

Recommendation Report for Planning Permission

REF NO:	BR/351/19/PL
LOCATION:	65 Upper Bognor Road (Charlotte House 71 & 71A Upper Bognor Road, 67 & 69 Upper Bognor Road Bognor Regis
PROPOSAL:	Erection of 2 No. live-work units; change of use of existing student accommodation including internal alterations to form 2 No. dwellings, 2 No. new windows, new staircase & replacement of roof on outbuilding; reconfiguration of existing dwellings, replace existing timbers & roof joists on first floor; change of use from medical centre/offices to 2 No. flats & workshop. creation of new private gardens, separation of this part of the site from the wider University campus, creation of a shared landscaped courtyard, creation of areas for parking & storage for bins & cycles. This application affects the character & appearance of the Upper Bognor Road & Mead Lane Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application proposes the erection of 2 no. live-work units; change of use of existing student accommodation including internal alterations to form 2 no. dwellings, 2 no. new windows, new staircase and replacement of roof on outbuilding; reconfiguration of existing dwellings, replace existing timbers and roof joists on first floor; change of use from medical centre/offices to 2 no. flats and workshop, creation of new private gardens, separation of this part of the site from the wider University Campus, creation of a shared landscaped courtyard, creation of areas for parking and storage for bins and cycles. This application affects the character and appearance of the Upper Bognor Road and Mead Lane Conservation Area.
SITE AREA	0.339 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	24 dph.
TOPOGRAPHY	Predominantly flat.
TREES	There are a number of trees on the site which would be affected by the proposed development. None of these trees are subject of Tree Preservation Order but are protected under the Upper Bognor Road and Mead Lane Conservation Area designation.
BOUNDARY TREATMENT	The southern boundary comprises walling of approximately 1.5m finished in flint. This rises to c. 2m to the south eastern boundary of the site. The western and eastern boundaries of the site comprise a mixture of walling, tree planting and

SITE CHARACTERISTICS

vegetation. The site is open to the northern boundary but this comprises part of the wider University campus.

The application site comprises 3 no. existing Grade II listed buildings. Charlotte House is located to the south west of the application site and provides living accommodation for students. 69/67 Upper Bognor Road is located to the south east of the site and were used as residences by University staff; although unoccupied since 2003. 71/71A is located to the north east of the site and comprises was in medical centre use at ground floor and first floor use as a flat. Following an arson attack in 2006 extensive damage was caused. The wider site is laid to lawn with an internal road serving the University campus. Access to the site is left in, left out access only.

CHARACTER OF LOCALITY

The application site falls within the Upper Bognor Road and Mead Lane Conservation Area. To the north of the site is the University campus. To the east of the application site is purpose built student accommodation which has been recently constructed. To the west of the site is a belt of trees. Beyond these trees is the Grade I listed Dome building. To the south of the site is the B2259 main road, beyond which is the accommodation for the Butlins Resort.

No planning histories of any significance. Listed Building consent has been sought separately under BR/352/19/L.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

NO OBJECTION - Members of the Town Council's Planning and Licensing Committee welcome the restoration of these buildings. With changes that have been made over time, to areas such as the staircase, it is felt that the proposals will not have any further negative impact. Members are of the opinion that the proposals are tasteful, and sensitive to the architecture, whilst retaining as much as possible.

The comments made by other consultees, primarily the Local Highways Agency, Environment Agency and Environment Officer, are both acknowledged and supported by Members.

In the interests of public safety, the Town Council would like to see some form of lighting introduced in the area of these sites.

ARUN DISTRICT CONSERVATION AREA ADVISORY PANEL

The panel welcome the conversion of the existing buildings and the design approach taken. Precise details of materials, finishes and new joinery need to be agreed with the LPA. However, our objection is based on the poor design quality of the new building. There is an odd window to wall ratio and the incongruous appearance of the lobby and staircase area. In addition there needs to be greater over style and depth to the eaves.

COMMENTS ON REPRESENTATIONS RECEIVED:

Matters relating to eaves detailing were raised with the applicant. Additional information was submitted in response to this detailing similar buildings within the locality which use a similar style and finishing. The comments from the Advisory Committee have been noted and considered within the Conservation Officer's formal comments detailed below.

CONSULTATIONS

Conservation Officer
 WSCC Strategic Planning
 Engineering Services Manager
 Engineers (Drainage)
 Environmental Health
 Ecology Advisor
 Engineers (structural)
 Archaeology Advisor
 Environment Agency
 Surface Water Drainage Team
 Arboriculturist

CONSULTATION RESPONSES RECEIVED:**WEST SUSSEX COUNTY COUNCIL HIGHWAYS**

No objection subject to imposition of appropriately worded conditions relating to vehicle tracking and refuse collection.

ARUN DISTRICT COUNCIL DRAINAGE ENGINEER

Nod etail of the proposed surface water drainage strategy for the site has been supplied. If you are minded to approve the application please apply the detailed conditions to ensure the development is adequately drained and does not increase flood risk elsewhere.

ENVIRONMENT AGENCY

Following an outline of the flood resilience measures by the applicant, including:

- Signing up to the EA Flood Warning Service
- Requirements for a Flood Emergency Plan (subject to approval by the local planning authority)
- The installation of temporary flood barriers in the event of flooding

We have no objections to the proposed development. As this site sits on the edge of the flood zones, we would recommend that there is safe evacuation and refuge in areas outside of flood zone 2 & 3 in the event of flooding.

ARUN DISTRICT COUNCIL ENVIRONMENTAL HEALTH

No objection subject to imposition of conditions outlined in response.

ARUN DISTRICT COUNCIL BUILDING CONTROL

Strengthening proposals to the roof and floors to be fully justified by design and in accordance with the Building Regulations. Although the solid floor was mentioned how is this to be upgraded to meet the

current thermal regulations without affecting ceiling heights, access etc...

ARUN DISTRICT COUNCIL ARCHAEOLOGY OFFICER

No objection.

ARUN DISTRICT COUNCIL ENVIRONMENT OFFICER

The ecological assessment (Nov 2019) which has been undertaken for the site is only considering the impacts for the proposal to construct two new live work units, and does not consider the proposed changes to Charlotte House (no 65), 67, 69, 71, 71A Upper Bognor Road. An updated survey needs to take place to include the works to these buildings and surrounding areas. Until the survey has been updated we are unable to provide a full consultation response.

ARUN DISTRICT COUNCIL CONSERVATION OFFICER

No objection. No impact upon significance of heritage asset. Subject to imposition of conditions outlined in consultation response in full.

COMMENTS ON CONSULTATION RESPONSES:

ADC ENVIRONMENT OFFICER - The submitted Habitat and Biodiversity Survey details in paragraph 4.4 that concludes there is no potential roosting features such as buildings or mature trees present that might support bats and no further surveys or mitigation measures are necessary for this group of species. All other hedgerows and grassed areas within the application site have been assessed.

POLICY CONTEXT

Designation applicable to site:

- 2km Buffer of Bognor Reef and Felpham SSSIs
- Built-up Area Boundary
- Listed Buildings
- Upper Bognor Road and Mead Lane Conservation Area
- CIL Charging Zone 4
- Archaeological Notification Areas
- Bognor Regis Economic Growth Area

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
ECCDM1	ECC DM1 Renewable Energy
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment

QESP1	QE SP1 Quality of the Environment
SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WMDM1	WM DM1 Waste Management

Bognor Regis Neighbourhood Plan 2015 Policy 1	Delivery of the Vision
Bognor Regis Neighbourhood Plan 2015 Policy 8A	Design Excellence
Bognor Regis Neighbourhood Plan 2015 Policy 8B	Car Parking
Bognor Regis Neighbourhood Plan 2015 Policy 8j	The University of Chichester Bognor Regis Campus

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plan and the Made Bognor Regis Neighbourhood Development Plan (2015-2030).

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

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 accords with the policies contained within the Development Plan in respect of settlement boundaries. The National Planning Policy Framework is an overriding material consideration in this instance.

OTHER MATERIAL CONSIDERATIONS

There are other material considerations to warrant a decision other than in accordance with the Development Plan.

The housing land supply target set out within the Local Plan includes a provision of at least 1,250 homes to be identified through both the review of the Neighbourhood Plans and through a Non-Strategic Site Allocations Development Plan Document (NSS-DPD). The NSS-DPD is not yet out for consultation, which increases the reliance on the strategic allocations for maintaining the supply of housing.

In February 2019, the Government published results of its Housing Delivery Test (HDT) for November 2018. This shows that Arun District Council has under-delivered on its housing targets (achieving only 91%). The Test recommends that all Councils achieving less than 95% prepare an Action Plan to set out how delivery rates will be improved. The Council's Authority Monitoring Report (AMR) was considered at the Planning Policy Local Plan Sub-Committee in December 2019 and showed that the Council could no longer demonstrate a 5-year Housing Land Supply (HLS) as is required by the NPPF. The AMR reported a 3.7 year Housing Land Supply (HLS).

The reasons for the lower projected delivery include planning delays on some Strategic Allocations; poor quality schemes delaying approvals; developers unable to meet stated and committed timescales; strategic site applications not coming forward as anticipated and developer/market factors outside of local authority control.

However, on 12 February 2020, following an appeal decision - Ref: APP/C3810/W/19/3236911 - a Planning Inspector considered that the authority was only able to demonstrate 2.9 years HLS. The Council is of the view that its AMR evidence is robust but this needs to be improved. The Council is of the view that this will be more concise and transparent via signed Statement of Common Ground for the Strategic Allocations and the authority is now pursuing this. In the interim, the position of the 5 year HLS must necessarily remain at 2.9 years as determined by this appeal. The Council will update its position in due course.

In addition, the government published Arun's HDT result for November 2019 (in February 2020). The HDT was 68% triggering the application of a 20% buffer to be included in the calculation of the Authority's 5 year HLS. The above appeal position reflects this buffer.

The Council's Action Plan published in June 2019 makes a series of recommendations in order to boost housing delivery. This includes relying on the 'presumption in favour of sustainable development' until such time as the 5-year housing land supply re-established and the HLS is progressed through plan making. It recommends that the Council consider inviting applications from landowners/developers on 'deliverable' HELAA sites to re-establish the 5 year housing land supply. The release of further land for housing will help maintain delivery rates.

The Council's 5 year Housing Land Supply position results in the main policies relevant to this application (SD SP2, H SP1 and EMP SP2) having reduced/no weight. Footnote 7 therefore makes the National Planning Policy Framework an overriding material consideration to warrant a decision other than in accordance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The main policies relevant to this application are SD SP2, H SP1 and EMP SP2 of the Arun Local Plan. They require development to be focussed within the Built Up Area Boundaries, subject to consideration against other policies of this Local Plan. Policy HSP1 (ALP) requires at least 20,000 new homes to be accommodated within the District throughout the Plan period of 2011 - 2031. Policy 8j (NDP) promotes co-working spaces and additional student housing. The development would accord with these policies.

Policy EMP SP2 (ALP) states that within the Bognor Regis Economic Growth Area the Council shall particularly encourage the expansion and improvement of the academic and recreational facilities for the University of Chichester. The proposed development would result in a net loss of buildings currently used by the University of Chichester and would therefore be contrary to Policy EMP SP2.

At the time of this assessment, Arun District Council are unable to demonstrate a 5 year Housing Land

Supply which therefore triggers the presumption in favour of sustainable development under footnote 7 and paragraph 11(d) of the National Planning Policy Framework (2019). Under these circumstances the NPPF is a material consideration of significant weight when applying S38(6) of the 2006 Act.

Footnote 7 of the NPPF makes clear that where Councils are unable to demonstrate a 5 year Housing Land Supply, the policies which are most important for determining the application are out-of-date. In this instance, Policies SD SP2 (Built-up Area Boundary), Policy H SP1 (The Housing Requirement) and Policy EMP SP2 (Economic Growth Areas) of the Arun Local Plan and Policy 8j (NDP) are considered most important for determining the application and are of minimal weight. Therefore NPPF provisions are given greater weight as a material consideration than the development plan policies when applying S38(6) of the 2006 Act.

Decision taking should be undertaken with paragraph 11(d) of the NPPF. This means granting permission unless:

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole.

Paragraph 7 (NPPF) makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 states that achieving sustainable development comprises three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways.

The development would provide housing in a sustainable location that would provide access to jobs and services required for day-to-day living, which would support the local economy (economic). The development would provide a range of homes that could meet the needs of present and future generations (social). The development would make an effective use of a previously developed plot surrounded by similar development (environmental).

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

DESIGN AND VISUAL AMENITY

Paragraph 127 of the NPPF requires development to function well and add to the overall quality of the area over its lifetime. Paragraph 130 (NPPF) states permission should be refused for development of poor design.

Policies D SP1, D DM1 and D DM4 of the Arun Local Plan require development proposals to make efficient use of land but reflect the characteristics of the site and local area. Policy 8a (NDP) requires development to demonstrate excellence in design, especially design that will help establish a strong sense of place and create attractive and comfortable places to live. These policies accord with the NPPF provisions and are given full weight.

The new live/work units would comprise a two storey building finished with a hipped roof to its northern and southern pitches. The building would be unassuming and finished in cream stucco walls. The building height, as shown on the submitted section, comprises a lower height to that of nos. 67/69. This ensures a clear hierarchy of development is achieved. The fenestration is considered to be minimalist in nature which reiterates the unassuming character of the building. These finishes and detailing, combined with the overall form and ground floor openings, have the appearance of a subservient coach house building. Such a form and finish are considered appropriate in this location.

The plans detail the retention of all external facing materials to Charlotte House with the exception of the removal of the asbestos roof serving the store with a replacement new natural slate roof. 2 no. new windows are proposed which match the existing on the northern elevation. These windows accord with the overall aesthetic of the building. Therefore, the design of Charlotte House would retain the overall character and appearance of the building.

The plans detail the retention of all external facing materials to 67/69 Upper Bognor Road, notwithstanding the insertion of a new painted timber gate to the southern elevation of the boundary walling. The insertion of a gate in this location is not considered to be harmful and the use of a timber finish is appropriate and sympathetic to the host building.

The plans detail the retention of all external facing materials to 71 Upper Bognor Road which are detailed in full on the submitted plans.

A condition will be imposed requiring details of the materials used in the new live/work unit to be submitted to the Local Planning Authority for approval. This will ensure the appearance of this new building accords with the neighbouring buildings of greater sensitivity.

The development will make an efficient use of land but reflect the characteristics of the site and local area, in accordance with paragraphs 127 and 130 of the National Planning Policy Framework, Policies D SP1, D DM1 and D DM4 of the Arun Local Plan and Policy 8a of the Bognor Regis Neighbourhood Development Plan.

INTERNAL SPACE STANDARDS

Policy D DM2 of the Arun Local Plan requires internal spaces to be an appropriate size to meet the requirements of all occupants and their changing needs. Internal spaces of proposed dwellings are assessed against the Nationally Described Space Standards. The proposed spaces meet or exceed the minimum thresholds. The development therefore accords with Policy D DM2 of the Arun Local Plan.

NEIGHBOURING AMENITY

Paragraph 127(f) (NPPF) requires planning decisions to create places with a high standard of amenity for existing and future users.

Policies QE SP1 and D DM1 of the Arun Local Plan require development to have a minimal impact on users and occupiers of nearby property and land. These policies accord with the NPPF and are therefore given full weight.

The application site is not surrounded by neighbouring residential development and the only relationship the future properties would have is with one another. All dwellings on the site are orientated so that their private elevations face in opposite directions. The closest relationship is between nos. 67/69 and the new live work units. However, this type of close relationship is typical of front to front relationships which comprise more public and visible elevations. They are not as sensitive as back to back distances and adequate private amenity space is afforded to the rear. Therefore, no harm to the amenities of existing or future occupiers would be present.

On the basis of the above, the development would accord with Policies QE SP1 and D DM1 of the Arun Local Plan and paragraph 127(f) of the National Planning Policy Framework.

IMPACT UPON DESIGNATED HERITAGE ASSETS: LISTED BUILDINGS

Paragraph 196 (NPPF) states that less than substantial harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposal including, where

appropriate, securing its optimum viable use.

Policy HER DM1 (ALP) supports alternative uses for Listed Buildings which retain their structure and preserve their character and setting where the change will provide for the long term conservation of the structure and fabric of the building. Policy 1 (NDP) requires alterations to designated heritage assets to demonstrate how proposed changes will support the delivery of relevant NDP objectives. These policies are consistent with the NPPF and are given full weight.

CHARLOTTE HOUSE - The proposed changes comprise the insertion of 2 no. windows to the northern elevation and the demolition of an internal wall to the former kitchen and front principal room, demolition of an internal wall to the outshut and the insertion of a staircase in the outshut to allow the sub-division. There are also two additional door openings to the first floor internally. The works comprise the minimum necessary to facilitate the two separate units. These works are not considered by the Council's Conservation Officer to affect the significance of the designated heritage asset.

67/69 UPPER BOGNOR ROAD - The proposed changes comprise the demolition of a single brick wall to the rear outshut which formed the WC enclosure which is understood to have been inserted C20 and insertion of a timber door. These works comprise the minimum necessary to allow the continued use of the building as residential dwellings. These works are not considered by the Council's Conservation Officer to affect the significance of the designated heritage asset.

71 UPPER BOGNOR ROAD - The proposed refurbishment works retain the existing fabric and present plan form. Little change to the plan form is proposed and existing features as detailed in paragraph 4.31 of the Heritage Statement will be retained. A single opening at first floor between front and rear rooms is proposed. These works comprise the minimum necessary to allow the continued use of the building as residential accommodation and a workshop. These works are not considered by the Council's Conservation Officer to affect the significance of the designated heritage asset.

LIVE/WORK UNIT - The new building will affect the setting of a designated heritage asset under paragraph 196 (NPPF). However, its scale and form is simple and compact with a depth of plan reflective of the nearby historic buildings on the site. This would ensure a hierarchy of development is achieved across the site. Such a development would comprise less than substantial harm but would deliver a further 2 no. dwellings towards the Council's annualised housing targets. This aspect of the development proposal is not considered to affect the significance of the heritage asset but would deliver a public benefits.

Conditions will be imposed requiring the submission of details of the new live/work unit to ensure its finishing would not adversely impact upon the nearby designated heritage assets.

The Council's Conservation Officer has reviewed the proposed development in detail and has concluded that the development would not affect the significance of the designated heritage asset. Therefore, subject to the conditions outlined above, the development accords with Policy HER DM1 of the Arun Local Plan, Policy 1 of the Bognor Regis Neighbourhood Development Plan and paragraph 196 of the National Planning Policy Framework.

IMPACT UPON DESIGNATED HERITAGE ASSETS: CONSERVATION AREA

Paragraph 196 (NPPF) states that less than substantial harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Policy HER DM3 (ALP) requires proposals to preserve or enhance the character or appearance of the Conservation Area, in accordance with the 6 point criteria. This is consistent with the NPPF and is given

full weight.

The Bognor Regis (Upper Bognor Road and Mead Lane) Supplementary Planning Document outlines that 'original boundary walling carries through to the road frontage in places, a historic remnant of the time when the buildings were substantial single dwellings'. It goes on to state that 'low boundary walling along this road frontage provides demarcation and also complements the scale and importance of the buildings.' The proposed development would retain these defining features and would therefore preserve the appearance of the Conservation Area from public viewpoints.

The submitted plans detail additional hard surfacing to areas currently finished to lawn. This mainly derives from the parking area. This would enhance the character of the area in terms of reiterating the importance of the residential uses of the building and would not be visible from any notable public viewpoints. Notwithstanding this, the enhancement of the residential character of this site better accords with the historic residential uses across the site.

On the basis of the above, the development would preserve the appearance of the Conservation Area and enhance the character of the Conservation Area in accordance with Policy HER DM3 of the Arun Local Plan and paragraph 196 of the National Planning Policy Framework.

PARKING, TRANSPORT AND HIGHWAYS

Paragraph 108 (NPPF) seeks to ensure safe and sufficient access to the site for all users. Paragraph 109 (NPPF) states development should only be refused on highways grounds if there would be residual cumulative impacts on the road network that would be severe.

Policy T SP1 of the Arun Local Plan requires appropriate levels of parking in line with West Sussex. Arun District Council guidance has now been adopted which supersedes WSCC guidance. Policy 8b (NDP) requires the submission of a Transport Assessment. These policies accord with the NPPF and are given full weight.

The application proposes to separate the new residential dwellings from the main University Campus site. This new site would rely on the in/out access arrangement off the B2259 road with the left hand only entry and exit access remaining.

The submitted Transport Statement details a net decrease in vehicle movements over a typical 24 hour period from 160 to 53 (net decrease of 107 movements per 24 hour period). Existing vehicle movements generated from the northern car parking area that currently use this access could be re-routed through University of Chichester land. A number of alternative access points exist and both the Local Planning Authority and Local Highways Authority consider these existing movements could be accommodated without any severe impact upon highways safety.

The use of the existing access point onto Upper Bognor Road requires a left hand turn exit arrangement. Visibility splays to the west (right) are sufficient to enable this movement. Eastern splays (left) are insufficient owing to the listed boundary wall; however, this would only implicate upon vehicle to pedestrian conflicts owing to the VCO arrangement.

In discussions with the Local Highway Authority it was deemed that splays would be safe owing to the above reduction in vehicle movements. Equally, regard is given to the fact that vehicles would be emerging slowly at this junction and pedestrians would be able to stop should a vehicle be exiting the site. Material weight is given to the fact pedestrians are likely to use the footpath on the southern side of Upper Bognor Road more, given its physical separation from the roadside and wider footpath. Further, weight is given to the fact that this junction has operated in a more intense manner than proposed without any history of accidents or conflicts. On this basis, the use of this access point in the manner

proposed would be safe and sufficient and not result in any severe cumulative highways impacts.

The development provides 18 no. car park spaces which accords with the ADC requirement for 9 dwellings across the site. WSCC have not raised any objection to this level of provision, though they have requested vehicle tracking to be demonstrated of the parking spaces by way of discharge of condition. Conditions will also be imposed requiring the provision of these spaces prior to the occupation of these dwellings.

The development would provide for the transport demands created in accordance with Policy T SP1 of the Arun Local Plan, Arun District Council Parking Standards Guidance and paragraphs 108 and 109 of the National Planning Policy Framework.

CYCLE STORAGE

Policy T SP1 of the Arun Local Plan requires the Council to ensure developments promotes sustainable transport. ADC Parking Standards generate a total of 8 cycle spaces (1 per dwelling) across the development. The proposed provision of 16 spaces accords with the guidelines set out to support Policy T SP1 (ALP). A condition will be imposed to secure their provision prior to the occupation of the dwellings permitted. Such a condition meets with the tests outlined in paragraph 55 (NPPF).

FLOOD RISK

Policy W DM2 (ALP) requires development in areas at risk of flooding to only be permitted where the six point criteria has been met. This criteria includes accordance with NPPG guidance. Policy W DM2 (ALP) is consistent with the NPPF and is therefore given full weight.

Paragraph: 033 Reference ID: 7-033-20140306 (Flood Risk and Coastal Change) makes clear that the Sequential Test does not need to be applied to change of use applications. Only the new residential dwellings are subject to the Sequential Test. The applicant has submitted a Sequential Test within Appendix C of the Flood Risk Assessment (FRA). The scope of the Sequential Test was agreed with Officers at Arun District Council. On the basis of the information submitted the applicant has fulfilled the Sequential Test.

The NPPG Flood Risk Vulnerability Classification Table sets out that residential development within Flood Zone 3a requires the Exception Test. The applicant has submitted an Exception Test that demonstrates (a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and (b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere. The LPA therefore consider that the applicant has fulfilled the Exception Test under paragraph 160 (NPPF).

The submitted FRA notes there is a low risk of fluvial, surface water, sewer and artificial flooding sources. The site is only at medium residual risk from tidal flooding in the event of a tidal breach. The site is at medium risk of groundwater flooding due to the nature of the underlying geology.

Paragraph 6.5.2 of the submitted FRA details that there are no significant underground structures being proposed and therefore the risk of the proposed development causing increased groundwater flooding to the surrounding area is considered to be low. This accords with the comments received from the Council's Drainage Engineer. They have recommended Groundwater Condition Testing in winter months by way of discharge of condition. This meets the paragraph 55 (NPPF) tests.

The site is identified as being at risk of Surface Water flooding without any mitigation. However, mitigation in the form of a Drainage Strategy is considered sufficient to address this risk. This accords with the recommendations from the Council's Drainage Officer which recommends the submission of a Drainage Strategy via condition. This meets with paragraph 55 (NPPF) tests.

The layout of the proposed new dwellings incorporates flood resilient design in accordance with best practice by locating residential development at first floor level, with the lower vulnerability workshop at ground floor level. The FRA has identified an access/egress route along Upper Bognor Road which can be utilised in the event of a flood event. This would allow for safe access/egress along a route not at risk of flooding. A condition will be imposed requiring the mitigation measures set out in Section 8.5 of the submitted FRA and additional information submitted to be undertaken prior to the occupation of the new live/work dwellings.

Subject to the above conditions, the development would not result in an increase in flood risk either on the site or elsewhere and therefore accords with Policy W DM2 of the Arun Local Plan and paragraphs 157, 160, 163 and 164 of the National Planning Policy Framework and according National Planning Practice Guidance.

BIN STORAGE AND COLLECTION

Policy WM DM1 of the Arun Local Plan requires development to ensure kerbside collection is possible. The proposed bin store is located within the site and before/on collection day wheelie bins would need to be dragged to the roadside to enable collection. Whilst the location of the bin store has been provided no capacities have been detailed. Therefore, a condition will be imposed requiring the submission of details of the bin store and wheelie bin capacities to be used in the development, prior to the occupation of development.

Owing to refuse vehicle tracking a refuse vehicle would be unable to enter and exit the site in a forward gear. The Local Highway Authority has indicated that road side collection is suitable along Upper Bognor Road.

Subject to acceptable details being provided at discharge of condition stage, the development therefore accords with Policy WM DM1 of the Arun Local Plan.

TREES AND LANDSCAPING

Paragraph 127(b) and 153(b) (NPPF) requires LPAs to take account of landscaping to minimise energy consumption. It requires developments to be visually attractive as a result of effective landscaping.

Policies ENV DM3, ENV DM4 and D SP1 (ALP) supports the retention of trees and, where appropriate, replacement planting on site. Policy ENV DM3 (ALP) states proposals that do not address opportunities for enhancing landscaping will not be permitted.

The site does not contain any TPOs or protected trees but contains a number of U category trees. The submitted Tree Survey provided in support of the application identifies trees of a quality up to Category B1, but not Category A. The Arboricultural Method Statement highlights a number of trees to be removed which all comprise the identified category U trees. The Arboricultural Report details that these would be removed regardless of any development proposals due to health reasons. Further, the trees are not protected and could be removed at any time.

The removal of the trees comprise the smallest trees on the site and are mitigated through compensatory planting. The trees do not provide any wider amenity value being located internally within the site and the replacement planting would allow for continued longevity and health and long-term amenity value, owing to the more favourable location on the site.

The layout of the development would not infringe upon any trees of significant quality and replacement planting of a better quality, with greater lifespan, could be secured by imposition of condition relating to the Landscaping Strategy. Therefore, a condition will be imposed requiring the submission of a full

Landscaping Strategy and details of protection of trees on the site, prior to the commencement of development. Such a condition meets with the tests outlined in paragraph 55 of the National Planning Policy Framework.

Taking the above factors into account the development provides effective landscaping which accords with the character of the area in accordance with Policies ENV DM3, ENV DM4 and D SP1 of the Arun Local Plan and paragraphs 127(b) and 153(b) of the National Planning Policy Framework.

HABITATS AND BIODIVERSITY

Paragraph 170(d) (NPPF) requires decisions to contribute to and enhance the natural and local environment. Paragraph 174(b) (NPPF) requires plans to pursue opportunities to securing measurable net gains for biodiversity. Paragraph 175(b) (NPPF) requires the incorporation of biodiversity improvements, especially where this can secure measurable net gains for biodiversity.

Policy ENV DM4 (ALP) requires development to achieve a net gain in biodiversity and protect existing habitats on site. Policy ENV DM4 is consistent with the NPPF and is therefore given full weight.

The applicant has provided information on landscape and ecology which has received positive comments from the Council's Landscape Officer. The measures detailed within the corresponding Landscaping Plan and Ecological Assessment will be secured by imposition of conditions relating to landscaping which will improve the biodiversity value across the site.

Taking the above factors into account the development accords with Policies ENV DM4 of the Arun Local Plan and paragraphs 170(d), 174(b) and 175(d) of the National Planning Policy Framework.

SUSTAINABLE CONSTRUCTION

Policy ECC SP2 (ALP) requires all new development (including conversions) to be energy efficient. To achieve conformity with Policy ECC SP2 a condition will be imposed requiring the applicant to detail how the dwellings will accord with the above proposals.

SUMMARY

This application considers the redevelopment of 3 no. existing buildings and the erection of 1 no. building to facilitate 2 no. new dwellings; thus delivering 8 no. dwellings towards the Council's annualised housing targets. To facilitate these dwellings the loss of redundant educational buildings would result. This loss is in conflict with policies contained within the Development Plan; though the provision of housing in this Built Up Area Boundary is supported by the Local Plan.

The principle of the development is in part contrary to the policies within the development plan. However, these main relevant policies have little/no weight due to the Council being unable to demonstrate an adequate supply of housing land. Furthermore, the proposal represents sustainable development and the NPPF presumption in favour of sustainable development is engaged. The principle of residential development on this site is considered acceptable and in accordance with the Local Plan policies.

It is considered the material considerations set out within this report are such that in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, a decision can be taken other than in accordance with the Development Plan. Therefore, planning permission can be approved.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun

District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

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

DUTY UNDER THE EQUALITIES ACT 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

- 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:

5542-011-D2: Site Location Plan
 5542-100-D3: Site Plan Proposed
 5542-101-D2: 67-69 Upper Bognor Road - Ground Floor Proposed
 5542-102-D2: 67-69 Upper Bognor Road - First Floor Proposed
 5542-103-D2: 67-69 Upper Bognor Road - Elevations as Proposed
 5542-104-D2: 71 Upper Bognor Road - Ground Floor Proposed
 5542-105-D2: 71 Upper Bognor Road - First Floor Proposed
 5542-106-D2: 71 Upper Bognor Road - Elevations as Proposed
 5542-107-D3: Charlotte - Ground Floor Proposed
 5542-108-D3: Charlotte House - First Floor Proposed
 5542-109-D2: Charlotte House - Elevations as Proposed
 5542-110-D2: New Live Work Units - Ground Floor Plan Proposed
 5542-111-D2: New Live Work Units - First Floor Plan Proposed
 5542-112-D2: New Live Work Units - Elevations as Proposed
 5542-113-D1: 67-69 Upper Bognor Road & Live/Work Units Site Section and Street Elevation as Proposed
 5542-114-D1: Bin and Cycle Stores - Plans and Elevations
 5542-115-D2: Block Plan as Proposed

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

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

- 3 Prior to the commencement of development, details of eaves, guttering, materials, windows, doors, joinery and proposed external finishings shall be submitted to the Local Planning Authority, in writing, for approval. Once approved, the development shall be undertaken in accordance with these details and retained as such at all times thereafter in perpetuity.

Reason: The necessity for this matter to be addressed prior to the commencement of development is to ensure that no harm to the listed buildings and/or new buildings is created which cannot be reversed. For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies HER SP1 and HER DM1 of the Arun Local Plan.

- 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 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/setting of the Listed Building and by endeavouring to achieve a building of visual quality in accordance with policy ENV DM4 of the Arun Local Plan.

- 5 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.

- 6 The development shall not proceed until details have been submitted to and approved in writing by the Local Planning Authority for any proposals: to discharge flows to watercourses; or for the culverting, diversion, infilling or obstruction of any watercourse on or adjacent to the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run-off values. No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities in respect to any watercourse or culvert on or adjacent to the site.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan. And to ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion. It is considered necessary for this to be a pre-commencement condition to protect existing watercourses prior to the construction commencing.

- 7 Development shall not commence until full details of the maintenance and management of the

surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the future maintenance and funding arrangements for the surface water disposal scheme are agreed before construction commences.

- 8 Prior to the commencement of the development hereby approved, a scheme shall be submitted to and approved by the Local Planning Authority to demonstrate that the internal noise levels within the residential units will conform to the "Indoor ambient noise levels for dwellings" guideline values specified within Table 4 under section 7.7.2 of BS 8233:2014.

Details shall be compiled by a competent acoustician on sound insulation and noise reduction for buildings and shall be submitted to and approved in writing by the Local Planning Authority. The scheme should take into account the correct number of air changes required for noise affected rooms. The works specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and a test carried out on completion to ensure the required levels are met. All parts of the approved scheme shall be retained thereafter.

Reason: This is required to be a pre-commencement condition to ensure sufficient drainage can serve the site and to protect the amenity of local residents in accordance with Policy QE DM1 of the Adopted Arun Local Plan 2011 - 2031.

- 9 No part of the development shall be first occupied until such time as the existing vehicular access into Chichester University to the north has been physically closed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

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

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

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

- 11 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. Once provided they shall be retained for their designated purposes at all times thereafter.

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

- 12 Prior to the occupation of the dwellings, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings shall be submitted to the local

planning authority for approval and thereafter implemented in accordance with the approved details and the charge points shall thereafter be permanently retained and maintained in good working condition.

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

- 13 Details for the storage of waste on the premises, including the proposed capacities of wheelie bins, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The bin store shall be undertaken in accordance with the details hereby approved and retained as such at all times thereafter.

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

- 14 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.

- 15 No development including site access, demolition or associated construction activities shall commence unless and until all the existing trees/bushes/hedges to be retained on the site have been protected in accordance with a scheme submitted to the Local Planning Authority. Within the areas so fenced off the existing ground must not be cultivated, nor must it be lowered or raised or added to by the importation and spreading of top soil unless agreed by the Local Planning authority. There must be no materials, temporary buildings, plant machinery or surplus soil shall be placed or stored thereon without prior written approval of the Local Planning Authority.

No trenching should occur within the protective fencing surrounding the Root Protection Area. If roots requiring severance to allow for the passage of services is necessary then an arboriculturist would be required to assess and determine whether the loss of the roots would be detrimental to the continued health and stability of the affected tree.

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area in accordance with policy ENV DM4 of the Arun Local Plan.

- 16 No development including site access, demolition or associated construction activities shall commence unless and until all the existing trees/bushes/hedges to be retained on the site have been protected in accordance with a scheme submitted to the Local Planning Authority. Within the areas so fenced off the existing ground must not be cultivated, nor must it be lowered or raised or added to by the importation and spreading of top soil unless agreed by the Local Planning authority. There must be no materials, temporary buildings, plant machinery or surplus soil shall be placed or stored thereon without prior written approval of the

Local Planning Authority.

No trenching should occur within the protective fencing surrounding the Root Protection Area. If roots requiring severance to allow for the passage of services is necessary then an arboriculturist would be required to assess and determine whether the loss of the roots would be detrimental to the continued health and stability of the affected tree.

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area in accordance with policy ENV DM4 of the Arun Local Plan.

- 17 The existing trees/bushes/hedges shall be/retained/protected in a manner to be agreed with the Local Planning Authority before the development commences for the duration of the development and shall not be damaged, destroyed, uprooted, felled, lopped or topped during that period without the previous written consent of the Local Planning Authority. Any trees removed without such consent or dying or being seriously damaged or becoming seriously diseased during that period shall be replaced in the following planting season with trees of such size and species as may be agreed with the Local Planning Authority.

Reason: To ensure the retention of vegetation important to the visual amenity, /the ecological quality/and for the environment of the area in accordance with policies d DM1 and ENV DM4 of the Arun Local Plan.

- 18 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (prepared by AECOM dated February 2020) and the following mitigation measures detailed within the FRA:

- Signing up to the EA Flood Warning Service
- Requirements for a Flood Emergency Plan (subject to approval by the local planning authority)
- The installation of temporary flood barriers in the event of flooding
- Finished floor levels set 300m above AOD where practicable

Reason: To ensure development is safe and not at an unacceptable risk of flooding in accordance with policy W DM2 of the Arun Local Plan and the National Planning Policy Framework,

- 19 Prior to the occupation of the development hereby permitted, the mitigation measures and recommendations detailed in the Reptile Mitigation Statement (dated 05 December 2019) and Ecological Assessment (19 November 2019) shall be undertaken on site. Once undertaken, the mitigation measures shall be retained as such at all times thereafter in perpetuity.

Reason: To safeguard species and habitats within the site and provide for net gains in biodiversity in accordance with policy ENV DM5 of the Arun Local Plan.

- 20 Prior to the commencement of the development hereby approved, a scheme to demonstrate that the external noise levels within the curtilage of residential units will conform to the "Design criteria for external noise" upper guideline value of 55 dB LAQ, T as specified within section 7.7.3.2 of BS 83233:2014. The scheme shall be compiled by a competent acoustician and be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: This is required to be a pre-commencement condition to ensure sufficient drainage can serve the site and to protect the amenity of local residents in accordance with Policy QE DM1 of the Adopted Arun Local Plan 2011 - 2031.

- 21 No part of the development shall be first occupied until the vehicle turning space has been constructed in accordance with plans and details to be submitted to and approved by the Local Planning Authority, in writing. This space shall thereafter be retained at all times thereafter for their designated purpose.

Reason: To ensure safe and sufficient access in accordance with policies T SP1 of the Arun Local Plan and paragraphs 108 and 109 of the National Planning Policy Framework.

- 22 INFORMATIVE:-The owner(s) of any commercial property (warehouses, offices, etc) built before 2000 are legally obliged to hold a copy of an asbestos register for each property in their portfolio. As the proposed development is being renovated to residential, the Council need to be satisfied that if any asbestos previously identified is still present, it is either removed or suitably managed to minimise risk to human health as there is no safe threshold for asbestos exposure. A copy of the asbestos register, and any remedial strategy (where appropriate) must be provided in writing to the Local Planning Authority prior to any works commencing.

- 23 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 percolation tests must be carried out in accordance with BRE365, 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 40% 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 regarding surface water drainage are located here <https://www.arun.gov.uk/surfacewater> on Arun District Councils website. A surface water drainage checklist is available here <https://www.arun.gov.uk/drainagechecklist> on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.

- 24 INFORMATIVE: Under Section 23 of the Land Drainage Act 1991 Land Drainage Consent must be sought from the Lead Local Flood Authority (West Sussex County Council), or its agent (Arun District Council land.drainage@arun.gov.uk), prior to starting any works (temporary or permanent) that affect the flow of water in an ordinary watercourse. Such works may include culverting, channel diversion, discharge of flows, connections, headwalls and the installation of trash screens.

The development layout must take account of any existing watercourses (open or culverted) to ensure that future access for maintenance is not restricted. No development is permitted within 3m of the bank of an ordinary watercourse, or 3m of a culverted ordinary watercourse.

- 25 INFORMATIVE: If during construction works, it becomes apparent that implementation cannot be carried in accordance with previously agreed details any resubmission of the drainage design must be accompanied by an updated copy of the management manual.

- 26 INFORMATIVE: Please note this Listed Building consent should be read in conjunction with the planning approval and associated conditions detailed in planning permission BR/352/19/L

- 27 INFORMATIVE: The granting of this planning permission does not in any way indemnify against any statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received.

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

- 29 INFORMATIVE: The application buildings comprise listed buildings which comprise Special Architectural or Historic Interest and before any modifications or alterations, either externally or internally, which may affect its character as a Listed Building are carried out full details of the work shall be submitted to the Local Planning Authority in the form of an application for Listed Building Consent.
- 30 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.