

Recommendation Report for Planning Permission

REF NO: BR/324/17/PL

LOCATION: 283-285a Chichester Road
Bognor Regis
PO21 5AH

PROPOSAL: Residential Development: restoration of 2 houses and attached commercial annexe to pair of semi-detached houses, replacement of bungalow with pair of semi-detached houses, development of land to rear for eight flats (6 x 2 bed & 2 x 1 bed)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The proposal comprises of the following:

(1) Nos. 283-285: Demolition of the existing single storey commercial element on the western side and change of use from part commercial, part 4 x flats to 2 x two bedroom semi-detached dwellings. Changes to fenestration including new rear ground floor bi-folding doors. New ground floor south east facing WC window (replacing existing door). No other flank windows.

(2) No. 285a: Demolition of existing dwelling and replacement with 2 x two bedroom semi-detached dwellings. Three flank bathroom/WC windows.

(3) Land to the rear: A new part two, part three storey apartment building comprising of 8 apartments (6 x 2 bed, 2 x 1 bed). This includes first & second floor balconies on the south and west elevations, also a first floor Juliette balcony on the north elevation.

Eighteen parking spaces are to be provided in an area between the backs of the houses and the front of the apartment building. A communal refuse store for the flats is also located in this area.

SITE AREA 1,865 sq. metres.

RESIDENTIAL DEVELOPMENT DENSITY (NET) 64 houses per hectare.

TOPOGRAPHY Predominantly flat but nos. 283 & 285 are about 0.2m above the height of the Chichester Road pavement.

TREES Several trees to the rear of the site including a notable Copper Beech and a Sycamore. A line of Hawthorn trees along the western boundary of the site.

BOUNDARY TREATMENT

- 1.7m high timber fencing to the rear boundary with Hatherleigh Gardens;
- 4m hedge to the rear of 281;
- Part 2m timber fencing, part 2m Heras fencing supplemented with 6m Hawthorn trees;
- Open plan frontage to nos. 283/285; and
- 1m high brick wall to front of 285a.

SITE CHARACTERISTICS

The site comprises of the following:

- A pair of smooth cream/white rendered semi-detached houses partly in commercial use occupied by an Aerial installer business), partly occupied as 4 flats with a single storey pitched roof commercial extension on the western side. Slate tiled main roof. Clay tiles to the extension;
- Single storey white rendered/red brick bungalow with a concrete tiled roof. One parking within frontage; and
- Open hardstanding/scrub area to the rear used for parking, amenity space to the flats private gardens. Some overgrown areas. Some dumped wooden materials.

CHARACTER OF LOCALITY

The site is in a mixed commercial/residential area. It is opposite two different parades of shops but there are also residential properties to the east, west and south. Residential form is predominantly two storeys and either semi-detached, terraced or flats above shops. There are two flatted buildings close by with one immediately opposite the site (with shops at ground floor) and the second around 100m to the north on the corner of Chichester Road and Newtown Avenue. Both are at least three storeys.

There is a footpath on the eastern side of the site which part also borders the rear boundary too. Single yellow lines to Chichester Road frontage. Surrounding uses include:

- Disused building and electricity substation beyond the footpath on the western side;
- Rear gardens of South Way to the west of the land to the rear (not visible due to the hawthorn trees);
- Rear gardens of Hatherleigh Gardens houses to the south. These are two storeys and first floor bedroom windows visible from within the site; and
- 281 Chichester Road has 1 first floor flank window facing the site. Its rear garden is well screened by hedging.

RELEVANT SITE HISTORY

BR/190/05/

Renewal of unimplemented outline application for redevelopment of site comprising 26 one bed flats to be occupied by persons of state pensionable age and one wardens flat.

ApproveConditionally
09-08-05

BR/159/02/	Renewal of unimplemented outline permission BR/112/99 for re-development of site comprising 26 one bedroom flats to be occupied by persons of state pensionable age and one wardens flat	App Cond with S106 12-08-02
BR/112/99/	Outline application for re-development of site comprising 26 one bedroom flats to be occupied by persons of state pensionable age and one wardens flat.	App Cond with S106 26-08-99
BR/381/90	Outline Application for 26 one bed flats for occupation by persons of state pensionable age, one flat for occupation by warden and associated parking.	Withdrawn 14-08-91
BR/279/90	Outline Application for erection of 9 1-bed flats to be occupied by persons of state pensionable age	Refused 29-08-90

The site has previously had planning permission for a residential development of apartments but this has expired. Positive pre-application advice to a scheme comprising of a 7 flatted building, two new semi-detached dwelling and a change of use/refurbishment of the existing semi-detached buildings was given in October 2016.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

"No objection."

No comments received from members of the public.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Environmental Health

WSCC Strategic Planning

Planning and Housing Strategy

Arboriculturist

Engineers (Drainage)

Engineering Services Manager

West Sussex Fire Brigade
Parks and Landscapes
West Sussex Fire Brigade
West Sussex - Waste Disposal
Southern Water Planning

CONSULTATION RESPONSES RECEIVED:

SOUTHERN WATER: Raise no objections. Note the presence of a sewer crossing the site and ask for a condition to ensure its protection. Also request a condition to secure details of the foul sewage.

WSSC COUNTY HIGHWAYS: Initially requested more details in the form of (1) a Stage 1 Road Safety audit and Designer's Response; (2) Refuse vehicle proposals (including swept paths); (3) cycle storage proposals; and (4) alternative 'on-street' visitor parking for at least 6 cars within a 2 minute walk . These items were provided within the supplementary Technical Note dated June 18 and have allowed WSSC to now support the applications. In respect of parking, WSSC note that the car parking strategy falls slightly short of any unallocated parking for the use but accept that there is sufficient parking capacity on street in the surrounding local network to accommodate an additional 55 cars. Conditions were set out in WSSC's first response.

ADC ENVIRONMENTAL HEALTH: No objections. Raise comments about fire safety and ventilation.

ADC TREE OFFICER: Have now withdrawn the previous objection as although the applicants have not specified the protective fencing to the Hawthorns in sufficient detail, they appear to have taken on board the concern and come back with a more substantial proposal. Ideally, would like to see the area of fencing closed off at either end so as to form an effective Construction Exclusion Zone and detail provided of how the fencing will be secured in position (back stays or pegged block trays) to prevent ingress before work is underway on site. British Standard 5837:2012 describes those options in detail. Recommend a condition.

In view of the time pressure here, I recommend we remove our objection but tie them in to their plan and apply the following condition:

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 Arun DC Tree Officer and the Arboricultural Expert or Landscape Architect representing the site owners - at this meeting all protective fencing will be inspected - this will be assessed to verify that it is 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown on the Landscaping Plan submitted by ARCHITECTS DESIGN & MANAGEMENT, Dwg.No. 12 Rev A, dated June 2018.

ADC DRAINAGE ENGINEERS: No objection subject to a standard drainage condition.

ADC AFFORDABLE HOUSING: No objection. The proposal is for a net gain of less than 11 dwellings therefore the Councils affordable housing policy should not be applied.

COMMENTS ON CONSULTATION RESPONSES:

The Tree Officer has already stated that the off-site trees are not of TPO quality and that the Sycamore omitted from the drawing has been very heavily mutilated by indiscriminate lopping leaving a deformed tree full of stubs and this should be removed.

POLICY CONTEXT

Designations applicable to site:

Within the Built Up Area Boundary;
Class A Road; and
Public Sewer on Site.

DEVELOPMENT PLAN POLICES

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
ENVDM2	ENV DM2 Pagham Harbour
HDM1	H DM1 Housing mix
HSP1	HSP1 Housing allocation the housing requirement
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
QEDM1	QE DM1 Noise Pollution
QEDM3	QE DM3 Air Pollution
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

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

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

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

There are no relevant Bognor Regis Neighbourhood Development Plan policies.

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 conflict with Development Plan policy on protecting existing employment floor space. However, it complies with policy in respect of residential development, highway safety, parking, visual amenity, residential amenity, space standards and impact on the Pagham Harbour.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background (see below).

CONCLUSIONS

PRINCIPLE:

The site lies within the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan 2011-2031 and provided it is in accordance with other policies of the Local Plan covering such issues as loss of commercial floorspace, visual amenity/character, residential amenity, highway safety & parking. Furthermore, this is an existing residential site and the proposal does not seek to intensify the number of dwellings occupying the site.

Regard should also be had to policy SD SP1 of the ALP which states that: "When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework." It is considered that the site is in a sustainable location within reasonable walking and cycling distance of a range of shops, facilities and services including bus stops. Whilst the private car would inevitably be required for some trips, future residents would have a realistic choice of transport options.

Paragraph 118 (d) of the NPPF states that "Planning policies and decisions should: promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing"

LOSS OF COMMERCIAL:

Arun Local Plan policy EMP DM1 (Employment Land: Development Management) states that

Existing employment sites and premises will be protected where there remains a reasonable prospect of employment use. Excepting Permitted Development Rights or Local/Neighbourhood Development Orders, change of use from Business Class (B1-B8) or similar sui generis uses will not be permitted unless:

- a. It is demonstrated that the site is no longer required and is unlikely to be re-used or re-developed for

industrial/commercial purposes. This should include clear demonstration of marketing, viability appraisal and the suitability of the site to accommodate the proposed use - using a methodology to be agreed by the District Council at pre-application advice stage; or

b. The existing location poses insurmountable environmental harm or amenity which cannot be satisfactorily resolved.

The Council will require evidence that the site has not been made deliberately unviable, that marketing has been actively conducted for a reasonable period of time and that alternative employment uses have been fully explored."

The current building was in the past occupied by a Community Transport charity (Sammy Community Transport Ltd) within the single storey extension and an aerial installer (Aerial Systems) on the main ground floor. Sammy Community Transport appear to have left and Aerial Systems occupy all of the previous community space. The application does not provide any justification in respect of the above policy and for this reason is in conflict with policy EMP DM1. However, it is considered that the removal of the small amount of commercial space will enable the restoration of the original domestic appearance of the two semi-detached dwellings. The removal of part of the commercial use will also allow for a more efficient use of the land by enabling an additional dwelling to be added on the western side

DESIGN AND CHARACTER:

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

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

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

(13) Density - "The density of new housing will make efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. Proposals should take into account the density of the site and its surroundings. The density of large sites should be varied to guard against uniformity"; and

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

Furthermore, policy D SP1 "Design" states that:

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

Paragraph 127 of the NPPF states that "Planning policies and decisions should ensure that developments: (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and (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 main change to the existing dwellings is demolition of the single storey side extension and this is not considered to be detrimental to the appearance of this building. The other alterations relate purely to fenestration and are not considered to be significant enough to warrant a detailed assessment versus policy D DM4 (Extensions/Alterations).

In respect of the two new semi-detached dwellings, these are to be a similar height to the existing semi-detached dwellings. Although they will be different in design, this is acceptable noting the differences in design between 283/285 and the existing semi-detached dwellings to the west and east. It is also considered that the existing single storey extension and the bungalow provide the street with little sense of enclosure or presence - and that the addition of two further two storey semi-detached dwellings would make for a positive change to the streetscene.

The proposed apartment building is to be set behind the semi-detached dwellings and as such will have only limited visibility in the streetscene (viewed from the access and also visible between & above the semi-detached dwellings). The building will be large in mass and height but is not considered to be out of character noting the presence of other large buildings and large flatted buildings in the area. The building also has a varied roof height and employs gables and dormers that will add interest to the building and prevent it from appearing as one large 'block'. Its impact could be further mitigated through small scale tree planting within the site area.

It is therefore considered that the proposal complies with Arun Local Plan policies D DM1 & D SP1 and with the guidance on design within the NPPF.

RESIDENTIAL AMENITY:

Arun Local Plan 2011-2031 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." Regard should also be had to paragraph 127 of the NPPF which states that

"Planning policies and decisions should ensure that developments: (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."

It is not considered that there will be any harm associated with either the existing or proposed semi-detached dwellings as these front onto the road on a similar building line to existing dwellings. Furthermore, the only flank windows are to serve bathrooms and these can be obscure glazed to protect amenity. The new rear gardens will be overlooked by proposed windows to the apartment building behind. However, these windows are all secondary openings and therefore obscure glazing can be applied to protect the amenity of the new residential occupiers without compromising the amenity of the new flat occupiers.

There are balconies proposed on the apartment building and these could permit overlooking of gardens & windows on South Way to the west or Hatherleigh Gardens to the south. For this reason, it is

proposed to require that 1m high screens be installed to all three sides of these balconies such that there will be no views out when the flat occupant is sat down. This alongside the existing tree planting and interface distances is considered to satisfactorily mitigate harm from overlooking. In respect of the existing dwellings to the east, an interface distance of at least 26.5m is considered sufficient to protect the amenity of their rear windows. It is also noted that any overlooking between these two buildings will be at an oblique angle.

The position of the new apartment building will have a significant impact on light reaching the rears of the semi-detached dwellings and also some impact to the rear gardens of dwellings on South Way and the rear gardens of the dwellings to the east/southeast. However, the impact on the semi-detached dwellings is acceptable given that they are part of the redevelopment scheme and the new occupiers will be aware of the apartment building when they decide to purchase. The impact to the other nearby occupiers is considered to be mitigated by existing trees, the distances involved, the height of the sun in the sky and the lower height of the eastern part of the new building.

Arun Local Plan policy QE SP1 states that: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity". It is noted that the proposal includes new parking spaces which will be sited up against the rear boundary of 281. The current site does have informal hardstanding parking at the rear but this particular area is currently overgrown and inaccessible. Therefore, this proposal would introduce vehicles into an area where currently there are none. However, this is not considered to be so harmful given that vehicles only produce noise and air pollution when their engines are running and this is not typical of a parked car.

It is therefore considered that the proposal complies with Arun Local Plan policies D DM1 and QE SP1 as well as the guidance on amenity within the NPPF.

INTERNAL & EXTERNAL SPACE STANDARDS:

Arun Local Plan policy D DM2 states that: "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 therefore necessary to assess the proposal against the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) in order to determine whether the proposed replacement dwelling is suitable for residential use.

The following is a breakdown of the proposals versus the space standards:

Dwelling Type - Storeys/Beds/Persons - Requirement - Proposed - Compliance (Y/N)

Refurbished Semi - 2S/2B/4P - 79m² - 98m² - Y;
 Refurbished Semi - 2S/2B/4P - 79m² - 98m² - Y;
 New Semi - 2S/2B/4P - 79m² - 85m² - Y;
 New Semi - 2S/2B/4P - 79m² - 85m² - Y;
 Flat 1 - 1S/2B/3P - 61m² - 66m² - Y;
 Flat 2 - 1S/2B/3P - 61m² - 66m² - Y;
 Flat 3 - 1S/1B/1P - 39m² - 45m² - Y;
 Flat 4 - 1S/2B/3P - 61m² - 66m² - Y;
 Flat 5 - 1S/2B/3P - 61m² - 66m² - Y;
 Flat 6 - 1S/1B/1P - 39m² - 45m² - Y;
 Flat 7 - 1S/2B/3P - 61m² - 66m² - Y; and

Flat 8 - 1S/2B/3P - 61m2 - 66m2 - Y.

Policy D DM1 refers to the need for compliance with the Arun Design Guide. This is to replace policy D DM3 "External Space Standards" which was deleted at the request of the Local Plan Inspector. Until such time as this Design Guide is published, there is no policy within the Arun Local Plan regarding private gardens sizes. However, paragraph 127 of the NPPF states that: "Planning policies and decisions should ensure that developments: (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."

The proposed scheme does include rear gardens to the dwellings and a mix of private balcony and communal garden for the apartments. It is considered that the scheme provides a good standard of amenity for future occupiers.

It is therefore considered that the proposal complies with Arun Local Plan policies D DM1 & D DM2 and the guidance on amenity within the NPPF.

HIGHWAYS & PARKING:

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 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"

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."

Regard should also be had to paragraph 109 of the NPPF which states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

County Highways have assessed this scheme and raise no objections to the changes to the existing access or the parking provision which whilst short of the requirement is acceptable having regard to the amount of on-street visitor parking available locally. The proposal is therefore considered to comply with policy T SP1.

PAGHAM HARBOUR:

The application is accompanied by a signed legal agreement relating to a payment of £6,968 towards the mitigation of the impacts of the development on the Pagham Harbour Special Protection Area.

Arun Local Plan 2011-2031 policy ENV DM2 states that all new residential developments within a 400m to 5km distance ('Zone B') of Pagham Harbour make a financial contribution towards the provision of

accessible natural open green spaces to serve the area. A contribution of £1,275 per new residential unit was agreed by the Councils Cabinet on 20 July 2015. The report to Cabinet stated that:

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

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

The application site lies within the designated Zone B and accordingly it was necessary to apply this requirement. The net increase in dwellings resulted in a contribution of £6,968 at the current rate and it is this that is secured by the signed legal agreement.

SUMMARY:

This proposal is considered to represent an efficient use of currently under-utilised urban brownfield land and does so without compromising the visual amenity of the area or the amenities of existing neighbouring residential occupiers. There is conflict with the Arun Local Plan in respect of policy EMP DM1 and the loss of commercial floor space. However, it is not considered that this is so harmful so as to prevent the residential redevelopment of this site. It is also considered that the streetscene would be visually improved by the erection of two additional semi-detached dwellings and the removal of the existing commercial signage. The recommendation to approve is therefore made subject to the following conditions and the signed S.106 legal agreement.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the

following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

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

SECTION 106 DETAILS

This decision will be granted in conjunction with a Section 106 legal agreement relating to a contribution of £6,968 towards Pagham Harbour Access Management Mitigation Measures.

RECOMMENDATION

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

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

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

Dwg. 01 Rev A "Location Map";
 Dwg. 03 "Block Plan as Proposed";
 Dwg. 11 Rev B "Site Plan as Proposed";
 Dwg. 12 Rev A "Landscaping Plan as Proposed";
 Dwg. 20 "Ground Floor Plan As Proposed" (Apartments);
 Dwg. 21 "First Floor Plan As Proposed" (Apartments);
 Dwg. 22 Rev A "Second Floor Plan As Proposed" (Apartments);
 Dwg. 25 "Flat Block North Elevation as Proposed";
 Dwg. 26 "Flat Block West Elevation as Proposed";
 Dwg. 27 "Flat Block South Elevation as Proposed";
 Dwg. 28 "Flat Block East Elevation as Proposed";
 Dwg. 35 Rev B "2 Bed House Ground Floor Plans as Proposed";
 Dwg. 36 Rev B "2 Bed House (Elevations) as Proposed";
 Dwg. 39 Rev A "2 Bed House First Floor Plans as Proposed";
 Dwg. 40 "Refuse Store as Proposed";
 Dwg. 45 "Street Elevation as Proposed";
 Dwg. 52 "Ground Floor Plan as Proposed";
 Dwg. 53 "First Floor Plan as Proposed";
 Dwg. 54 "North East Elevation as Proposed";
 Dwg. 55 "South East Elevation as Proposed";
 Dwg. 56 "South West Elevation as Proposed";
 Dwg. 57 "North West Elevation as Proposed";
 Dwg. 2017/3765/001 "Site Overview, Visibility Splays and Parking Swept Path Analysis"; and
 Dwg. 2017/3765/002 "Refuse Vehicle Swept Path Analysis".

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 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, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No 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 policy W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because it would not be possible to implement a surface drainage scheme once development had commenced.

- 4 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 Arun DC Tree Officer and the Arboricultural Expert or Landscape Architect representing the site owners - at this meeting all protective fencing will be inspected - this will be assessed to verify that it is 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown on the Landscaping Plan submitted by ARCHITECTS DESIGN & MANAGEMENT, Dwg.No. 12 Rev A, dated June 2018.

Reasons: To comply with BS5837 and with Arun Local Plan policy ENV DM4 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised and they can continue to enhance the landscape and amenity of the area. This is required to be a pre-commencement condition because it is necessary to ensure the protection of the protected and otherwise significant trees prior to any change to the surface of the site.

- 5 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:

- the anticipated number, frequency and types of vehicles used during construction;
- the method of access and routing of vehicles during construction;
- the parking of vehicles by site operatives and visitors;
- the loading and unloading of plant, materials and waste;
- the storage of plant and materials used in construction of the development;
- the erection and maintenance of security hoarding;
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders); and
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area in accordance with policies D DM1 and T SP1 of the Arun Local Plan and the National Planning Policy Framework. This is required to be a pre-commencement condition because it is necessary to have the site set-up agreed prior to access by construction traffic.

- 6 Development shall not commence until full details of the proposed measures to be undertaken to protect the existing public sewer which crosses the site have been submitted and approved in writing by the local planning authority (in conjunction with Southern Water). The approved measures shall thereafter be implemented and retained for the duration of the construction process.

Reason: To ensure that the proposed development does not result in any damage to the existing foul sewer in accordance with policies W DM1 and W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because otherwise damage could occur to the sewer.

- 7 Development shall not commence until details of the proposed means of foul sewerage disposal has been submitted to and approved in writing by, the Local Planning Authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.

Reason: To ensure that the proposed development has a satisfactory means of disposing of foul sewerage in accordance with policies W DM1 and W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because it would not be possible to implement a foul drainage scheme once development had been completed.

- 8 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

- 9 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 buildings have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the buildings.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and character and appearance of this semi-rural area by endeavouring to achieve a building of visual quality in accordance with policy D DM1 of the Arun Local Plan.

- 10 No part of the flatted building shall be occupied unless and until full details of screening to be installed to the three sides of each balcony to the height of the approved railings have been submitted to and approved by the Local Planning Authority. The screening hereby approved shall then be installed and permanently retained.

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

- 11 No part of the development shall be first occupied until visibility splays of 43 metres by 0.6 metres have been provided at the proposed site vehicular access onto Chichester Road in accordance with plans and details submitted to and approved in writing by the Local Planning

Authority. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety and in accordance with policy T SP1 of the Arun Local Plan 2011-31.

- 12 No part of the development shall be first occupied until pedestrian visibility splays of 2 metres by 2 metres have been provided either side of the proposed site vehicular access onto Chichester Road in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. These visibility splays shall thereafter be kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety and in accordance with policy T SP1 of the Arun Local Plan 2011-31.

- 13 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority. The secure cycle storage spaces so approved shall be implemented in accordance with the approved details and retained in perpetuity unless otherwise agreed in writing with the local planning authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and policy T SP1 of the Arun Local Plan 2011-31.

- 14 No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development in accordance with policy T SP1 of the Arun Local Plan 2011-31.

- 15 Prior to occupation of any of the dwellings, an electric vehicle charge point shall be installed to serve each dwelling and this shall then be permanently retained and maintained in working condition.

Reason: New petrol and diesel cars/vans will not be sold beyond 2040, 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 and the National Planning Policy Framework.

- 16 The residential apartments shall be occupied unless and until the communal bin store has been constructed in accordance with the approved drawing 40 "Refuse Store as Proposed" and the bin store shall thereafter be retained in perpetuity unless otherwise agreed in writing with the local planning authority.

Reason: To protect the amenities of nearby residents in accordance with Arun Local Plan 2011-2031 policy W DM3.

- 17 Should any additional sewers be found during construction works then all development activities shall cease and not recommence until full details of the proposed measures to be undertaken to protect the public sewer have been submitted and approved in writing by the local planning authority (in conjunction with Southern Water) and then implemented in accordance with the agreed details.

Reason: To ensure that the proposed development does not result in any damage to the

existing foul sewer in accordance with policies W DM1 and W DM3 of the Arun Local Plan.

- 18 The two bathroom and one toilet windows on the eastern and western elevations of the new semi-detached dwellings (formerly 285a) shall at all times be glazed with obscured glass.

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

- 19 The new WC window on the eastern elevation of the refurbished building (283) shall at all times be glazed with obscured glass.

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

- 20 All of the bathroom and WC windows on the apartment building shall at all times be glazed with obscured glass.

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

- 21 The kitchen and lounge windows to the north facing first floor 2 bedroom flat, the north facing first floor stairway window and the second floor north facing lounge window shall at all times be glazed with obscured glass and fixed to be either top vent opening or non-opening.

Reason: To protect the amenities and privacy of the semi-detached houses and their gardens in accordance with policy D DM1 of the Arun Local Plan.

- 22 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to any of the dwelling houses shall be constructed or buildings shall be erected within their curtilages unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with policy D DM1 of the Arun Local Plan.

- 23 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.

- 24 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>.

- 25 INFORMATIVE: Drainage Engineers advise that 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 percolation tests must be carried out in accordance with BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between

the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 30% on stored volumes, as an allowance for climate change. 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 winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes are also available on request.

- 26 INFORMATIVE: Temporary Works Required During Construction - The applicant is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.
- 27 INFORMATIVE: Please note the comments of our Greenspace Officer in respect of the proposed landscaping: "The scheme proposed has included a comprehensive scheme which is suitable in species choice for location, has allowed for mitigation planting, but is lacking in detail. The proposed planting scheme should be detailed in plan form with species choice, actual numbers proposed per planting location, planting density and size at time of planting. This information would then ensure that the complete picture of the proposals can be seen."
- 28 INFORMATIVE: Please note the comments of our Environmental Health Officers:
- 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";
 - Any bathrooms and kitchens without windows for natural ventilation should have adequate mechanical ventilation; and
 - Must meet the requirements of the Housing Act 2004 and be free of Category 1 and significant Category 2 Hazards.
- 29 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to a financial contribution of £6,968 towards the Pagham Harbour Access Management Mitigation Measures.
- 30 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.
- 31 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat

Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.