onsite parking to meet current and future needs at a minimum rate of two spaces per dwelling unless alternative and accessible car parking arrangements can be made which do not add to on-street congestion.

Para 108 of the NPPF states: "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Regard should be had to para 109 which states: "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."

According to the requirement of the Arun Parking Standards 1 parking space for 1 or 2 bed flat in Parking Behaviour Zone 4 is required. The site layout shows five on-site parking spaces, with on-site turning. One of the spaces will be for disabled use and one will have an electric charging point. This would exceed the parking requirement for 3No. 2 bed flats as it would result in 1.66 spaces per flat.

There are no proposed alterations to the existing vehicle access arrangements onto Chalcraft Lane. WSCC do not consider this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

The provision of bin and recycling storage would be located on the southern boundary to the rear of parking area with a cycle storage behind.

It is considered the proposal would satisfy policy T SP1 of the Arun Local Plan, Arun Parking Standard and with the guidance on highways within the NPPF.

INTERNAL & EXTERNAL SPACE STANDARDS

Policy D DM2 states: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance". It is necessary to assess the proposal against internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if the building is suitable for residential use.

The 2bed/3 persons flats are proposed; flat 1&2 would have an internal space area of 66sqm and flat 3 - 62sqm whilst the requirement according to the space standards is 61sqm for 2bed/3persons flat. The flats marginally exceed minimal space standard required by the Nationally Described Space Standards. As stated in submitted Design and Access Statement, the proposal would be suitable for disabled persons.

Arun Local Plan policy D DM1 refers to the need for compliance with the Arun Design Guide. This is to part replace D DM3 "External Space Standards" which was deleted at the request of the Local Plan Inspector. Para 127 of the NPPF states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Bersted Neighbourhood Development Plan policy HDQ6 states that a private outdoor garden amenity space of appropriate quality must be provided for all new dwellings.

Arun Design Guide part H.04 advises on Residential Outdoor Amenity & External Space Standard:
- All development should provide residents with access to outdoor amenity space, whether private or communal. It advises that outdoor amenity spaces should be of an appropriate size and shape and be usable and enjoyable and states that rear gardens should have a minimum depth of 10.5m and buildings should be set back by 2m from the plot boundary to mark defensible space.

The flats would benefit from 10m deep rear private/communal garden providing amenity area and in

addition Jubilee Recreation Ground is in walking distance of the site. Residents will be able to easily access outdoor places for recreation etc.

The proposal complies with the relevant internal standards and broadly comply with external standards providing some private/communal amenity space. It is considered to be acceptable given the vicinity of public open space and a sustainable location with a frequent bus services within a very short distance.

BIODIVERSITY:

Policy ENV DM5 of the Local Plan requires development scheme shall seek to achieve a net gain in biodiversity and protect existing habitats on site. They shall incorporate elements of biodiversity including green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitats (whether designated or not)."

The documents submitted show a small indicative landscape offer, this would need to be further detailed to provide a scheme which will soften the development and add to biodiversity net gain. As the Green Space Officer pointed out; 'the potential impact of the proposals could be lessened in this location and blended into the surrounding residential setting with further thought given to the landscape offer and greening to enhance this."

Taking into account the current condition and character of proposal site, it is considered that the proposal accords with the policy above subject to suggested condition.

IMPACT ON THE PAGHAM HARBOUR SPECIAL PROTECTION AREA:

Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance.

NPPF, paragraph 170.a) stresses that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status).

The site lies in the designated Zone B and accordingly it was necessary to apply this requirement. The applicant has agreed to the £2,613 contribution.

According to Natural England's advice, an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended), PART 6, Chapter 2 should be carried out. Therefore it should be considered whether the proposed development as a whole, notwithstanding financial measures, is likely to have a significant effect on the Pagham Harbour Special Protection Area.

The application for the ground floor conversion of property results in recreational disturbance only to Pagham Harbour.

Having considered the mitigation and avoidance measures to be provided in-perpetuity through the secured contribution to the Joint Pagham mitigation scheme, Arun District Council conclude that with mitigation the plan or project will not have an Adverse Effect on the Integrity of the European protected site(s).

The Appropriate Assessment has been sent to Natural England and they state that all mitigation measures are appropriately secured in any planning permission given.

SUMMARY

The conversion of former shop area resulting in creation of three flats represent an efficient use of urban land without compromising the visual amenities, setting of listed buildings or character of the area, highway safety or the amenities of nearby residential occupiers. The proposal is sustainable development and is in a general compliance with development plan policies. The recommendation to approve is made subject to conditions and informative.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

SECTION 106 DETAILS

This decision will be granted with a S106 legal agreement relating to a contribution of £2,613 towards the cost of delivering measures to avoid or mitigate to an acceptable level, the harm caused to Pagham Harbour by the Development.

CIL DETAILS

This application is not CIL liable as it falls within in Zone 4 and the 'Flats' element is Zero rated.

RECOMMENDATION

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

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

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

Location Plan;

Proposed Ground Floor Plan, Dwg No 2020/29/06 Rev A;

Proposed SW&NE Elevations, Dwg No 2020/29/08 Rev A;

Proposed NW&SE Elevations, Dwg No 2020/29/09;

Block Plan, Dwg No 2020/29/10

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

- 3 The materials and finishes of the external walls and fenestration related to change of use hereby permitted shall match in colour and texture those of the existing building.

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

- 4 The roof lights hereby permitted shall be of conservation standard to ensure a more appropriate appearance for the neighbouring listed building.

Reason: In order that the architectural and historic interest of the neighbouring Listed Building is safeguarded in accordance with HER DM1 of the Arun Local Plan and the NPPF.

- 5 The bin store as shown on the approved plans should be available prior to occupation of the flats. This space shall thereafter be retained at all times for their designated purpose.

Reason: To protect the amenities of nearby residents in accordance with Arun Local Plan policy WM DM1.

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

Reason: To provide car-parking space for the use and in accordance with policy T DM1 of the Arun Local Plan.

- 7 No part of the development shall be first occupied until the plans and details of covered and secure cycle parking spaces have been submitted to and approved by the Local Planning Authority. The facilities so approved shall be retained in perpetuity.

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

- 8 No construction/demolition activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no works taking place on Sunday or Bank Holidays unless they are not audible outside of the application site.

Reason: To protect the amenity of local residents in accordance with policies QE SP1 and QE DM1 of the Arun Local Plan

- 9 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. 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:

a) An indicative programme for carrying out of the works;

- b) Details of the arrangements for public engagement / consultation both prior to and continued liaison during the construction works;
- c) Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, the careful selection of plant and machinery and use of noise mitigation barrier(s);
- d) The parking of vehicles of site operatives and visitors;
- e) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- f) Measures to control the emission of dust and dirt during construction;
- g) A scheme for recycling / disposing of waste resulting from demolition and construction works i.e. no burning permitted.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Adopted Arun Local Plan 2011 - 2031.

- 10 Details of the proposed landscape provision as indicated should be submitted for approval. The opportunity to increase the biodiversity of the site and potential screen the proposals should also be considered. Any trees and shrubs specified should be at a size which allows instant impact, but which will establish and mature as the site develops. Landscape details will be required to be submitted in plan form detailing species choice, quantities, planting densities and size at time of planting. The details so approved shall be implemented prior to the occupation of the approved flats.

Reason: In accordance with Arun Local Plan policy ENV DM5 and the National Planning Policy Framework.

- 11 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 proposed flats use 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.

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

Reason: New petrol, diesel and hybrid cars/vans will not be sold beyond 2035, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun Parking Standards SPD and the National Planning Policy Framework.

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

- 14 **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.