

Recommendation Report for Planning Permission

REF NO: P/10/20/PL

LOCATION: The Pagham Club
2 West Front Road
Pagham
PO21 4SY

PROPOSAL: Change of use of existing staff residential accommodation to be used as a separate unit of residential accommodation.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application proposes the change of use of existing staff residential accommodation to be used as a separate unit of residential accommodation.
SITE AREA	0.4 ha.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	2.5 dph.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The northern and western boundaries of the site comprise close boarded timber fencing set at approximately 1.8m in height. To the eastern boundary of the site is a low lying brick course wall. The southern boundary of the site appears to comprise an existing garage/outbuilding which sits against the West Front Road frontage.
SITE CHARACTERISTICS	The application building comprises a single storey building in residential use restricted to staff accommodation under planning permission P/8/04. The building features white upvc windows and a slate tile roof. The site comprises a number of incidental outbuildings to the south of the site including a garage building that is situated hard up against the southern boundary of the site adjacent to West Front Road.
CHARACTER OF LOCALITY	The application site lies off the junction of Beach Road and West Front Road. To the immediate south east of the site is The Pagham Harbour Club. To the north east are a number of buildings in commercial use and to all other boundaries are buildings in residential use. Most properties in this area comprise single storey buildings with roof pitches of no greater than 30 degrees. The site falls within Flood Zone 2, with most of the wider area falling within Flood Zone 3.

RELEVANT SITE HISTORY

P/74/19/PL	Removal of condition 4 imposed under P/8/04/ relating to staff accommodation to be used as a separate unit of residential accommodation.	Withdrawn 13-12-19
PAA/4/18/	Conversion of existing club to holiday-let units.	Refuse Pre App 28-02-18
P/87/05/	Variation of condition 9 imposed on P/48/05 to read:- "The new premises shall not be occupied or used as a club until the existing club buildings and structures existing on the site at the date of this permission have been demolished, the debris removed from the site and the site cleared"	ApproveConditionally 13-09-05
P/48/05/	Variation to condition 9 impose on P/48/05 now to read "The new premises shall not be occupied or used as a club until the existing club buildings and structures existing on the site at the date if this permission have been demolished, the debris removed from the site and the site cleared."	ApproveConditionally 08-06-05
P/8/04/	Provision of staff accommodation by removal and conversion of part of existing premises.	ApproveConditionally 05-05-04
P/108/03/	One 2 bed bungalow	Refused 28-10-03

P/8/04 permitted the 'provision of staff accommodation by removal and conversion of part of existing premises' by notice dated 05 May 2004. Attached to this planning permission was condition 4 which restricted the nature of the occupancy of the building. Condition 4 stated:

'The accommodation hereby permitted shall be occupied solely for purposes incidental to the operation of The Pagham Club, and shall not be used as a separate unit of accommodation.'

Therefore, this implemented consent permits the residential use of the building on the basis it is occupied in connection with The Pagham Club.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Pagham Parish Council

No objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

None.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ARUN DISTRICT COUNCIL ENVIRONMENTAL HEALTH

- Recognise that there is no net increase in units; however, site is within Pagham Harbour Zone A
- We will require information for the submission to be compliant with ENV DM2(a)
- It would be interesting to get a view from EA with respect to flood risk issues

COMMENTS ON CONSULTATION RESPONSES:

These matters have been addressed in full in the subsequent sections of this assessment.

POLICY CONTEXT

Designations applicable to site:

- 2km Buffer of Bognor Reef Site of Special Scientific Interest
- 2km Buffer of Pagham Harbour Site of Special Scientific Interest
- Pagham Harbour Access Management Zone A
- Built-up Area Boundary
- Areas of Character 5 (Pagham Beach Estate)
- CIL Charging Zone 4
- Flood Zone 2

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
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVDM2	ENV DM2 Pagham Harbour
ENVDM5	ENV DM5 Development and biodiversity
HERDM4	HER DM4 Areas of Special Character
HSP1	HSP1 Housing allocation the housing requirement
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
WMDM1 WM DM1 Waste Management

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework
NPPG National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11 Arun Parking Standards 2020

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans. There is no made Neighbourhood Plan for the Parish of Pagham at this time.

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 in the Development Plan in respect of settlement boundaries, design, flood risk and areas of character.

OTHER MATERIAL CONSIDERATIONS

Arun District Council are unable to demonstrate a 5 year Housing Land Supply and therefore the policies most relevant to the assessment of the development are considered out-of-date. It therefore follows that the NPPF is a material consideration of significant weight for the purposes of decision taking, under Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended).

CONCLUSIONS

PRINCIPLE

The site falls in the Pagham Harbour Built-up Area Boundary and proposes the use of the building as an open market residential dwelling. Policies SD SP1 and H SP1 supports development of this nature as a starting point.

However, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires development proposals to be assessed against the policies contained within the Development Plan, unless material considerations indicate otherwise.

At the time of this assessment, Arun District Council are unable to demonstrate a 5 year Housing Land Supply which therefore triggers the tilted balance under paragraph 11(d) of the National Planning Policy Framework (2019). Under these circumstances the NPPF is given significant material weight as a

material consideration when applying S38(6) of the 2004 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 PS2 (Built-up Area Boundary), Policy H SP1 (The Housing Requirement) and Policy D DM4 (Extensions and Alterations to Existing Buildings) of the Arun Local Plan are considered most important for determining the application and are given reduced weight. Therefore, any accordance or lack of accordance should be assessed in the context of NPPF provisions.

The National Planning Policy Framework is given significant weight as a material consideration in a time where Arun District Council are unable to demonstrate a 5 year Housing Land Supply.

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 provides open market housing in a sustainable location that would provide access to jobs which would support the local economy (economic). The a home that would contribute to meeting the needs of present and future generations (social). The development makes an effective use of the land on a previously developed site (environmental).

However, whilst the tilted balance is engaged, Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) makes clear that the starting point for all applications is the development plan which is weighed against other material considerations, including the NPPF.

DESIGN AND VISUAL AMENITY

Policies D SP1 and D DM1 (ALP) are consistent with NPPF provisions in that they require development proposals to make efficient use of land but reflect the characteristics of the site. Policy D SP1 requires development proposals to have derived from a thorough site analysis and context appraisal. Policy D DM1 requires development to have regard to character, appearance, density and scale.

Paragraph 127 (NPPF) requires decisions to ensure developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Paragraph 130 (NPPF) requires permission be refused for development of poor design.

The application relates solely to a change of use of the existing floor space which benefits from a restricted residential consent under P/8/04. No operational development has been proposed and all elevations and site layout remain the same.

On the basis of the above, the development would have a negligible impact upon the wider visual amenity of the area but will make an efficient use of land and reflect the characteristics of the site and local area, in accordance with policies D SP1 and D DM1 of the Arun Local Plan and paragraphs 127 and 130 of the National Planning Policy Framework.

INTERNAL SPACE STANDARDS

Policy D DM2 (ALP) requires internal space standards to be an appropriate size to meet the requirements of all occupants and their changing needs. Paragraph 13.3.4 which supports the implementation of Policy D DM2 states there might be occasions where development cannot comply with all the space standards which includes the conversion of an existing building.

The internal spaces of the proposed dwelling has been assessed against the Nationally Described Space

Standards which are used to assess acceptable spaces under Policy D DM2. The proposed spaces either meet or exceed the minimum thresholds. The development accords with Policy D DM2.

AREA OF CHARACTER (PAGHAM BEACH ESTATE)

Policy HER DM4 (ALP) sets out a 3 point criteria against which development should be assessed. Such criteria includes the retention of buildings and other features which make positive contributions to the special character of the area.

The Arun District Council SPD on Areas of Character states that the 'the character of the Pagham Beach Estate derives from the distinctive scale and height of the residential buildings, the layout of the estate and the form and spacing of the buildings.' It goes on to highlight that 'although there is a strong linear pattern to the estate, there is an informality and distinctive seaside character to the area imparted through the scale of development, the individual design of buildings... there is a strong feeling of openness.'

The development comprises a change of use of an existing building and no operational development is proposed. The nature and level of usage of the building would be mirrored in the absence of the occupancy restriction and therefore the special features that contribute to the character of the area would not be lost.

Taking into account the above factors, the development would retain the features that culminate in the special area of character and therefore accords with Policy HER DM4 of the Arun Local Plan.

NEIGHBOURING AMENITY

Policy QE SP1 (ALP) is consistent with NPPF provisions and requires development to ensure development does not have a significantly negative impact upon residential amenity. Policy D DM1 (ALP) requires development to have a minimal impact to users and occupiers of nearby property and land.

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

The nearest noise generating use is The Pagham Club located to the east of the application site. 2 no. windows would overlook this boundary which serve the kitchen/dining room and lounge. Whilst these are located in close proximity to this noise generating use, it was noted that a hard boundary exists along this relationship. This fencing and canopy will ensure the consolidation of noise.

Sufficient controls exist outside of the planning system to prevent/control any statutory nuisances from occurring. However, taking into account the size, nature and location of the adjacent noise generating use, such noise generation is likely to be small-scale in nature and easily controlled.

The site has similar properties closely situated to its boundaries. Conditions preventing the insertion of further windows or openings along its elevations, and preventing any extensions, ensures an appropriate relationship will be achieved for occupants of the dwelling and neighbouring residents. Such a condition meets with the tests in paragraph 55 of the NPPF.

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

HIGHWAYS, TRANSPORT AND PARKING

Policy T SP1 (ALP) does not relate to housing supply and is given full weight. Policy T SP1 requires appropriate parking in line with WSCC Guidance (now superseded by Arun District Council guidance).

Paragraph 108 (NPPF) states it should be ensured safe and suitable access to the site can be achieved for all users. Paragraph 109 (NPPF) states development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The site falls in Parking Zone 2 and comprises 2 bedrooms with 4 habitable rooms. The parking generated comprises 2 spaces. The garage to the south of the site provides for 2 no. car parking spaces which have operated without issue. Under the new Arun standards a garage space is only counted as 0.5 spaces. However, the continuation of this is considered acceptable.

Weight is given to the fact that the application building has been occupied in a similar manner and intensity without formalised parking. On this basis the continuation of this use, albeit in a less restrictive manner, is unlikely to result in any material impacts.

Taking into account the above, the development provides for the transport demands created in accordance with paragraphs 108 and 109 of the NPPF, Policy T SP1 of the Arun Local Plan and according Arun District Council Parking Standards.

CYCLE STORAGE

Policy T SP1 (ALP) requires development to promote sustainable transport including the use of bicycles. ADC Parking Standards generate a total of 1 cycle parking space to serve the development.

A condition will be imposed requiring the development to provide cycle parking spaces in accordance with details provided, prior to the occupation of the development by any persons unrelated to the adjacent social club. Such a condition meets with the tests outlined in paragraph 55 of the NPPF.

BIN STORAGE AND COLLECTION

Policy WM DM1 (ALP) requires residential development to be designed to ensure kerbside collection for waste vehicles. The site makes provision for bin storage as per the existing arrangement. Therefore, the development accords with Policy WM DM1 of the Arun Local Plan.

FLOOD RISK

Policy W DM2 (ALP) is consistent with NPPF provisions and is therefore given full weight. Policy W DM2 requires development in areas at risk from flooding, identified on the latest Environment Agency flood risk maps and the Council's Strategic Flood Risk Assessment (SFRA), will only be permitted where all of the six point criteria have been satisfied.

Criteria (a) of W DM2 requires the application of the Sequential Test in accordance with National Planning Guidance. Paragraph: 033 Reference ID: 7-033-20140306 makes clear that 'the Sequential Test does not need to be applied for individual developments on sites which have been allocated in development plans through the Sequential Test, or for applications for minor development or change of use'. This application comprises a change of use and therefore the Sequential Test does not apply.

Criteria (b) of W DM2 requires a Site Specific Flood Risk Assessment (SSFRA) to demonstrate development is safe and does not increase flood risk elsewhere.

The applicant has provided a Flood Risk Assessment that details the development will be safe throughout its anticipated 100 year lifetime, without increasing flood risk elsewhere. The drainage systems accord with those secured under the Building Regulations process.

P/8/04 considered full-time residential development to be acceptable subject to conditions requiring

ground floor levels of the approved development to be no less than 4.2m above Ordnance Datum Newlyn. Such a condition remains equally necessary and will be applied to this development.

Taking the above factors into account, the development accords with Policy W DM2 of the Arun Local Plan.

SUSTAINABLE CONSTRUCTION

Policy ECC SP2 (ALP) requires all new residential 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 dwelling will accord with the energy efficiency measures.

NATIONALLY DESIGNATED SITES OF IMPORTANCE

The application site falls within 2km of the Bognor Reef and Pagham Harbour SSSIs. Policy ENV DM1 (ALP) states development likely to have an adverse effect on land with the designated features of any Site of Biodiversity or Geological Importance will not normally be permitted.

The development relates to a change of use of an existing building in a previously developed built-up area and would not result in a net increase in persons. On this basis, the development is unlikely to have an adverse effect on the designated SSSIs. The development accords with Policy ENV DM1 of the Arun Local Plan.

INTERNATIONALLY DESIGNATED SITES OF IMPORTANCE

The site falls in the 0-400m area (zone A) of the Pagham Harbour Special Protection Area. Within Zone A Policy ENV DM2 (ALP) does not support new residential development likely to have an impact on Pagham Harbour. In this instance the development comprises a change of use of an existing residential building under restricted occupation to an open market basis. This means the recreational impacts would remain the same and no additional detrimental effect on Pagham Harbour, non-native species or the water environment would result.

Whilst the development falls in an area that typically excludes any residential development, the development would accord with Policy ENV DM2 of the Arun Local Plan.

SUMMARY

This application considers the development of this residential building to be occupied by any persons. Access is retained as existing for a similar nature of residential usage.

The principle of residential on this site is established by the occupancy of the building, as existing, for residential purposes. The occupancy of the building for any persons not in connection with the social club is given greater weight due to the Council not being able to demonstrate an adequate supply of housing land. Furthermore, the proposal represents sustainable development and the NPPF's tilted balance is engaged. The principle of residential development on this site has also already been established by the extant consent and occupation of this building.

The material considerations set out within this report are not of such weight that, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, a decision should be taken in accordance with the development plan policies.

There are no other issues as highlighted above which would warrant a refusal of planning permission.

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:

Location Plan
Block Plan REV01
CB/PL/01 - Existing Floor Plans
CB/PL/02 - Existing Elevations

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 occupation of the development, 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.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking or re-enacting that Order), no windows and/or openings shall be inserted to the western elevation of the building to which this permission relates, unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of the amenities of adjoining residential occupiers and the locality in general in accordance with policy QE SP1 of the Arun District Local Plan.

- 5 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.

- 6 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.

- 7 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.

- 8 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.

- 9 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (dated 17 January 2020) and the following mitigation measures detailed within the FRA:

·Finished floor levels set 4.2m above Ordnance Datum Newlyn

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,

- 10 **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.