

Recommendation Report for Planning Permission

**REF NO:** BR/63/22/PL

**LOCATION:** Salisbury House  
The Steyne  
Bognor Regis  
PO21 1TX

**PROPOSAL:** Change of use of 5 No self-contained flats for adults with learning difficulties to 5 No self-contained flats and formation of 5 No further flats from HMO rooms, garage and office, repairs and decoration of external surfaces, minor alterations to elevation facing Sadler Street, change one window facing rear courtyard to French doors & apply obscure film to 2 windows in courtyard area. This application affects the setting of listed buildings, affects the character & appearance of The Steyne Conservation Area and is in CIL Zone 4 (Zero Rated) as flats.

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| <b>SITE AND SURROUNDINGS</b> |
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|                                 |                                                                                                                                                                                                                                                                                                                                                                                                     |
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| DESCRIPTION OF APPLICATION      | The proposal is for the change of use of 5 self-contained flats for adults with learning difficulties at the ground and second floor, 6 bed HMO at the first floor and a garage with an office of the 2-storey rear element accessible from Saddler Street to create 10 self-contained flats alongside minor internal alterations.                                                                  |
|                                 | Repair and redecoration of the front elevation and minor fenestration alterations to the rear and internal courtyard, minor external alterations to garage/office facing Sadler Street to accommodate residential unit are proposed as well.                                                                                                                                                        |
| SITE AREA                       | 365.00sqm                                                                                                                                                                                                                                                                                                                                                                                           |
| RESIDENTIAL DEVELOPMENT DENSITY | 274 dwellings/hectare                                                                                                                                                                                                                                                                                                                                                                               |
| TOPOGRAPHY                      | Predominantly flat.                                                                                                                                                                                                                                                                                                                                                                                 |
| SITE CHARACTERISTICS            | The property is a mid-terrace, Grade II Listed Building arranged over three floors with a two-span slate roof and stuccoed finish. Otherwise sash windows. The building is set back from the pavement by a small area of amenity space which is covered with decorative tiling. The building extends rearwards to the minor service road to the rear where there is garage provision and an office. |
| CHARACTER OF LOCALITY           | A residential area of varied age and style properties. Salisbury House occupies a prominent position in the historic street scene of The Steyne Conservation Area. It focuses around two squares, the pier, and several smaller service roads. "Dating from the 1820's, The Steyne is an area of modest terraces, imitative in style of the earlier resorts and with a                              |

jostling vitality quite different in character from the formal buildings of Sir Richard Hotham's resort about a mile away, and the brashness of the modern seaside activities nearby. The Steyne is an open-ended rectangle at right angles to the sea, lined with two and three storey terraced houses with bay windows and balconies." (Taken from the Conservation Areas Supplementary Planning Guidance October 2000)

## RELEVANT SITE HISTORY

|            |                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                  |
|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| BR/65/22/L | Listed building consent for the change of use of 5 No self-contained flats for adults with learning difficulties to 5 No self-contained flats and formation of 5 No further flats from HMO rooms, garage and office, repairs and decoration of external surfaces, minor alterations to elevation facing Sadler Street, change one window facing rear courtyard to French doors & apply obscure film to 2 windows in courtyard area. |                                  |
| BR/334/03/ | Change of use to the north side to 5 self contained flats 2, 3, 5, 9 & 10 for adults with learning difficulties.                                                                                                                                                                                                                                                                                                                    | ApproveConditionally<br>11-02-04 |

## REPRESENTATIONS

Bognor Regis Town Council: Objection.

- Parking requirement has increased considerably in The Steyne, which has led to amenity issues deriving from parking demands in this already congested and narrow street.
- Overdevelopment of the site.
- Adding additional flats would result in the generation of excessive parking demands, inevitably causing complications for access for emergency service vehicles and harming public amenity in this important heritage area of the Town; this would be contrary to Policies H SP4 and QE SP1 of the Arun Local Plan.

One letter of objection:

- No provisions are being made for bin storage and refuse.

## COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. The issues are discussed in the conclusions.

## CONSULTATIONS

### CONSULTATION RESPONSES RECEIVED:

PRINCIPAL CONSERVATION OFFICER: - The proposal includes extensive internal alterations to the layout which involve the removal and/or relocation of a significant amount of walling. This will have a direct impact on the floor plan of the building, whose cellular layout can still be understood. Such a

change is significant and harmful to the understanding of the buildings as formerly two separate homes (one of which was larger than the other). Listing covers a whole building, including the interior, unless parts of it are explicitly excluded in the list entry. As a result, the entire of the interior of this building is covered by the listing and protected by relevant legislation.

Whilst some works are acceptable, the internal works which affect the layout of the building is harmful. On balance, the impact can be described as causing less than substantial harm in accordance with paragraph 202 of the NPPF (2021). As such, the public benefits that the development may achieve should be considered along with the contents of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

**ARUN DISTRICT CONSERVATION AREA ADVISORY PANEL:** No objection. Trust the Council will ensure that the external alterations in terms of their materials and design are appropriate for a Listed Building and the Conservation Area.

**NATURAL ENGLAND:** No objection but require the Local Planning Authority to carry out an Appropriate Assessment to assess the impact of increased recreational disturbance arising from the proposal on the Pagham Harbour Special Protection Area (SPA) & Ramsar Site.

**PRIVATE SECTOR HOUSING:** No objection. Full comments are online. Any property that has 5 or more people sharing facilities requires a license. Housing standards, including room sizes and facilities must be complied with.

**ENVIRONMENTAL HEALTH:** No objection subject to suggested conditions relating to Internal Noise Levels and Construction Hours.

**WSCC HIGHWAYS:** This proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the NPPF (paragraph 111), and that there are no transport grounds to resist the proposal.

**DRAINAGE ENGINEERS:** Due to the scale, location, and type of application we have no conditions to request. Any alterations to surface water drainage must be designed and constructed in accordance with Building Regulations.

#### **COMMENTS ON CONSULTATION RESPONSES:**

**NATURAL ENGLAND** - An Appropriate Assessment (AA) was issued to Natural England for review on the 30 June 2022. It is likely Natural England will advise that subject to the contribution being secured, there will be no adverse effect on the integrity of the European Site in view of its conservation objectives. A copy of the AA is on the website. Should a response be received then this will be reported to members by way of a report update.

**Parking** - A Transport Technical Note was been submitted on 16/08/2022 and assessed by WSCC Highways who concluded: 'A parking beat survey was undertaken between 3rd - 4th August within 200m radius from the site. Between various restrictions 19 parking spaces were available on the Wednesday (3rd) and 20 on Thursday (4th). Based on the above assessment, the site is situated in a sustainable location with potential to accommodate the overspill parking. Consequently, no highways concerns would be raised.'

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| <b>POLICY CONTEXT</b> |
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Designations applicable to site:

Within the Built-Up Area Boundary;  
 Conservation Area the Steyne, Bognor;  
 Grade II Listed Building; and  
 Pagham Harbour Zone B.

## DEVELOPMENT PLAN POLICIES

### Arun Local Plan 2011 - 2031:

|        |                                                         |
|--------|---------------------------------------------------------|
| DDM1   | D DM1 Aspects of form and design quality                |
| DDM2   | D DM2 Internal space standards                          |
| DDM4   | D DM4 Extensions&alter to exist builds(res and non-res) |
| ECCSP2 | ECC SP2 Energy and climate change mitigation            |
| ENVDM2 | ENV DM2 Pagham Harbour                                  |
| HERDM1 | HER DM1 Listed Buildings                                |
| HERDM3 | HER DM3 Conservation Areas                              |
| QEDM1  | QE DM1 Noise Pollution                                  |
| QESP1  | QE SP1 Quality of the Environment                       |
| SDSP1  | SD SP1 Sustainable Development                          |
| SDSP2  | SD SP2 Built-up Area Boundary                           |
| TSP1   | T SP1 Transport and Development                         |
| WDM2   | W DM2 Flood Risk                                        |
| WDM3   | W DM3 Sustainable Urban Drainage Systems                |
| WMDM1  | WM DM1 Waste Management                                 |

|                                                      |                                |
|------------------------------------------------------|--------------------------------|
| <u>Bognor Regis Neighbourhood Plan 2015 Policy 1</u> | Delivery of the Vision         |
| Bognor Regis Neighbourhood Plan 2015 Policy 2        | Promoting the Seaside Identity |

## PLANNING POLICY GUIDANCE:

|      |                                     |
|------|-------------------------------------|
| NPPF | National Planning Policy Framework  |
| NPPG | National Planning Practice Guidance |

## SUPPLEMENTARY POLICY GUIDANCE:

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

## POLICY COMMENTARY

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

Bognor Regis has a made Neighbourhood Plan with Policies 1 and 2 of the Bognor Regis Neighbouring Development Plan being of relevance.

## 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 complies with relevant Development Plan policies in that it would not have unacceptable adverse effect on the heritage, the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have adverse impact upon the Conservation Area.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

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

(a) the provisions of the development plan, so far as material to the application,

(aza) a post examination draft neighbourhood development plan, so far as material to the application,

(b) any local finance considerations, so far as material to the application, and

(c) any other material considerations.

#### OTHER MATERIAL CONSIDERATIONS

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

#### CONCLUSIONS

##### KEY ISSUES

The key issues are principle, design and visual/residential amenity, space standards, highways/traffic, heritage, and natural environment.

##### PRINCIPLE

The site is in the Bognor Regis Built-up Area Boundary in the Local Plan where development is acceptable in principle in accordance with policy SD SP2 provided it accords with other Local Plan policies covering such issues as visual amenity/character, residential amenity and parking. Key policies of the Arun Local Plan are D SP1, D DM1, D DM2, ENV DM2, HER DM1, HER DM3 and T SP1 of the Arun Local Plan and relevant paragraphs of the NPPF.

Policy D SP1 of the Arun Local Plan requires development to make efficient use of land reflecting the characteristics of the site and local area and policy D DM1 states that a high standard of architectural principles should be demonstrate and the proposed development should have a minimal impact to users and occupiers of nearby properties and land. Policy D DM2 expects internal spaces to meet the requirements of Nationally Described Space Standard. Policies HER DM2 and HER DM3 stresses the importance of the historic environment and its preservation and policy ENV DM2 requires contribution towards the agreed strategic approach to access management at Pagham Harbour for all development involving an increase in residential units.

Regard should be had to policy SD SP1 of the Arun Local Plan which states "When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF)." Para 120 (d) of the NPPF states that planning policies and decisions should "promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained, and available sites could be used more effectively)". Paragraph 124(d) NPPF

requires planning policies and decisions to support development that makes efficient use of land, considering the desirability of maintaining an area's prevailing character and setting.

The Council is unable to identify a 5-year supply of housing land and the relevant housing policies of the development plan are out of date.

The proposal is acceptable in principle given its position in walking distance of a range of shops, facilities, and services. There are frequent bus services on The Esplanade Road and the proposal site is within walking distance of Bognor Regis Railway Station. It would provide ten self-contained flats on a previously developed site which is sustainably located. Such an approach is supported by policies SD SP1 and SD SP2 of the Arun Local Plan and NPPF.

## **VISUAL IMPACT**

ALP policy D DM1 looks at aspects of form and design quality, including character, appearance, density, scale, innovation, adaptability, residential amenity impact, trees, and crime prevention. Successful development should respond to locally distinctive patterns, buildings methods and detailing, history, and culture.

Policy 2 of the Bognor Regis Neighbourhood Development Plan (BRNDP) stresses: "Development proposals within the 'Wider Town Centre Area' and concerned with extensions and alterations to the exterior of Designated and Non-designated Heritage Assets and their settings must adhere to a 'Secure, restore and boost our seaside identity first' principle by echoing and responding eloquently and innovatively to the local built environment character and setting."

The Arun Design Guide Supplementary Planning Document (SPD), adopted on 25th January 2021, is a material consideration in determination applications. Part N.O1 deals with building conversions requiring new uses must be appropriate for the building and location in which they are to be accommodated and should always make a positive contribution to the surrounding area. All conversions should consider the impacts of improved thermal performance on existing and retained building fabric, with a particular focus on moisture control.

Paragraph 130 expects developments to be visually attractive as a result of good architecture and sympathetic to local character and history.

The proposal is for the change of use of five self-contained flats for adults with learning difficulties to 5 No self-contained flats and formation of 5 further flats from HMO rooms, a garage, and an office. The description identifies works of repairs and decoration of external surfaces, minor alterations to the elevation facing Sadler Street including the replacement of two garage doors with two large casement windows, a door to flat 4 would replace a window and one window facing the rear courtyard would be replaced with French doors with obscure film to 2 windows in courtyard area is proposed.

The change of use includes extensive internal alterations to the layout which will involve the removal and/or relocation of a significant amount of walling. This will have a direct impact on the floor plan of the building, whose cellular layout can still be understood. The impact is discussed below.

The ground floor would contain Flat 1 (2bed/4p), Flat 2 (2bed/4p) and Flat 3 (1bed/2p). Flat 4 (2bed/3p) and Flat 5 (2bed/4p) would be over two floors and would have access from Sadler Street. All ground floor flats would have small amenity spaces. There are 3 flats at the first floor: Flat 6 (2bed/3p), Flat 7 (1bed/2p), Flat 8 (1bed/2p) and bedrooms of Flats 4 and 5. Only flats 6 and 7 have an access to the front balcony. The third floor consists of Flat 9 (2bed/4p) and Flat 10 (3bed /6p).

The external changes would not be visible from The Steyne and works to the rear are fairly minor in scale, therefore it would not harm the character and appearance of the area and would comply with Arun Local Plan policies D SP1 and D DM1, the Arun Design Guide and with the guidance on character within the NPPF.

#### HERITAGE CONSIDERATIONS:

Policy HER DM1 of the Arun Local Plan requires proposals affecting statutory Listed Buildings to preserve or enhance the historic character, qualities and special interest of the buildings and policy HER DM3 states permission will be granted for development which preserves or enhances the character and appearance of a Conservation Area or its setting.

Policy 1 of the Bognor Regis Neighbourhood Development Plan stresses that proposals must identify the significance of any affected heritage asset and assess any harm and benefit. Policy 2 requires development proposals in the 'Wider Town Centre Area' and concerned with extensions and alterations to the exterior of Designated and Non-designated Heritage Assets and their settings must adhere to a 'Secure, restore and boost our seaside identity first' principle by echoing and responding eloquently and innovatively to the local built environment character and setting.

Paragraph 199 (NPPF 2021) states when considering the impact of a development on Conservation Areas, great weight should be given to conserving the heritage asset. Significant features can be harmed or lost through alterations. Paragraph 201 states where a development will lead to substantial harm to the heritage asset, it should be refused.

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) affirms that in the exercise of any function, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area by Local Planning Authorities.

Salisbury House is a Grade II Listed Building. The neighbouring buildings are identified as listed and collectively they form an attractive group. The main elevation faces The Steyne and the property extends back to have a secondary frontage on Sadler Street. The building is of architectural significance. The building has already had some form of conversion to create a number of apartments which would have impacted on its fabric. The site falls in the Bognor Regis (Steyne and Waterloo Square) Conservation Area which contains two squares: The Steyne and Waterloo Square.

The proposal for a change of use includes extensive internal alterations to the layout which involve the removal and/or relocation of a significant amount of walling. This will have a direct impact on the floor plan. Such a change is significant and harmful to the understanding of the buildings as formerly two homes (one of which was larger than the other). A timber window and door facing Sadler Street have been replaced with uPVC without consent. The applicant has confirmed that the window and door will be replaced with timber ones.

Whilst works to the rear are minor, the creation of the new door opening results in the loss of a small area of historic fabric, the area affected by this is minor. The Principal Conservation Officer is of the opinion that these are acceptable and have a neutral impact on the appearance of the building, subject to the design, materials, and appearance of the alterations. Details of windows and doors should be provided by way of condition. Whilst these works are acceptable, the internal works which affect the layout are harmful. On balance, the impact can be described as causing less than substantial harm in accordance with paragraph 202 of the NPPF (2021). The public benefits that the development may achieve should be considered which include:

- Sustaining or enhancing the significance of a heritage asset and the contribution of its setting.
- Reducing or removing risks to a heritage asset.
- Securing the optimum viable use of a heritage asset in support of its long-term conservation.
- Providing additional residential accommodation in a sustainable location.

The impact of the conversion of the Listed Building, namely the internal works which affect the layout of the building, would be outweighed by the benefits of bringing this underutilised building into a beneficial use which would help to meet identified needs for housing; where land supply is constrained, and available sites could be used more effectively whilst maintaining the area's prevailing character and setting.

The application details include a Level 3 Survey Report where it is noted there is significant damp to outer walls, at all levels, some to inner walls and in the existing flat 9 indicators of a dry-rot infestation were spotted. From the above it is clear the building is in relatively poor state of repair. The use would ensure its future and would preserve and enhance this Listed Building and setting of the adjacent Listed Buildings and the character and integrity of the Conservation Area. The conversion would provide 10 self-sufficient flats whilst preserving the historic value of this Grade II Listed Building.

The development satisfies requirements of NPPF, Section 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 and policy HER DM1 and HER DM3 of the Arun Local Plan and Policy 1 and 2 of the BRNDP.

#### RESIDENTIAL AMENITY INCLUDING NOISE POLLUTION:

ALP policy D DM1 requires there be minimal impact to users/occupiers of nearby property and land. Policy QE SP1 requires all development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity. Policy QE DM1 seeks to protect against the impacts of new noise generating development.

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

The property has been partly used as self-contained flats for adults with learning difficulties and partly as an HMO. The proposed use remains residential and will have similar characteristics to other residential properties in the locality given the nature of the development which would result in a slight intensification. The use will not adversely affect the residential amenity of the area in respect of noise pollution to a greater degree than a current use.

The only external changes are the replacement of two garage doors with two casement windows and replacement of an existing window with doors on the rear elevation at the ground floor level. Both the first-floor window of flat 6, facing to the east, and flat 8, facing to the west, would serve corridors so could be conditioned to be obscure-glazed and fixed shut to a height of 1.7m to avoid any overlooking towards the bedroom of flat 7. The first-floor windows facing to Sadler Street would serve bedrooms and they will be in a separation distance of 6m; however, these are existing bedroom windows.

The Environmental Health Officer confirmed no objection, subject to a condition related to standard construction hours, to ensure occupants and neighbouring residents are suitably protected from noise, light, air pollution.

The proposal would, subject to planning conditions, have an acceptable impact on residential amenity, in

accordance policies D DM1, QE SP1 and QE DM1 of the ALP and relevant paragraphs of the NPPF.

#### **SPACE STANDARDS:**

As per ALP policy D DM2, it is necessary to assess the proposal against the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if the flats will be suitable for residential use.

The flats would satisfy the requirements of the Nationally Described Space Standards.

Arun Design Guide Part H.04 advises on Residential Outdoor Amenity & External Space Standard:

- All development should provide residents with access to outdoor amenity space, whether private or communal.
- Communal spaces (common in flatted developments) provide an element of amenity to complement lower levels of private outdoor space. These can be provided as exterior spaces enclosed by block buildings, or first floor roof gardens enclosed by courtyard buildings.
- Communal spaces should be safe, usable, designed to a high standard and well managed; being subject to natural surveillance from both people moving through the space and from windows.
- The amount of shared space to be provided will depend on the quality, quantity and accessibility of local public open space, but rough guidelines are provided below.
- Outdoor amenity spaces may comprise gardens, balconies, play areas, allotments, community gardens, or public spaces; and in combination should provide for a range of activities including relaxation, play, gardening, hanging washing and socializing.
- Balconies: max. 2m beyond the building frontage, subject to minimum balcony to balcony distances of 17m. At least 3sqm of useable space.

The proposal does not benefit from a rear garden, however there is a provision of a small amenity space for 7 flats. Whilst the proposed balconies and terraces are beneficial, they would not satisfy the requirements of the Arun Design Guide. The proposal fails to comply with relevant external standards providing limited amenity space, however, the development is acceptable given it involves the change of use of a building which situated in vicinity of public open space and the coast within a highly sustainable location.

The development would be in general compliance with the ALP policy D DM2 and the Arun Design Guide.

#### **HIGHWAY SAFETY & PARKING:**

ALP policy T SP1 seeks to ensure development provides safe access on to the highway network, contributes to highway improvements & promotes sustainable transport. Proposals will be supported where they explain 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.

Policy T DM1 requires new development be located in easy access of established non-car transport modes/routes, contribute to the improvement of such routes/facilities and contribute towards the provision of a joined-up cycle network and Public Rights of Way network. The Council has adopted a Parking Standards Supplementary Planning Document (SPD).

The site falls in Zone 4 where for a 1 bed and 2 bed flats is provision of 1 parking space and for 3 bed flats 2 parking spaces are required. Visitor parking will be required to be provided at a ratio of 20% of the

total number of residential units.

The proposal results in the loss of the single garage to the rear and a 'nil parking' provision is proposed that would not satisfy the requirements of the Arun Parking Standards. However, section 2.31 of Principle 1 states: 'If parking could reasonably be expected to take place in existing streets, then it will be necessary to demonstrate through a parking capacity survey that there is sufficient capacity to accommodate the expected parking demand.'

WSCC Highways have advised that there are no concerns with the proposal from a highway safety or capacity perspective. The site is in a highly sustainable location and access to local services and amenities can be undertaken on foot or by public transport. Further, if there is a future parking demand from this development, residents can apply for a parking permit as this is in the town centre controlled parking zone. WSCC conclude the proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, and therefore is not contrary to the NPPF (paragraph 111), and there are no transport grounds to resist the proposal.

The SPD sets out standards for cycle parking and the proposal provides cycle storage for up to 10 cycles within a two-storey racking system to meet the requirements. Whilst the LHA acknowledged this is not the most convenient storage solution for residents; given the site constraints and that the racks will be covered, and the cycle/bin store area will be secure accept the proposed arrangements.

The proposal is acceptable in respect of policies relating to highway safety & parking and broadly in accordance with ALP policies T SP1 & T DM1 and the NPPF.

#### CLIMATE CHANGE/SUSTAINABLE CONTRUCTION:

ALP policy ECC SP2 requires new residential and commercial development (including conversions, extensions, and changes of use) be energy efficient and incorporate decentralised, renewable, and low carbon energy supply systems. unless it is demonstrated this is unviable. ECC SP1 requires new development be designed to adapt to impacts arising from climate change.

As there are no technologies proposed, a condition would be necessary to secure compliance with the policy.

#### PAGHAM HARBOUR SPECIAL PROTECTION AREA:

ALP policy ENV DM2 requires residential developments in 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 £871 per new unit was agreed by the Council's Cabinet on 10 April 2017. The site lies in the designated Zone B and this application results in a net increase in a slight intensification in occupancy.

The net increase in 5 units resulted in a contribution of £4,355 and this is secured by the signed Section 106 legal agreement. There is no conflict with ALP policy ENV DM2 of the Arun Local Plan.

Arun DC are required to carry out an Appropriate Assessment (AA) to assess the impact of increased recreational disturbance arising from the proposal on the Pagham Harbour Special Protection Area (SPA) & Ramsar Site. An AA was issued to Natural England for review on the 01/07/22 with a request for a response within 10 days. Natural England's response will be reported to the committee by report update.

#### BIODIVERSITY:

ALP policy ENV DM5 requires development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. The application is not accompanied by an ecological appraisal but existing buildings in high density urban areas tend to have low potential as habitat for protected species therefore this is acceptable. However, it is still necessary to demonstrate biodiversity net gain.

As there is no response from the applicant on this, it is proposed to impose a condition to require details of improvements to secure biodiversity net gain. This would satisfy policy requirements.

#### **SUMMARY:**

The conversion of this property represents an efficient use of urban land without compromising the visual amenities or character of the area, highway safety, the amenities of nearby residential occupiers or heritage. The proposal represents sustainable development.

The policies most relevant to this application are not considered out of date, however the proposal conflicts with some of those policies. However, with the safeguards and mitigations provided by the proposed conditions and section 106 agreement, as set out below, the proposals are considered to be generally in accordance with the up-to-date policies of the local plan and national guidance, taken as a whole, and therefore a recommendation for approval under 11c is justified.

#### **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 negative impact on the protected characteristics (disability) due to the loss of the current accommodation..

#### **SECTION 106 DETAILS**

Any approval of planning permission in this case will be subject to a section 106 legal agreement relating

to a contribution of £4,355 towards the cost of delivering measures to avoid or mitigate to an acceptable level, the harm caused to the Pagham Harbour Special Protection Area by the proposed intensification of the existing building.

## CIL DETAILS

This application is not CIL Liable: CIL Zone 4 (Zero Rated) as flats.

## RECOMMENDATION

### APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby approved shall be carried out in accordance with the following approved plans:  
  
Dwg No NAD.21.244-03 Rev A, Proposed Floor Plans & Elevations;  
Dwg No NAD.21.244-04, Proposed Sections A-A and B-B;  
Dwg No NAD.21.244-1, Location & Block Plan.  
  
Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.
- 3 Construction/demolition activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no works taking place on Sunday or Bank Holidays unless they are not audible outside of the application site.  
  
Reason: To protect the amenity of local residents in accordance with policies QE SP1 and QE DM1 of the Arun Local Plan
- 4 No development shall commence until full details (at a scale of 1:10 or 1:50) of the new external doors and windows (including sections) and their treatment have been submitted to and approved in writing by the Local Planning Authority. These works shall then be undertaken in strict accordance with the approved details and thereafter retained as such.  
  
Reason: To protect the significance of the listed building and its setting and the character and appearance of the Conservation Area, in accordance with policies HER SP1, HER DM1 and HER DM3 of the Arun Local Plan.
- 5 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the proposed plan. The facilities shall thereafter be retained in perpetuity.  
  
Reason: To provide alternative travel options to the use of the car in accordance with policy T SP1 of the Arun Local Plan.
- 6 The flats shall not be occupied unless and until a scheme has been submitted for approval by the Local Planning Authority to demonstrate that the development will incorporate energy efficiency measures that reflect standards at the time of submission, together with decentralised, renewable and low carbon energy supply systems. The approved scheme shall thereafter be implemented prior to occupation and any approved renewable energy supply

systems shall be permanently retained & maintained in good working order thereafter.

Reason: To ensure that the development is energy efficient and in accordance with policy ECC SP2 of the Arun Local Plan.

- 7 Within 3 months of commencement of development details of improvements to secure biodiversity net gain shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be completed within a month of first occupation of hereby approved flats and retained thereafter.

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

- 8 The window on the eastern elevation of the hereby permitted flat 6 and windows on the western elevation of the hereby permitted flat 8 shall at all times/be glazed with obscured glass/fixed to minimum height of 1.7m to be permanently non-opening.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

- 9 Prior to the commencement of the development hereby approved, a scheme 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 and shall be complied 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 be retained thereafter.

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

- 10 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to a contribution of £4,355 towards the cost of delivering measures to avoid or mitigate to an acceptable level, the harm caused to Pagham Harbour by the Development.

- 11 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.