

Recommendation Report for Approval of Reserved Matters Following Outline Approval

REF NO: BR/8/21/RES

LOCATION: Richmond Arms
224 London Road
Bognor Regis
PO21 1AU

PROPOSAL: Approval of reserved matters following BR/142/18/OUT for the demolition & conversion of existing public house with residential accomodation to 1st floor to form 10 No. residential flats over 3.5 storeys.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks Reserved Matters approval for the demolition of the existing building and a replacement building comprising 10 flats. The building will have four stories (the fourth floor being within a mansard roof above a parapet roof). It uses bay windows on the front as per the existing building but balconies are introduced on the front elevation and roof terraces above. It is shown to be in a white colour (render) to match the existing and stated to have a slate tiled roof. The accommodation comprises of 8 x 1 bed and 2 x 2 bed flats, internal bin & bike stores and a plant room. Solar panels are shown to the roof. There is no parking provision.
SITE AREA	289 square metres (0.0289 hectares).
RESIDENTIAL DEVELOPMENT DENSITY	346 dwellings per hectare.
TOPOGRAPHY	Flat.
TREES	None.
BOUNDARY TREATMENT	Open boundary to the front and northern side. Railway to the rear. The southern side boundary is formed of a brick wall, circa 2.4m high.
SITE CHARACTERISTICS	Large two storey white smooth rendered public house building. Double fronted (fronting east & north). Parapet wall roof with shallow pitched roof behind (clay tiles). Single storey flat roofed addition on southern side. Small 48m ² yard area on the southern side. No off-street parking. The site is addressed as being on London Road but actually fronts onto Richmond Road North.
CHARACTER OF LOCALITY	Predominantly residential and predominantly two storeys in height. Only nearby instance of a 3 storey building is on Longford Road on the other side of the railway. No obvious roof development or 4 storey buildings anywhere nearby. No purpose built flatted buildings in the immediate locality however, some existing dwellings such as on the opposite

side of Richmond Road North have been subdivided into flats. Edge of centre and backing onto the railway line. Mix of detached, semi-detached and terraced. On-street parking on Richmond Road North is either 2 hour max stay pay & display or resident permit only.

Neighbouring properties consist of:

- To the east are the rear/side elevations of houses that either front onto London Road or onto Upper Bognor Road;
- To the north are the fronts of 1 & 3 Upper Bognor Road with a deciduous tree partially in between; and
- On the opposite side of the railway line is a locally listed signal box building.

RELEVANT SITE HISTORY

BR/142/18/OUT	Outline application with all matters reserved for the demolition & conversion of existing public house (with residential accommodation to 1st floor) to form up to 10 No. residential flats over a maximum of 3.5 storeys.	App Cond with S106 16-01-19
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Outline permission with all matters reserved for the demolition and conversion of the building to form up to 10 No. residential flats over a maximum of 3.5 storeys was granted by BR/142/18/OUT on the 16th January 2019.

During the Committee debate of BR/142/18/OUT, members expressed concern regarding a 3.5 storey building of 10 flats in this location and the harm to character and the nearby undesignated heritage assets but ultimately felt able to support the principle of demolition/conversion.

REPRESENTATIONS

Bognor Regis Town Council objected on the grounds that the proposal is an over-development of the site, will be overbearing and will result in adverse overshadowing & overlooking of neighbouring properties. In addition the proposal will create additional pressure for on-street parking with no parking provision included in the proposal. There was sadness at the prospect of losing a building of character.

There are 4 local residents raising the following issues:

- (a) Overdevelopment of the site - should be reduced to 6 flats;
- (b) Excessive height;
- (c) Overlooking of existing homes to the east;
- (d) Encroachment of the western end on a community garden;
- (e) No access to the railway side of the development;
- (f) No parking provision;
- (g) No bin storage;
- (h) Light and noise pollution;
- (i) Richmond Road should be one-way;
- (j) No drainage details; and

(k) Demolition of a heritage building.

COMMENTS ON REPRESENTATIONS RECEIVED:

With the exception of the following, all of the objections are considered in the reports conclusions.

- (d) Noted, the garden area is part within the application red edge as was set by the outline permission.
- (e) It is not appropriate under the planning system to require maintenance access and it is noted that the proposal is the same as the existing building in this respect.
- (g) A bin store is shown internally on the ground floor.
- (i) This is not a matter for determination by this application.
- (j) Drainage is reserved by a condition on the outline.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

NATURAL ENGLAND: No objection.

NETWORK RAIL: Require the building is at least 2m from the railway boundary in order to allow for future maintenance access without encroachment onto the railway. Requires the applicant contact them prior to works commencing. States the applicant must follow the Asset Protection informatives listed in their response.

SOUTHERN WATER: State no objection to the discharge of surface water into the public surface water sewer provided it is at an agreed discharge rate.

SUSSEX POLICE: No objection and recommend a series of advisory comments.

WSCC HIGHWAYS: No objection subject to conditions to secure a Construction Management Plan (CMP) and provision of cycle parking.

ADC DRAINAGE ENGINEERS: No objection subject to future agreement of surface water drainage conditions imposed on the Outline Permission. Infiltration must be considered but that regard will be had to the fact that there is no space and that the proposal has a similar impermeable area to the existing building.

ADC ENVIRONMENTAL HEALTH: Following changes to the windows facing the railway, are now satisfied with the proposal and raise no objections.

COMMENTS ON CONSULTATION RESPONSES:

NETWORK RAIL: The building is 0.55m from the boundary with the railway. This is the same relationship as the existing building. It is considered that as the approval of Network Rail would be required, this concern can be resolved through other legislation.

WSCC HIGHWAYS: A CMP condition was imposed on the Outline and is yet to be discharged. It is not necessary to require secure cycle storage as this is shown on the ground floor plan.

POLICY CONTEXT

Designations applicable to site:

Within the Built Up Area Boundary;
 Pagham Harbour Zone B;
 Flood Zone 1 (low risk from rivers or seas);
 Area of High Surface Water Flooding Risk
 Within 2km buffer of Felpham SSSI;
 Within 2km buffer of Bognor Regis Reef SSSI;
 WSCC Mineral Consultation Area (Alderton's Yard Waste Site);
 Adjacent to a Railway; and
 Adjacent to two Buildings/Structures of Character (Signal Box on Longford Road & Public Footbridge crossing the railway line).

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM5	ENV DM5 Development and biodiversity
HDM1	H DM1 Housing mix
HERSP1	HER SP1 The Historic Environment
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HWBSP1	HWB SP1 Health and Wellbeing
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water

West Sussex Waste Local Plan 2014:

West Sussex W2 Safeguarding Waste Management Sites

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

SPD3	Parking Standards
SPD9	Buildings or Structures of Character

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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

There are no relevant Bognor Regis Neighbourhood Plan policies.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to conflict with the relevant Development Plan policies in that the resultant building will relate poorly to the established character of the area, will be harmful to the setting of the nearby heritage assets, will result in the total loss of a further heritage asset and no evidence has been supplied to justify the nil provision of parking spaces.

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

CONCLUSIONS**PRINCIPLE:**

The principle of development was established by outline permission BR/142/18/OUT. It is noted this was for the demolition and conversion of the existing building and this made it clear that there would be some element of demolition and conversion with no new build. This application proposes only to demolish and rebuild and it is not clear whether the reserved matters accords with the outline.

Nevertheless, for the purposes of this report, it is necessary to only consider the outstanding matters - layout, appearance, landscaping, scale & access and it is only appropriate to consider development plan policy/material considerations in respect of these reserved matters. Matters relating to loss of the pub,

flood risk, surface and foul drainage, infrastructure, public open space & play and the impact on Pagham Harbour are all outline application matters.

COMPLIANCE WITH OUTLINE CONDITIONS:

Condition 4 imposed by the outline set parameters for the nature and form of the reserved matters submission. It stated "Unless otherwise agreed in writing with the Local Planning Authority, the development permitted by this planning permission shall only be carried out with finished floor levels set above the predicted surface water flood levels."

The Reserved Matters application simply states that the site is in national flood zone 1 and it is not necessary to raise floor levels. The submission does not consider surface water flooding as per the comments made at the outline stage and, does not demonstrate that the finished floor levels will be set above these levels. The proposal is therefore in conflict with this condition.

HERITAGE:

The site lies adjacent to two locally designated Buildings/Structures of Character (BSC's) - the Signal Box, Longford Road and the public footbridge which crosses the railway line between London Road and Longford Road. It has been suggested by local residents that the public house should be considered as a non-designated heritage asset as it was originally the Stationmaster's house and has been in-situ for well over 130 years. The public house is shown on the Council's historic mapping dating to 1875-1890.

Arun Local Plan (ALP) policy HER SP1 states that non-designated heritage assets including locally listed Buildings/Structures of Character and their settings will need to be conserved and enhanced in a manner appropriate to their significance and contribution to the historic environment. Development likely to prejudice these or their settings will be refused. ALP policy HER DM2 only covers direct works to the Buildings/Structures of Character so is not relevant to this determination.

The NPPF requires applicants describe the significance of heritage assets affected, including any contribution made by their setting and then that the Local Planning Authority identify and assess the particular significance of the heritage asset that is affected by a proposal. Para 197 states that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The applicants provided a basic heritage assessment which only refers to the Richmond Arms (not the two nearby assets). In respect of the pub building, although permission has been given by the Outline for some demolition and conversion, the Outline did not suggest total demolition and this proposal would run contrary to that. It is considered there is scope to retain the existing building, convert and extend it thus preserving the asset. On the grounds of the total loss of the asset, the proposal is considered to be contrary to ALP policy HER SP1 and to the NPPF.

The applicant has not considered the effect of the proposal on the nearby BSC's. Due to the close proximity of the site it will clearly have an impact on the setting of both assets. The Council's adopted SPG on Buildings & Structures of Character (2003) states these two assets were designated due to meeting the following criteria:

- 2) buildings/structures which are extremely good examples of traditional or established style, or unusual type;
- 3) buildings/structures which contribute towards the local townscape or have important historical associations;

- 4) buildings that are largely intact and not adversely affected by later extensions or alterations; and
- 5) they make a positive contribution to their surroundings or the street scene.

It is considered the impact on these will arise primarily from the additional height of the building, but also the greater footprint/bulk and the introduction of a mansard roof which is not considered to be in character with the surrounding predominantly traditional form of development. It is considered the new building will diminish the contribution that the assets make to the local townscape and the way that they are experienced. A building of a lower height and with an altered roof design could have a lower impact and it is unfortunate that the harm to these assets has not been considered by the applicant.

The proposal is contrary to ALP policy HER SP1 in that the proposal will prejudice the setting of the assets. The proposal runs contrary to NPPF guidance having regard to the scale of the indirect harm to the assets and the significance of them within the immediate surroundings.

LAYOUT, APPEARANCE AND SCALE:

ALP policy D DM1 requires that the Council seek to make the best possible use of land by reflecting or improving upon the character of the site and the surrounding area. It requires the Council to consider scale, massing, aspect, siting, layout, density, building materials, landscaping, and design features. It is necessary that development demonstrates a high standard of architectural principles, use of building materials and hard and soft landscaping to reflect the local area.

Policy D DM1 also requires that housing make efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. The policy also requires the scale of development keep within the general confines of the overall character of a locality. ALP policy D SP1 "Design" requires development to make an efficient use of land and also reflect local character. The NPPF seeks to ensure that homes are not built at low densities but also that developments respect the character of the area in which they are located.

The Arun Design Guide promotes higher densities in urban and town centre areas stating that 60-100 dwellings per hectare is appropriate. The proposed density is 346 dwellings per hectare which is significantly greater than the range set by the Design Guide. This does not automatically suggest a case for overdevelopment and there are often sites in the town centre area where such a density can be accommodated without harm to character. However, this site is on the edge of the town centre area and there are relatively few examples in the nearby street scenes of buildings of this height or purpose built flatted developments.

The predominant character of London Road, Richmond Road North and Longford Road is of two storey semi/detached/terraced houses of a traditional square form with pitched roofs. There are some exceptions in terms of height but these are few and far between. There is a case that the proposal is an overdevelopment of the site and that the height & density is contrary to development plan policies and national planning guidance. The building extends the footprint of the existing to both sides and adds additional bulk above the existing single storey element on the south west flank.

There are further concerns with the design of the building namely in respect of the mansard roof living accommodation which is not in character with the surrounding area and also the balconies particularly those on the front of the building. It is recognised that these are included in order to comply with the Design Guide in respect of external amenity space, however there are no other instances of balconies in the local area and these will appear as an alien feature within the streetscene. Consideration should be given to minimising the use of these particularly on the front elevation.

The rest of the design is acceptable. It is noted that the new building will have bay windows, similar windows and a colour scheme that reflects the appearance of the existing building. Overall it is considered that the building will have a harmful effect on the character of the street scenes in which it will be experienced and this is borne out by its height, design and additional bulk. It is considered that the proposal is contrary to ALP policies D DM1 & D SP1, the NPPF and the Arun Design Guide.

ACCESS (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).

WSCC Highways provided detailed comments at the Outline stage and stated there are no grounds to raise an objection on matters of highway safety and parking. They commented the site is in a highly sustainable edge of centre location in easy walking and cycling distance of a range of shops, facilities and services including bus stops, a large food superstore and the railway station. Therefore, that future residents would not need to rely on a car to be able to live comfortably and as such, a reduction in the parking requirements would be acceptable. WSCC have made no further comments to this reserved matters application.

In the absence of any objection to the highway implications of the change of the use of the site or the intensification of occupation, it is not considered that any objection can be raised in respect of highway safety or access. Servicing arrangements will be unaffected with refuse collection and occasional deliveries being from the kerbside and thus reflecting the existing arrangements.

In terms of parking, the requirement according to the Arun Parking SPD is 10 allocated spaces and 2 visitor spaces so 12 in total. The proposal provides zero spaces. It is acknowledged that new residents of the flats will be aware that there are no parking facilities on the site before they buy/rent and that the SPD states that a more flexible approach will be taken with schemes that incorporate flats and on sites close to urban centres.

The SPD states that 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 expected parking demand. This approach has been followed with other developments in the town centre area such as Waterloo Square/The Esplanade (BR/282/19/PL - 25 flats & BR/244/20/PL - 10 flats), 25 Sudley Road (BR/83/20/PL - 12 flats) and Land between 2b & 4 London Road (BR/131/20/PL - 3 flats). On this basis, it is considered this application should be considered in the same way to ensure consistency in decision making.

In the absence of such a survey, there is no evidence as to whether the existing residential streets have any capacity to accommodate new residential overnight parking and this could therefore lead to conflicts with existing residential occupiers who may find that their usual parking spot has been taken and therefore have to park further away. It has therefore not been demonstrated that a nil parking provision is appropriate and as such the proposal is in conflict with ALP policy T SP1 and the Councils Parking

Standards supplementary planning document (January 2020).

LANDSCAPING:

ALP policies D DM1 and LAN DM1 require developments to respect the natural landscape, reinforce or repair the character of these areas, and improve local character through landscaping and trees.

The submitted Design & Access Statement refers to there being a green roof on the building and also the submitted 3D elevations show some shrub planting to the balconies and in front of two ground floor patios. However, there are no details of these and therefore it would be necessary to impose a condition to seek full details. There is no space within the rest of the site area to provide new landscaping.

It is considered that the proposal would, subject to a landscaping condition, be compliant with ALP policies LAN DM1 and D DM1.

OTHER RELEVANT CONSIDERATIONS:

(A) Residential Amenity

ALP policy D DM1 requires that there be minimal impact to users and occupiers of nearby property and land. ALP policy QE SP1 requires that all development contribute positively to the quality of the environment and ensure that development does not have a significantly negative impact upon residential amenity. The Arun Design Guide sets out guidance on interface distances between dwellings and these are: 21m for back to back, 16m for front to front and 14m for front/back to side. In addition, there should be a minimum of 17m between balconies.

The proposed residential windows on the front and north east side have the potential to result in overlooking of two nearby properties, namely 222 London Road (its first floor bedroom windows that face north) and 1 Railway Cottages (its front windows looking south and its garden to the west side). The overlooking potential is as a result of the new windows & balconies on the southeast corner of the building and the new windows & balconies on the north east flank.

According to the site plans, there will be a distance of 15.5m from the edge of the nearest balcony to 222's first floor bedroom windows. This is not a direct facing relationship and the proposal includes side screens on these balconies thus prompting new occupants to instead look out across Richmond Road North/London Road where there is a much longer distance to the nearest property. This relationship is acceptable. In respect of the relationship to 1 Railway Cottages, the distance between the new windows/roof terrace above and the front of the neighbouring property is 19m. This is acceptable as it is a front to front relationship. On this basis the proposal is in accordance with ALP policies D DM1 & QE SP1, the NPPF and the Arun Design Guide.

(B) Noise Pollution to Future Occupiers:

ALP policy QE DM1 states residential development likely to experience noise from road, rail or air must be supported by a noise exposure category (NEC) assessment and designed to ensure that residents will not be adversely affected by noise. This matter was assessed at the outline stage with the submitted assessment concluding habitable rooms would be protected from rail noise by arranging rooms so that bathrooms, kitchens and other non-habitable rooms are most exposed to sound levels.

This assessment was agreed by Environmental Health subject to a detailed assessment of layout at the reserved matters stage. When the reserved matters application was initially submitted, it became clear the layout had not been designed to take account of previous recommendations. This has since been

resolved by the submission of amended plans which relocate habitable windows away from the railway. As such, there is no conflict with ALP policy QE DM1.

(C) Biodiversity

ALP Policy ENV DM5 requires new developments seek to achieve a net gain in biodiversity and protect existing habitats on site. This was not considered at the outline stage however, there is no evidence to suggest that the building is being used by protected species. The close proximity of the railway, its resulting noise disturbance and the lack of suitable foraging habitat would make this location unattractive for birds (other than seabirds) or bat species. The nature of the development is such that there is no real scope for any biodiversity improvements. The proposal for a green roof to parts of the roof area would provide habitat for insects and in turn a food source for birds. The proposal would provide some biodiversity net gain. A condition could be imposed to provide nesting boxes on external elevations. On this basis, it is considered the proposal complies with ALP policy ENV DM5.

(D) Internal & External Space Standards

As per ALP policy D DM2, it is necessary to assess the proposal against the internal space standards set out in the Government's Technical Housing Standards (Nationally Described Space Standard) to determine if the buildings will be suitable for residential use. The submitted floor plans demonstrate that all of the units comply with the standards.

There are no policies in the ALP relating to garden sizes but the Arun Design Guide sets out standards for garden sizes for flats as follows:

- Balconies: max. 2m beyond the building frontage, subject to minimum balcony to balcony distances of 17m. At least 3sqm of useable space; and
- Communal Shared Spaces for flats: minimum 40sqm plus 10sqm for each unit if not provided as balcony space.

There is no space in the site to provide communal amenity space but there are parks nearby (such as Hotham Park) where there is space for people to exercise or gather and this is an appropriate situation for new development in the town centre area. All flats will have a balcony, patio or roof terrace and all exceed the minimum amount of external space specified by the Design Guide. It is acknowledged that concern has been expressed elsewhere regarding the provision of the balconies and their impact on the character of the local area, however, for the purposes of this section of the report, it is only necessary to consider whether they provide sufficient external amenity space. It is considered the scheme provides a decent standard of amenity for future occupiers and there is no conflict with any adopted development plan policy.

(E) Climate Change

ALP policy ECC SP2 requires that all new residential and commercial development be energy efficient and incorporate decentralised, renewable and low carbon energy supply systems. It states that for major developments, 10% of the total predicted energy requirements should be produced from renewable/low carbon energy generation on site, unless it is demonstrated this is unviable. In addition, ECC SP1 requires that new development be designed to adapt to impacts arising from climate change.

The application states climate change will be addressed through construction and that the proposals are designed in accordance with the fabric first approach to sustainable construction, with high levels of insulation and efficient building services to reduce energy demand and consequent CO2 emissions. The roof plan also shows solar panels but there are no further details of these.

A condition would need to be imposed to secure these details and on this basis, it is considered that the proposal would comply with policies ECC SP1 and ECC SP2. It is not possible to secure any electric vehicle charging provision as there are no parking spaces.

SUMMARY:

Notwithstanding the overriding concern that this reserved matters application is not in accordance with the description of development approved by the outline, it is considered that the applicants have not fully understood the characteristics of the site or the requirements in respect of the Councils planning policies. The result is a proposed development that fails to respect the character of the area, fails to consider the nearby heritage assets and does not provide any evidence to support a nil parking provision. It is considered that a lower number of flats and stories could overcome some of these concerns as would the retention and conversion of the existing building.

The proposal conflicts with ALP policies HER SP1, D DM1, D SP1 & T SP1, the Arun Design Guide, the Councils Parking Standards supplementary planning document (January 2020) and the NPPF.

The principle of new residential development in this location was accepted by the outline and therefore the proposal is considered to represent sustainable development. However, this assessment concludes that the adverse impacts of granting this planning permission significantly and demonstrably outweigh the benefits and it is recommended the application be refused for the reasons below.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

This application is not CIL Liable as the Outline Permission was granted prior to the adoption of the Councils CIL Charging Schedule.

RECOMMENDATION

REFUSE

- 1 The building will be virtue of its height, bulk and design be out of character with the immediate surrounding area, overdevelop the site and be harmful to the setting of the nearby undesignated heritage assets (signal box & railway bridge). As such the proposal is contrary to Arun Local Plan policies HER SP1, D DM1 & D SP1, the Arun Design Guide and the NPPF.
- 2 The proposal results in the total loss of a non-designated heritage asset and it has not been proven that this cannot be preserved through conversion and extension. The proposal is contrary to policy HER SP1 of the Arun Local Plan and the NPPF .
- 3 The development does not include sufficient residential parking provision to meet the needs of future occupiers in accordance with the residential parking standards in use at the time and this will result in an increase in pressure for on-street parking spaces which will be harmful to the amenity of existing local residents in the area. No evidence has been provided to demonstrate whether or not there is existing spare parking capacity in the surrounding area. The proposal is therefore in conflict with Arun Local Plan policy T SP1, the Councils Parking Standards supplementary planning document (January 2020) and the NPPF .
- 4 INFORMATIVE: The applicant should also note that there is a question as to whether the Reserved Matters application is technically in accordance with the Outline permission as the latter proposed demolition and conversion whereas the Reserved Matters is entirely for demolition and rebuild. It is recommended that you satisfy yourself with legal advice in respect of this issue before considering an appeal.
- 5 INFORMATIVE: The application is not in accordance with condition 4 of the Outline permission which states that "unless otherwise agreed in writing with the Local Planning Authority, the development permitted by this planning permission shall only be carried out with finished floor levels set above the predicted surface water flood levels." The Reserved Matters application simply states that the site is within national flood zone 1 and so does not consider surface water flooding or demonstrate that the finished floor levels are set above these levels.
- 6 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 with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.