

Recommendation Report for Planning Permission

REF NO: BR/285/21/PL

LOCATION: Rear of 73-75
Aldwick Road
Bognor Regis
PO21 2NW

PROPOSAL: Change of use from Class E (retail) / B8 storage to C3 residential and the creation of three dwelling units through the conversion of the rear of nos. 73 & 75 and the erection of a part single storey / part two storey rear extension with associated amenity space and refuse / recycling stores.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Change of use of the existing backup stores at rear of the ground floor commercial units and the erection of a part single and part two storey flat roofed rear extension resulting in three dwellings in an the parking area. The scheme comprises of a mix of two one bed homes and a larger three bed home suitable for family occupation.
SITE AREA	0.04 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	75 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	There are mature trees to the end of No10's Stocker Road rear garden which could be affected by the development.
BOUNDARY TREATMENT	1.7m high wall with trellis top on the western boundary, close boarded fence/timber to the rear. Property abuts pavement to front.
SITE CHARACTERISTICS	Three storey building, commercial at ground floor (occupied by the Aldingbourne Trust) with 9 flats on the first and second floors. The external area is currently leased to Kia motor group and used as an overflow parking area for cars associated with their showroom at 65 Aldwick Road. There is a pedestrian access between 75 and 77 Aldwick Road.
CHARACTER OF LOCALITY	Predominantly three storey terraced properties with commercial uses at ground floor and residential above. Buildings are set in medium plots abutting the highway in an urban environment. There are residential dwellings on Stocker Road to the rear. The following were noted in respect of neighbouring properties: - 77 Aldwick Road a three storey building with a dry cleaners at ground floor and two flats on the upper floors; a planning application for the part change of use of ground floor and a

first floor rear extension resulting in creation of 2 no. self-contained studio was allowed on appeal. Small rear garden area accessed through a passage via Aldwick Road. This tunnel/walkway provides access to the rear of no. 79. Restricted bay parking on Aldwick Road to the front.

- 69 - 71 Aldwick Road, converted into a restaurant and further New Barn Kia (65 Aldwick Road) Commercial at ground floor (occupied by an engravers) with a rear ground floor garden and then a further flat at first floor level.

- 10 Stocker Road - Two and a half storey residential dwelling with rear garden; and

- 6-8 Stocker Road, Arun Lodge Residential Care Home - Two and a half storey building converted to flats with a rear parking area and rear double garage (no rear garden).

RELEVANT SITE HISTORY

BR/30/11/

Change of use from A1 to Car Showroom

ApproveConditionally
27-04-11

The site history is noted.

REPRESENTATIONS

Bognor Regis Town Council: An objection.

- Results in an intensification of use that adversely affects the character of the area and consequently public and neighbouring amenities.

- Aldwick Road is an area with a Traffic Regulation Order in place and the development would result in the generation of excessive parking demands; contrary to Policies H SP4, QE SP1 and T SP1 of the Arun Local Plan.

- Would have the appearance of an unduly cramped form of development out of character and would have an unacceptable impact on the established pattern of development in the locality in conflict with policies D DM1 and D SP1 of the Arun Local Plan and Part P of the Arun Design Guide.

2 letters of objection received:

- Overdevelopment with no parking allocated, a fire hazard due to the alleyway access only.

- The proposed building will be invasive and will overlook our property.

- No development should be built within 6ft of my property according of my deeds.

- The only yellow signage for development in vicinity was for an application in Felpham.

- We are already overlooked and it is uncomfortable being in the garden.

- There are high trees along my border which can be affected by development having impact on wildlife.

- Emergency services would not have an access to the site putting my family and the elderly in the nursing home next door at risk.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments Noted.

- WSCC Highways does 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.

- Deeds/covenants are a legal/civil matters not a material planning consideration.
- With regards to the site notice, a notice for the different site was put on Stocker Road, however a new site notice was displayed to the rear of the proposal site (Stocker Road).

Other planning issues will be discussed in the Conclusions section.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS: Does 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 NPPF (paragraph 111), and there are no transport grounds to resist the proposal.

PRIVATE SECTOR HOUSING: Appropriate fire precaution facilities and equipment must be provided of such type, number and location as are considered necessary. Guidance on fire safety is contained in the LACORS guidance document - "Housing - Fire Safety, Guidance on fire safety precautions for certain types of existing housing" and in the Approved suite of Documents for Building regulations. Full comments are online. Housing standards, including room sizes and facilities must be complied with.

ECOLOGY: Following review of the condition of the site, the lack of ecological features on site and no works taking place to the surrounding properties, we have now determined that an ecological survey will not be required for this site.

ENVIRONMENTAL HEALTH: No objection subject to suggested conditions.

DRAINAGE ENGINEERS: The applicant has shown it is possible to locate the soakaway 5m from all buildings and 2.5m from property boundaries. The final detailed design will need to be supported by winter groundwater monitoring (expected to be for an agreed length of time between December and March) and winter infiltration testing (at agreed time and depth in strict accordance with BRE DG365). If infiltration is proven to be unviable then we would support a restricted discharge of surface water to the surface water sewer on Aldwick Road (as there are no watercourses in the vicinity of the site).

SOUTHERN WATER: The applicant should be aware that our mapping indicates that the foul sewer crosses the site in the vicinity of the extension.

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

COMMENTS ON CONSULTATION RESPONSES:

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

POLICY CONTEXT

Designation applicable to site:

2km Buffer of Bognor Reef SSSI
Pagham Harbour Access Management Zone B
Built up Area Boundary

Class B Road

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM2	ENV DM2 Pagham Harbour
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HDM1	H DM1 Housing mix
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
RETDM1	RET DM1 Retail development
RETSP1	RET SP1 Hierachy of Town Centres
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPDG	National Design Guide
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

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

POLICY COMMENTARY

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

There is no relevant policy in the Bognor Regis Neighbourhood Plan 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."

section 70(2) of TCPA provides that:-

(2) In dealing with an application for planning permission the authority shall have regard to:

- (a) the provisions of the development plan, so far as material to the application,
- (a) a post-examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

The proposal is considered to comply with relevant Development Plan policies as that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties and it would not have an adverse impact on the character of the surrounding area.

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, retail, design and visual amenity, residential amenity, highways/traffic, space standards and impact on Pagham Harbour.

PRINCIPLE

The site is in the built up area 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.

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 NPPF." Para 120 (d) of the NPPF states 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 development complies with policies SD SP2 and SD SP1 of the Arun Local Plan and relevant paragraphs of the NPPF.

The most relevant policies for determining this application are not out of date despite the Council's 2.42 year housing land supply as they relate to amenity/character etc rather than development principles.

IMPACT ON THE VITALITY & VIABILITY OF THE TOWN CENTRE

RET SP1 of the Local Plan supports measures which help to reinforce their role in meeting communities needs and providing a focus for a range of activities including retail. 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.

Policy RET DM1 protects retail units and does not afford protection to net floor space. RET DM1 does not prevent the part change of use from retail. The intent behind RET DM1 is to maintain the retail offering throughout the District. In this case storage space would be lost however the retail unit would be retained. The partial loss of retail floor space would not conflict with Policy RET DM1 of the Local Plan and paragraph 86 of the NPPF.

The site forms part of an undefined retail frontage in the suburban centre of Aldwick with a varied mix of shops, takeaways, estate and letting agents and other uses like private business offices and a showroom. The space to be lost from the conversion of replacement of commercial floor space at the rear of 73 & 75 Aldwick Road would be 44m² (GIA). Whilst the site is outside of the primary shopping area this partial change of use to residential would maintain the significance of the shopping area.

The development is in a general conformity with Policy RET DM1 of the Local Plan.

DESIGN AND CHARACTER

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 DM4 of the Local Plan requires accordance with 5 point criteria when assessing applications for extensions and alterations to existing buildings.

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.

The Arun Design Guide Supplementary Planning Document (SPD) adopted on 25th January 2021 is a material consideration in the determination of applications. Part M which deals with Extensions requires the scale, massing and positioning of extensions should be visually subservient to the existing property to ensure the latter remains the dominant form; privacy can be maintained by locating and designing windows to prevent overlooking. Extensions should preserve the amenity of the original and neighbouring properties in terms of privacy and overshadowing. In Part M, Infill Development, the SPD requires a positive response to the character, appearance and layout of surrounding buildings in order to contribute to a sense of cohesion and unity. While infill schemes present a valuable opportunity to increase the efficiency of land use in existing urban and rural areas and provide new housing, this should not lead to overdevelopment and over-intensification of building plots.

Para 130 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 development would involve the change of use, extension and redevelopment resulting in amalgamation of converted and extended elements creating so called mews that would sit around the edge of a landscaped courtyard setting. This rear yard of Nos 73&75 Aldwick Road was used as an overflow parking area for cars associated with Kia motor group's showroom at 65 Aldwick Road accessed through a passage via Aldwick Road.

There are no changes to the external appearance of front elevation as the development is to the rear of the host property. The proposal would transform backup stores of the ground floor commercial units and extend them to the boundary with 71 Aldwick Road at ground floor level and join the side wall of KIA Workshop with a two storey building in the south-eastern corner of the parking area adjacent to the rear blank wall of the Arun Care Home to the south.

The two storey element would face to the west, would be 7m deep, 11.9m long and 5.7m high, would be characterised by flat Sedum Grass Roof. High level windows, fixed and with a sill no lower than 1.7m above internal finished floor level, are proposed in the eastern elevation, French doors at the first and ground floor along with bi-folding doors at the western elevation. The internal area created by the conversion and extension provides space for a 1 bed dwelling converted from back stores (unit 3), 1 bed with home office (unit 2) and 3 bed with an access to the private garden area.

The extension/redevelopment would be visually integrated with the rear of the building in sitting, massing and design and would respond to the pattern of surrounding development. Previously proposed pitched and valley roofs (withdrawn application) were changed for Sedum Grass Roof which would be softer and more pleasant for the residents of the host property and visually in a unity with surrounding buildings which are characterised by flat roofs. The proposal would be sited away from public views and not harm the character and appearance of the area and it would comply with Arun Local Plan policies D DM1, D SP1, D DM4, the Arun Design Guide and with the guidance on character within 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."

Para 130(f) of the NPPF states decisions should ensure that developments create places with a high standard of amenity for existing and future users. Paragraphs 120, 125(c) and 127(f) are consistent with Arun Local Plan policies in that they seek to deliver appropriate development without being to the detriment of existing residential amenities.

The conversion would be encompassed in the confines of the building and would not result in unacceptable adverse impacts on neighbouring amenity. The extension would result in the creation of two residential units. A residential use is not 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.

There are habitable windows at the first floor level of a new extension facing to the west a site where planning permission (BR/233/19/PL) was granted on appeal for a change of use and first floor rear extension. The first floor habitable windows would face the windowless flank wall of this rear extension to No 77.

With regards to the rear residential garden of 10 Stoker Road to the south-west, there would be no direct overlooking of private area of this property. The Inspector in his report for the first floor extension above an existing single storey extension to No 77 pointed out: 'The short distance to the boundary with No.10 from the proposal is similar to Nos.14/16, but the majority of the plot is set to the side of the appeal site. Although the whole garden, including the closest part, is likely to be used by its occupiers, the views would not be direct and so only a minimal effect on privacy would arise. Whether or not there was additional planting at the appeal site, therefore, I find that any loss of privacy would not harm the living conditions of the occupiers of No.10.' This is material to the determination of the application.

The extension would butt the rear boundary of Arun Lodge Care Home to the south and its front elevation comprising habitable windows at the first floor level would face to the west. The views would not be direct and so there be an acceptable effect on privacy would arise.

The two storey element due to its separation distance from the rear elevation of the host building would not be overbearing upon the terrace and would not disturb the outlook of its residents.

The proposal would not have a significant impact to users and occupiers of nearby properties so as to result in unacceptable adverse harm on neighbouring amenity by way of overshadowing, overbearing or overlooking and as such accords with D DM1, QE SP1 of the Arun Local Plan and para 130(f) of the NPPF.

INTERNAL SPACE STANDARDS

Policy D DM2 (ALP) requires internal space standards to be an appropriate size to meet the requirements of all occupants and their changing needs. Paragraph 13.3.4 of the ALP supports the implementation of Policy D DM2 states there might be occasions where development cannot comply with all the space standards which includes the conversion of an existing building. The internal spaces of the dwellings have been assessed against the Nationally Described Space Standards which are used to assess acceptable spaces under Policy D DM2.

The requirement for a 1bed (2p), 1 storey dwelling is 50 sqm whilst Unit 3 would have 52 sqm. Unit 2, 1bed (2p), 2 storey would have 79.32 sqm whilst 58 sqm is required and for Unit 1, 3bed (5p), 2 storey 99,81 sqm is provided whilst 99 sqm is required. All units would satisfy the requirement of the Nationally Described Space Standards and the development accords with Policy D DM2.

Arun District Council has no size standards in respect of private gardens although section H.04 of the Arun Design Guide SPD 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 Residential Communal Shared Spaces should be minimum 40sqm plus 10sqm for each unit. These standards are applicable in the majority of cases, but innovative approaches to more

compact building layout may be supported by ADC, where appropriate.

Regard should be had to paragraph 130(f) of the NPPF(2021) which requires that new development has a high standard of amenity for existing and future users.

Unit 3 would benefit from a private garden of 48 sqm and Units 2 and 1 share a communal amenity space of 40 sqm. There is easy access to public open spaces like Marine Park Gardens and West Park in a distance of 200m and 600m respectively. The sea shore is approximately 250m away and residents will be able to easily access outdoor places for recreation etc.

The development would broadly satisfy the requirement of Arun Design Guide and complies with policies D DM1 and D DM2 of the Arun Local Plan and with the guidance in the NPPF (para. 130).

PARKING, TRAFFIC AND HIGHWAYS IMPACTS

Policy T SP1 (ALP) requires development to reduce the need to travel by car by identifying opportunities to improve access to public transport services whilst making provision for safe access to the highway network. Policy T SP1(f) (iv) requires development to incorporate facilities for charging electric and plug-in hybrid vehicles.

Para 110 of the NPPF 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. Para 111 affirms 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 Arun Parking Standards 2020 at Table 3.1 shows the expected level of Parking provision for residential development. In Zone 4 it is one parking space for a 1 bed unit with one to 3 habitable rooms and 1 cycle parking space per unit for 1 bed flats/houses. If nil car parking provision is proposed, under ADC Parking Standards Principle 2.13 it will be necessary to demonstrate through a parking capacity survey that there is sufficient capacity to accommodate expected parking demand.

No vehicular access exists to the site and this application proposes no alterations to this arrangement. A nil car parking provision is proposed for the development.

The site is sustainably positioned in walking distance of a variety of local shops and services, including bus stops providing access to Bognor Regis, Chichester and further afield. Bognor Regis is in walking distance which provides wider facilities and services. Cycling is a viable option, a secure and covered cycle store proposed for up to 4 bicycles is proposed on the plans.

WSSC 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 111), and that there are no transport grounds to resist the proposal subject to suggested conditions.

The applicant has not submitted a Transport Statement or parking survey. However, they were submitted recently for a similar development for 83 Aldwick Road and the case officer's report concluded: 'Based on the survey and local car ownership levels, there is sufficient space available on the local roads to accommodate parking demand resulting from the development.' Given the previous recent parking study parking space in the locality would be available for the development.

Taking into consideration the above, the development would not result in excessive on-street parking demand in the area. The proposals would accord with policies T SP1, T DM1 of the Arun Local Plan and

ADC Parking Standards.

IMPACT ON THE PAGHAM HARBOUR SPECIAL PROTECTION AREA:

ALP Policy ENV DM2 requires 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 Councils Cabinet subsequently approved a reduction in the tariff from £1,275 to £871 as of the 10th April 2017.

NPPF, paragraph 174 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 designated Zone B and this application results 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.

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. It should be considered whether the development, notwithstanding financial measures, is likely to have a significant effect on the Pagham Harbour Special Protection Area.

The application for 3 residential units results in recreational disturbance only to Pagham Harbour. Having considered mitigation/avoidance measures to be provided in-perpetuity through the 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).

On the basis of a net gain of 3 dwellings the applicant has agreed to the £2,613 contribution at the current rate. The applicant has provided a signed Section 106 legal agreement to this effect. Therefore it is considered that the application would comply with policy ENV DM2 of the Arun Local Plan.

PROTECTION OF TREES

Policy ENV DM3 of the Local Plan in section 17.3.1 underlines the importance of trees as producers of oxygen and in urban settings groups of trees can contribute significantly to the successful integration of new dwellings into the landscape. The retention of mature trees can contribute to amenity and more attractive developments as well as retaining important wildlife habitats and should be considered at the design stage of all developments.

Policy ENV DM4 of the Local Plan emphasises where there are existing trees on or adjacent to a developments site, developers shall be required to provide:

- d. Land and tree surveys
- e. A tree constraints plan
- f. An arboricultural impact assessment to include a tree protection plan and arboricultural method statement.

These ensure development is planned to take a comprehensive view of tree issues at an early stage in the design process and that development works do not have a negative impact on existing trees.

Paragraph 131 NPPF highlights the important contribution which trees make to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that appropriate measures are in place to secure the long term maintenance of newly planted trees, and that existing trees are retained wherever possible.

There are mature trees outside the site to the south close the boundary of the rear garden of No10 Stocker Road which could be affected by the development. No Arboricultural Assessment & Method Statement has been provided by applicant. Therefore a pre-commencement condition will be imposed to ensure the retention and maintenance of trees and vegetation which are an important feature of the area and to comply with policies ENV DM3 and ENV DM4 of the Arun Local Plan, and NPPF's paragraph 131.

BIODIVERSITY

Policy ENV DM5 of the Local Plan requires development schemes shall seek to achieve a net gain in biodiversity and protect 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 proposal is for a conversion and part single storey, part two storey extension in a parking area. The new dwelling units will be designed in a mews form of development that will sit around the edge of a landscaped courtyard setting. A Sedum Grass Roof over the two storey extension is proposed. The submission of further information demonstrating what will be included within the scheme and what level of net biodiversity gain will be created is required.

The opportunity to increase biodiversity and mitigation measures will be secured via conditions and complies with ENV DM5.

CLIMATE CHANGE

The ALP policy ECC SP2 requires residential development be energy efficient and incorporates decentralised, renewable and low carbon energy supply systems.

No decentralised, renewable and low carbon energy supply systems are proposed therefore a condition would be necessary to secure compliance with the policy.

SUMMARY

This proposal represents an appropriate redevelopment of the site without compromising the visual amenity of the area or the amenities of existing neighbouring residential occupiers. The proposal represents a sustainable development.

The policies most relevant to this application are not considered out of date in accordance with paragraph 11 of the NPPF. The scheme is acceptable when applying the Local Plan policies (that are relevant and up to date) and it is recommended that in accordance with paragraph 11c of the NPPF that permission is granted subject to conditions.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

SECTION 106 DETAILS

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 CIL Liabe therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply)

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

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

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

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

Dwg No CBL-1020-235-L101, Location Plan;
 Dwg No CBL-1020-235-B101, Block Plan;
 Dwg No CBL-1020235-P201 Rev B, Proposed West Elevation;
 Dwg No CBL-1020235-P202 Rev B, Proposed Rear Elevation;
 Dwg No CBL-1020235-P203 Rev B, Proposed East Elevation;
 Dwg No CBL-1020235-P204 Rev B, Proposed Section (South);
 Dwg No CBL-1020235-P102 Rev B, Proposed First Floor Plan;
 Dwg No CBL-1020235-PS101 Rev C, Proposed Site Plan - Ground Floor;
 Dwg No CBL-1020235-P104 Rev B, Proposed Roof Plan

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 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 4 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls (and roofs) of the proposed 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 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.

- 5 No development above damp proof course (DPC) level shall take place until details of screen walls and/or fences have been submitted to and approved by the Local Planning Authority and no dwellings/buildings shall be occupied until such screen walls and/or fences associated with them have been erected.

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

- 6 Before the buildings hereby permitted are occupied a drying area and dustbin enclosure(s) shall be provided as part of the development in accordance with detailed drawings to be submitted to and approved in writing by the Local Planning Authority, such drawings to show the siting and design thereof. The areas shall be provided prior to occupation and retained in perpetuity.

Reason: To safeguard the appearance of the property and the amenities of the area in accordance with policy D DM1 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 to be submitted to and approved by the Local Planning Authority. The cycle spaces so approved shall be maintained in perpetuity.

Reason: To provide alternative travel options to the use of the car in accordance with policy T SP1 and the Arun Parking Guide SPD.

- 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 Prior to first occupation the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that the development will incorporate decentralised, renewable and low carbon energy supply systems including full details of solar panels or air source pumps. 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

- 10 Prior to occupation of the dwelling details of Biodiversity Net Gain shall be submitted to and approved by the Local Planning Authority. The details so approved shall be implemented no later than 6 months following the occupation of the dwelling and permanently retained thereafter.

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

- 11 Before the site is occupied or any machinery is introduced to the site or demolition work or construction work or alterations to existing ground levels takes place a PRE-COMMENCEMENT Site Meeting is to take place between the Planning Authority's Tree Officer and the Arboricultural Expert representing the site owner(s) or Site Manager - at this meeting all protective fencing will be inspected to verify it is 'Fit for Purpose' as required under British Standard 5837:2012.

Reason: To ensure the retention and maintenance of trees and vegetation which are an important feature of the area in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition as the protection and retention of trees goes to the heart of the planning permission.

- 12 Prior to the commencement of development the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority (LPA):

1. A Preliminary Risk Assessment which has identified:
all previous uses potential contaminants associated with those uses
a conceptual model of the site indicating sources, pathways and receptors
potentially unacceptable risks arising from contamination at the site.
2. A Site Investigation Scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A Verification Report providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the LPA. The scheme shall

be implemented as approved.

The scheme shall be implemented as approved above and prior to commencement of any construction work (or such other date or stage in development as may be agreed in writing with the LPA), a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of that remediation shall be submitted to and approved in writing by the LPA. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. The report shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification report, and for the reporting of this in writing to the LPA.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun Local Plan policies QE SP1 and QE DM4. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

13 INFORMATIVE: This decision has been granted in conjunction with a Section 106 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.

14 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The infiltration tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method. All design storms must include a climate change allowance of 40% on stored volumes or rainfall intensity. Infiltration structures must cater for the critical 1 in 10 year storm event, (plus40%) between the invert of the entry pipe to the soakaway and the base of the structure. The design must also have provision to ensure there is capacity in the system to contain the critical 1 in 100 year storm event (plus 40%).

Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest groundwater table in support of the design. The applicant is advised to discuss the extend of ground water monitoring with the council's engineers.

Supplementary guidance notes regarding surface water drainage are located at <https://www.arun.gov.uk/drainage-planning-consultations> on Arun District Council's website. A surface water drainage checklist is available on Arun District Council's website, this should be submitted with a Discharge of Conditions Application.

15 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.