

Recommendation Report for Planning Permission

REF NO: BR/280/19/PL

LOCATION: 5 Victoria Drive
Bognor Regis
PO21 2RH

PROPOSAL: Redevelopment of existing retail site to a mixed use development comprising a single ground floor retail unit with 5 residential units at first, second and third floor levels.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The application proposes the redevelopment of existing retail site to a mixed use development comprising a single ground floor retail unit with 5 residential units at first, second and third floor levels.

SITE AREA 238 sq/m

RESIDENTIAL DEVELOPMENT DENSITY (NET) 210 dph

TOPOGRAPHY Site is generally flat.

TREES No trees affected by the proposed development.

BOUNDARY TREATMENT The boundaries are hard surfaced at present. The eastern (Victoria Road) boundary comprises open parking. Northern and southern boundaries comprise the flank walls of adjacent properties. The western boundary is characterised by the adjacent parking area serving the Aldwick Road fronting properties.

SITE CHARACTERISTICS The application site comprises a single storey detached flat roofed retail unit. A side access runs along the southern boundary of the site which provides pedestrian access to the rear parking area of the buildings that front Aldwick Road. A side vehicular access runs along the northern boundary of the site which provides vehicular access to the rear parking area of the buildings that front Aldwick Road.

CHARACTER OF LOCALITY The area comprises a mix of residential dwellings to the north and retail units to the south. To the south Aldwick Road comprises ground floor retail units with residential accommodation above. Along Victoria Drive the character is more residential, though the southern extent has a greater density of development which reflects the transition towards the Aldwick Road area. Development towards the southern end of Victoria Road is typically taller and denser than development to the north.

RELEVANT SITE HISTORY

PAA/157/18/	Redevelopment of site to 6 residential apartments	Refuse Pre App 23-05-19
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Pre-application submission PAA/157/18 sought the 'redevelopment of site to 6 residential apartments'. The response concluded:

'Based on the above comments I conclude that were an application for planning permission to be submitted it would likely be refused for the following reasons:

1) An adverse impact on the visual amenities and character of the area and an unacceptable impact to users and occupiers of nearby properties.'

The main amendments amendments following the response comprise:

- Retention of the ground floor retail unit where previously retail floor space was removed
- Alterations to the overall height, scale and mass of the building
- Orientation of roof pitches and the location of gables
- Treatment of overall external fenestration to Victoria Road facing elevation - the main gable has been treated as a visual extension of the Aldwick Road shopping parade
- Upper floors treated with a mock tudor render and timber frame to provide a relationship to the Aldwick Road frontage

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council
No objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

None.

CONSULTATIONS

WSCC Strategic Planning
Engineers (Drainage)
Engineering Services Manager
Natural England
Southern Water Planning
Environmental Health
Economic Regeneration

CONSULTATION RESPONSES RECEIVED:

WEST SUSSEX COUNTY COUNCIL

SUMMARY - This proposal is for the redevelopment of an existing retail unit, comprising of ground floor retail and 5 residential units above. The site is located on Victoria Drive, a C-classified road subject to a speed limit of 30 mph.

ACCESS AND VISIBILITY - An existing crossover will be utilised to form a vehicular access that leads to the rear of the site. There are no apparent visibility issues at the access onto Victoria Drive. An inspection of collision data provided to WSCC by Sussex Police from a period of the last 5 years reveals no recorded injury accidents attributed to road layout within the vicinity of the site. Therefore there is no evidence to suggest the existing access is operating unsafely or that the proposal would exacerbate an existing safety concern.

PARKING AND TURNING - A nil car parking provision is proposed for this development. The WSCC Car Parking Demand Calculator has indicated that the 5 proposed residential units would create a demand of 5 parking spaces. Furthermore, under WSCC Standards for A1 class retail, 1 car parking should be provided per 14 sqm of floor space. This would mean at least 4 spaces would be required for the proposed A1 retail use. The development as a whole would therefore create a demand for 9 car parking spaces.

As a nil car parking provision is proposed, parking would have to be accommodated on-street. Whilst on-street parking is limited in the immediate vicinity, there are comprehensive parking restrictions in place prohibiting vehicles from parking in places considered a detriment to highway safety. The LHA does not anticipate that highway safety would be detrimentally affected through the nil car parking provision. The planning authority may wish to consider the potential impacts on on-street parking from an amenity point of view. Weight is given to the fact the site is situated in a sustainable location.

Cycling is a viable option in the area. A cycle store with space for 5 cycles has been demonstrated in the plans. Under WSCC parking standards, at least 1 cycle space should be provided per 1-2 bedroom dwelling. The proposed cycle parking provision is therefore considered sufficient for this development. The inclusion of secure and covered cycle parking helps promote the use of sustainable alternative modes of transport to the private car.

SUSTAINABILITY - The site is sustainably located within walking distance of various shops, schools and services. Regular bus connections to Bognor Regis and Chichester can be caught from nearby Aldwick Road. Bognor Regis Train Station is an approximately 13 minute walk from the site.

CONCLUSION - The LHA does not consider that 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.

If the LPA are minded to approve the application, the detailed conditions should be applied.

NATURAL ENGLAND

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.

Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound. Subject to the appropriate financial contribution

being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s).

SOUTHERN WATER

The attached plan shows that the proposed development will lie over an existing public foul sewer which will not be acceptable to Southern Water. The exact position of the public sewer must be determined on site by the applicant before the layout of the proposed development is finalised.

It might be possible to divert the foul sewer, so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions (detailed in the full response found in the application file).

Alternatively, the applicant may wish to amend the site layout, or combine a diversion with amendment of the site layout. If the applicant would prefer to advance these options, items above also apply.

In order to protect drainage apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission; for example, the developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to divert the public sewers, prior to the commencement of development.

Furthermore, it is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Southern Water requires a formal application for a connection to the public foul and surface water sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent (please see full response on application file for full details of condition).

SURFACE WATER DRAINAGE

Due to the 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.

In addition, please consult Southern Water regarding this application as our mapping shows both foul and surface water sewers in the vicinity of the site.

COMMENTS ON CONSULTATION RESPONSES:

The applicant's amended plans submitted on 11 December 2019 have amended the footprint so that it does not build over the existing sewer. All other comments have been noted and assessed in the following sections of this report.

POLICY CONTEXT

Designation applicable to site:

- 2km Buffer for Site of Special Scientific Interest
- Pagham Harbour Zone B
- Built-up Area Boundary
- Setting of Locally Listed Buildings

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVDM2	ENV DM2 Pagham Harbour
HDM1	H DM1 Housing mix
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERSP1	HER SP1 The Historic Environment
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems
WSP1	W SP1 Water

Bognor Regis Neighbourhood Plan 2015 Policy 1 Delivery of the Vision**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 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Bognor Regis Neighbourhood Development Plan.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. There are no policies contained within the Bognor Regis Neighbourhood Development Plan that are applicable to the determination of this application.

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 development

complies with the policies contained within the Development Plan having regard to the below planning matters and the material considerations indicated within this assessment support the grant of planning permission.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

Arun District Council are unable to demonstrate a 5 year Housing Land Supply at the time of this assessment which therefore triggers the presumption in favour of sustainable development under footnote 7 and paragraph 11(d) of the National Planning Policy Framework (2019). Applying the presumption in favour of sustainable development for decision taking means granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- 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.

Paragraph 8 of the National Planning Policy Framework outlines the three overarching objectives to achieve sustainable development in the planning system; comprising economic, social and environmental objectives. The development would provide housing in a sustainable location that would provide access to jobs and would retain a retail unit, which would support the local economy (economic). The development would provide a range of homes that could meet the needs of present and future generations (social). The development would make an effective use of the land on a previously developed site (environmental).

Paragraph 118(e) of the National Planning Policy Framework goes to the core of the proposed development. NPPF 118(e) states that planning decisions should support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards), and can maintain safe access and egress for all occupiers.

However, paragraph 11(d)(ii) makes clear that decisions should be taken in accordance with the policies in the Framework unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. A full assessment of all matters and their significance are outlined in the below assessment.

DESIGN AND VISUAL AMENITY

Paragraph 127 of the National Planning Policy Framework requires planning decisions to ensure developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Developments should be visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting and maintain a strong sense of place, using the arrangements of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

Paragraph 130 of the National Planning Policy Framework makes clear that permission should be refused for development of poor design that fails to take the opportunities available for improving the

character and quality of an area and the way it functions.

Policy D SP1 of the Arun Local Plan requires that development proposals should 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. Policy D DM1 of the Arun Local Plan sets out a 15 point criteria against which the design of new development should accord with. Policy D DM4 of the Arun Local Plan provides a 5 point criteria against which development for extensions to existing buildings shall be assessed.

The proposed layout details a staggered footprint which is set back to the north and closer to the roadside to the south. Such a stepped approach maintains the graduation of density, scale and massing towards the north of Victoria Road away from Aldwick Road.

The building comprises 3.5 - 4 storeys in height finished in a mock tudor style. These architectural features and detailing would be consistent with the locally listed buildings along Aldwick Road to the south and provide an appropriate transition to the more modern development to the north. The proposed roof form, with its stepped back hips, coupled with its proposed stepped footprint, ensures that the more characterful mock tudor gable end would be the defining element of the building.

The forms indicate a broad materials palette in conjunction with the submitted Design and Access Statement; however, a condition will be imposed requiring the submission of full details and samples of the materials to be used in the development to ensure a high quality finish.

Subject to the above condition, the development will make an effective use of land whilst also reflecting the characteristics of the site and local area, in accordance with paragraphs 127 and 130 of the National Planning Policy Framework and Policy D SP1, D DM1 and D DM4 of the Arun Local Plan.

INTERNAL SPACE STANDARDS

Policy D DM2 of the Arun Local Plan requires internal spaces to be an appropriate size to meet the requirements of all occupants and their changing needs.

The applicant has set out the following total GIA's for each proposed apartment:

First Floor - 1b2p - 52 sq/m

First Floor - 2b3p - 62 sq/m

Second Floor - 1b2p - 52 sq/m

Second Floor - 2b3p - 62 sq/m

Third Floor - 2b3p - 67 sq/m

The Nationally Described Space Standards, for a two storey building and above, require 58 sq/m minimum for 1b2p apartments and 70 sq/m minimum for 2b3p.

The proposed GIAs do not exceed the internal space standards; however, they are not significantly different to the required standards. A balanced judgement has to be made between providing a mix of housing effectively and efficiently on a previously developed site, whilst according with the prevailing character of the area, in a viable development. Therefore, on balance, it is considered that the internal spaces provided would be acceptable having regard to Policy D DM2 of the Arun Local Plan.

NEIGHBOUR AMENITY

Paragraph 127(f) of the National Planning Policy Framework (2019) requires planning decisions to create

places with a high standard of amenity for existing and future users.

Policy QE SP1 of the Arun Local Plan requires all development to contribute positively to the quality of the environment and ensure that development does not have a significantly negative impact upon residential amenity. Further, paragraph 127(f) requires planning decisions to create places with a high standard of amenity for existing and future users.

The development would feature windows at first and second floor levels in the western elevations. However, these windows serve kitchens and could be secured as opaque glazed. A condition will be imposed to secure such a finish.

The southern elevation would comprise a blank face, notwithstanding the proposed window at third floor level which serves the living area of the top floor apartment. This window would face the existing northern flank wall of the adjacent locally listed building and would therefore not result in demonstrable impacts upon privacy.

The southern elevation would face the rear of the properties along Aldwick Road which comprise residential dwellings. Whilst the development would have the effect of "boxing in" the rear outlook of these apartments, their separation distances would still maintain adequate access to light for the northerly aspect to these apartments. Furthermore, the development would not result in any demonstrable impacts upon privacy owing to the blank southern elevation.

Such a relationship goes hand in hand with living in built up areas in flatted developments, where sites are used in an efficient and effective manner. The NPPF specifically requires Local Planning Authorities to take a pragmatic approach towards daylight/sunlight standards where these would still maintain an adequate level of amenity. For the reasons set out above, the development would maintain an adequate level of amenity.

On balance, it is considered that the development would accord with the contents of paragraph 127 of the National Planning Policy Framework and Policy QE SP1 of the Arun Local Plan.

AMENITY SPACE PROVISION

Paragraph 127(f) of the National Planning Policy Framework requires that planning decisions ensure places have a high standard of amenity for existing and future users. Whilst some amenity space is shown on the ground floor plans, this amenity space is considered to be low quality. However, the site is sustainably located with walking access to Bognor Regis Promenade and plethora of public open spaces in the nearby locality.

On this basis, the siting of the development would ensure that the development provides access to sufficient amenity space and would therefore ensure a high standard of amenity for future users in accordance with paragraph 127(f) of the National Planning Policy Framework.

LOCALLY LISTED BUILDINGS

Paragraph 197 of the National Planning Policy Framework requires the effect of an application on the significance of a non-designated heritage asset should be taken into account. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Policy HER SP1 of the Arun Local Plan states that non-designated heritage assets including locally listed heritage assets (Buildings or Structures of Character and Areas of Character) and their settings will also need to be conserved and enhanced in a manner appropriate to their significance and contribution to the historic environment.

The proposed footprint of the building would ensure the building appears as a subservient element to the adjacent locally listed building. The stepping back of the footprint and ridge lines in the roof would ensure that the adjacent locally listed building appears as the dominant building when turning the corner onto Victoria Drive and wider views. The proposed design provides a positive transition between the more recent development along Victoria Drive to the more historic and characterful elements along Aldwick Road, owing to the buildings footprint, layout and architectural features/finishing.

Taking the above factors into account, the development would have a minimal/negligible effect on the significance of the adjacent locally listed building for the purposes of paragraph 197 of the National Planning Policy Framework. On this basis, the development would therefore accord with paragraph 197 of the National Planning Policy Framework and Policy HER SP1 of the Arun Local Plan.

HIGHWAYS, TRANSPORT AND PARKING

Paragraph 108 of the National Planning Policy Framework states that in assessing specific applications for development it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 109 of the National Planning Policy Framework 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.

Policy T SP1 of the Arun Local Plan requires development to incorporate appropriate levels of parking in line with West Sussex County Council guidance on parking provision, taking into consideration the impact of development upon on-street parking.

West Sussex County Council and Arun District Council Parking Standards Guidance requires the provision of 5 no. vehicular car parking spaces to serve the development. Such a level of provision comprises guidance and not minimum standards.

The consultation response from the Local Highway Authority (LHA) detailed that they did not anticipate highways safety would be detrimentally affected through the proposed nil parking provision and weight is given to the fact the site is situated in a sustainable location. The LHA did 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 and is therefore not contrary to the National Planning Policy Framework (paragraph 109). They further considered there are no transport grounds to resist the proposal.

The development would therefore provide for the transport demands created in accordance with paragraphs 108 and 109 of the National Planning Policy Framework, Policy T SP1 of the Arun Local Plan and according West Sussex County Council: Guidance on Parking at New Developments SPG (March 2019) and Arun District Council Parking Standards.

LANDSCAPING

Paragraph 127(b) of the National Planning Policy Framework requires planning decisions to ensure developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Further, paragraph 153(b) of the National Planning Policy Framework requires that in determining planning applications, local planning authorities should expect new developments to take account of landscaping to minimise energy consumption.

Policy D SP1 of the Arun Local Plan states all development proposals should seek to reflect the characteristics of the site and local area in their layout. Policy D DM1 of the Arun Local Plan states that the Council will have regard to landscaping. Policy ENV DM3 of the Arun Local Plan states that development proposals that do not reasonably address opportunities for enhancing landscaping shall not

be permitted.

The submitted plans do not propose any soft landscaping; however, most other properties within the locality are characterised by hard landscaping. This hard surfaced feature is a product of the sustainable location of the site, being within walkable distance of Bognor Regis Promenade and nearby public open space.

Taking the above factors into account, the development would reflect the character of the area in accordance with paragraphs 127(b) and 153(b) of the National Planning Policy Framework and Policies D SP1, D DM1 and ENV DM3 of the Arun Local Plan.

BIN AND CYCLE STORAGE

Policy T SP1 of the Arun Local Plan requires the Council to ensure that developments promote sustainable transport including the use of bicycles. WSCC Guidance on Parking at New Developments SPG and the Arun District Council Parking SPG sets out that 5 cycle spaces should be provided. This is shown on the submitted plans and therefore a condition will be imposed securing the provision and retention of these spaces.

The applicant has indicated communal bin storage for 4 no. 660 litre communal bins on the plans. Such provision accords with the standards set out by WSCC. The bins would be stored to the rear of the building and moved to the kerbside for collection. This mirrors the arrangement for nearby neighbouring flatted developments and would allow for drive-by collections. The waste collection arrangements would therefore accord with Policies WM DM1 of the Arun Local Plan.

NATIONALLY DESIGNATED SITES OF SPECIAL INTEREST

The application site falls within 2km of a Special Site of Scientific Interest. Policy ENV DM1 of the Arun Local Plan states proposed development likely to have an adverse effect on land with the designated features of any Site of Biodiversity or Geological Importance will not normally be permitted. This is consistent with NPPF provisions.

The proposed development relates to a previously developed site within the built-up area. On this basis, the development is unlikely to have an adverse effect on the designated SSSIs. Therefore, the development accords with Policy ENV DM1 of the Arun Local Plan.

INTERNALLY DESIGNATED SITES OF SPECIAL INTEREST

The application site falls within the 5km buffer of the Pagham Harbour Special Protection Area. Within Zone B Policy ENV DM2 of the Arun Local Plan requires all new residential development which is likely to have an impact on Pagham Harbour to make developer contributions towards the agreed strategic approach to access management at Pagham Harbour.

The applicant has provided the agreed financial contribution under Policy ENV DM2(b)(i) which provides accordance with this policy.

SUSTAINABLE CONSTRUCTION

Policy ECC SP2 of the Arun Local Plan requires all new residential development (including conversions) to be energy efficient and to demonstrate how they will:

- a. Achieve energy efficiency measures that reflect the current standards applicable at the time of submission;
- b. Use design and layout to promote energy efficiency; and
- c. Incorporate decentralised, renewable and low carbon energy supply systems, for example small scale renewable energy systems such as solar panels.

To achieve conformity with Policy ECC SP2 a condition will be imposed requiring the applicant to detail how the dwellings will accord with the above proposals. Subject to the submission of satisfactory details the development would accord with Policy ECC SP2 of the Arun Local Plan.

SURFACE WATER DRAINAGE

Policy W DM1 of the Arun Local Plan states that where surface water and foul water drainage systems are approved as part of the consideration of a planning application, conditions may be imposed upon the permission relating to dates for implementation or other detailed technical requirements. In order to discharge conditions, the developer will be required to submit a statement from a suitably qualified and experienced engineer that the measures have been adequately and satisfactorily implemented.

The consultation response from Southern Water and the Council's Drainage Team highlighted a public sewer being in close proximity to the site. Southern Water requires a formal application for a connection to the public foul and surface water sewer to be made by the applicant or developer. An informative will be attached to the consent for the applicant/developer's attention.

On the basis that foul and surface water sewers are located with the proximity of the development, and favourable responses having been received from the above bodies, the development would accord with the contents of Policy W DM1 of the Arun Local Plan.

5 YEAR HOUSING LAND SUPPLY POSITION

Arun District Council are unable to demonstrate a 5 year Housing Land Supply on the date of this assessment. The National Planning Policy Framework (2019) makes clear at paragraph 117 that planning decisions should promote an effective use of land in meeting the need for homes.

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

Paragraph 118(e) of the NPPF states that planning decisions should support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers.

Paragraph 122 of the NPPF states planning decisions should support development that makes efficient use of land taking into account the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it; local market conditions and viability; the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and the importance of securing well-designed, attractive and healthy places.

Paragraph 123 of the NPPF states that where there is an existing shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. Criteria (c) of paragraph 123 states that in this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

These provisions in the 2019 NPPF are given significant weight as a material consideration in favour of granting consent, in the absence of the Council being able to demonstrate a 5 year Housing Land Supply.

SUMMARY

Arun District Council are unable to demonstrate a 5 year Housing Land Supply on the date of this assessment and therefore the presumption in favour of sustainable development should follow. Paragraph 11(d)(ii) requires permission to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the 2019 Framework taken as a whole.

This report has assessed the application against the aforementioned matters and has considered that they accord with the 2019 Framework. Under paragraph 11(d) it therefore follows that planning permission should be granted.

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

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

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

SECTION 106 DETAILS

The applicant has provided a S106 agreement comprise £4,335.00 towards Pagham Harbour Access Management to mitigate against recreational impacts upon the Pagham Harbour Special Protection Area.

RECOMMENDATION

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

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

amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans; 814/PL01 Rev D Proposed Site Plan and Block Plan, 814/PL02 Rev D Proposed Floor Plans and 814/PL03 Rev D Proposed Elevations.

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

- 3 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls (and roofs) of the proposed building(s)/extension have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building/extension.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy D DM1 of the Arun Local Plan.

- 4 No part of the development shall be first occupied until covered and secure cycle parking spaces and bin storage have been provided in accordance with plans and details approved by the Local Planning Authority in the approved plans of this consent. The cycle and bin storage shall be maintained as approved in perpetuity unless otherwise agreed with the Local Planning Authority in writing.

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

- 5 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources (as described in the glossary at Annex 2 of the National Planning Policy Framework) unless it can be demonstrated that a fabric-first approach would achieve an equivalent energy saving. Details and a timetable of how this is to be achieved for each phase or sub phase of development, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority before any development in that phase or sub phase begins. The development shall be implemented in accordance with the approved details and timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to secure on site renewable energy in accordance with national planning policy, and in accordance with Policy ECC SP2 of the Arun Local Plan.

- 6 The windows hereby approved on the northern elevation of the building shall be obscured glazed at all times and retained as such at all times thereafter.

Reason: To safeguard the amenities of residential properties in the nearby area in accordance with paragraph 127 of the National Planning Policy Framework and Policies QE SP1 and D DM1 of the Arun Local Plan.

- 7 INFORMATIVE: This permission conveys consent under planning legislation only and contravention with other legislation e.g. protection of wildlife etc. should be considered.

- 8 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 9 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to offsetting additional recreational impacts on the Pagham Harbour SPA through the provision of £4,355.00.
- 10 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development. Please read Southern Water's New Connections Services Charging Arrangement documents which has now been published and is available to read on Southern Water's website via the following link:
<https://beta.southernwater.co.uk/infrastructure-charges>.

The disposal of surface water from this development should be in compliance with the following hierarchy of Part H3 of Building Regulations:

- a) An adequate soakaway or some other adequate infiltration system.
- b) A water course.
- c) Where neither of the above is practicable: a sewer.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 330 303 0119), www.southernwater.co.uk or by email at developerservices@southernwater.co.uk