

Recommendation Report for Planning Permission

REF NO: P/111/19/PL

LOCATION: 209 Pagham Road
Pagham
PO21 3QD

PROPOSAL: Change of use of existing betting shop (Sui Generis) on ground floor with kitchen/WC/office on first floor to 1 No. flat on ground floor (C3 Dwelling houses) and 1 No. flat on first and second floor, to include single storey rear extension & conversion of loft space with dormer window on rear elevation. This application may affect the setting of a listed building.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	0.01 hectares / 110sqm.
TOPOGRAPHY	Predominantly flat.
TREES	There are no trees on site that would be affected by the proposals. There are 2 x third-party trees at the end of the rear garden to the adjacent property 'Martins Cottage' and 'Summer Lane Cottage' on Summer Lane. These neighbouring trees are not protected by reason of a Tree Protection Order (TPO) or being in a Conservation Area. They are of some amenity value, however, they are at sufficient distance to not be affected by the proposals.
BOUNDARY TREATMENT	There is an unenclosed, open area to the front of this commercial parade/shopfront (209-213 Pagham Road). To the southern side of the site there is a brick-and-flint curtilage-listed wall, part of which has timber panelling on top, which runs along the boundary with the adjacent Grade II listed building which has been sub-divided into two cottages 'Martins Cottage' and 'Summer Lane Cottage'. To the northern side of the site there is a concrete and breeze block wall and concrete garage building, which runs along the boundary with no. 211 Pagham Road. The rear of the site is open to the unmade access road at the rear.
SITE CHARACTERISTICS	The site is located on the western side of Pagham Road, within the Built-Up Area Boundary, in the settlement of Nyetimber / Pagham. The site consists of a post war, two storey, attached property, which forms part of a small parade of commercial units (former betting shop & current convenience store) at ground floor and residential accommodation at first and second floor/roof level.

The site itself consists of a commercial unit which was

formerly a betting shop (sui generis use) at ground floor level and an office, kitchen and WC at first floor level. There is an existing timber-built single storey extension to the rear. There is an area of land at the rear of the site which forms a driveway which can accommodate 2 vehicles. This can be accessed from an unmade access road which runs along the rear of the site, off Summer Lane.

To the south, the site adjoins the site of a Grade II listed building which has been sub-divided into two cottages 'Martins Cottage' and 'Summer Lane Cottage' on Summer Lane. The site is located within the Pagham Neighbourhood Plan Area. The site is located within the buffer zone (Zone B) of Pagham Harbour Site of International Nature Conservation. The site is in Flood Zone 1 (lowest risk of flooding).

CHARACTER OF LOCALITY

The site is located on the main road into Pagham within Nyetimber which is just to the north of Pagham. It is a primarily residential area with some commercial uses (pubs, convenience stores, takeaways/cafes and hairdressers), within a village environment and setting. The character of the buildings is mixed in terms of age, scale, form and design.

RELEVANT SITE HISTORY

P/26/49/A	Alterations To Form Self Contained Flat Over Shop	Approve 15-04-64
P/26/49	Change Of Use To Hairdressers	ApproveConditionally 02-08-49
P/185/68	Use Of Part Of Premises As Betting Office	ApproveConditionally 29-01-69
P/25/19/PD	Prior notification under Class M for a change of use from betting shop (Sui Generis) to dwelling house (Class C3).	No Objection 07-05-19
P/24/19/PL	Change of use of only ground floor betting shop (Sui Generis) to A2 (A2 Financial and Professional Services) together with alterations & demolition of rear single storey extension. This application may affect the setting of listed buildings.	ApproveConditionally 03-06-19

P/23/19/PL

Change of use of only ground floor betting shop (Sui Generis) to D1 (D1 Non-residential institutions) with alterations & demolition of rear single storey extension. This application may affect the setting of listed buildings.

ApproveConditionally
03-06-19

1)

P/25/19/PD

Prior notification under Class M for a change of use from betting shop (Sui Generis) to dwelling house (Class C3).

Prior Approval granted

07/05/2019

The change of use from betting shop (sui generis) to residential (C3) was approved under this Prior Approval application, in accordance with the permitted development legislation set out in Schedule 2, Part 3, Class M, of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

2)

P/23/19/PL

Change of use of only ground floor betting shop (Sui Generis) to D1 (D1 Non-residential institutions) with alterations & demolition of rear single storey extension. This application may affect the setting of listed buildings.

Approved

07/06/2019

P/24/19/PL

Change of use of only ground floor betting shop (Sui Generis) to A2 (A2 Financial and Professional Services) together with alterations & demolition of rear single storey extension. This application may affect the setting of listed buildings.

Approved

07/06/2019

The principle of the loss/change of use of the betting shop to another use and planning permission has been granted under these two recent applications.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Pagham Parish Council

No objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Conservation Officer
 Economic Regeneration
 Natural England
 Environmental Health
 Conservation Officer

CONSULTATION RESPONSES RECEIVED:

Economic Development -
 No objection.

Conservation Officer -

The site adjoins a Grade II listed building (which has been sub-divided into two cottages 'Martins Cottage' and 'Summer Lane Cottage') and curtilage listed wall. The setting of the listed building has already been negatively impacted/compromised by nearby development. The proposal would result in development extending even closer to the listed building than it does at present. It is considered that there is potential for the development to cause less than substantial harm to the listed building/curtilage wall. As such, it will be necessary to consider the public benefits of the proposals and if these weigh in the proposals favour on balance. If minded to approve the application, a planning condition is recommended to ensure the submission of details of how the curtilage listed wall is to be protected during construction works.

Natural England -

The application will result in the net increase in residential accommodation and the potential increased recreational disturbance may impact on the coastal Special Protection Area (s) and Ramsar Site (s). Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site (s). Arun District Council have measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound. It is for the Council to determine whether an appropriate assessment (Environmental Impact Assessment) is required in this case.

COMMENTS ON CONSULTATION RESPONSES:

The consultee comments will be dealt with under the Conclusion section of this report.

POLICY CONTEXT

Designation applicable to site:
 Built-Up Area Boundary
 Pagham Harbour SINC Zone B
 Pagham Neighbourhood Plan Area

DEVELOPMENT PLAN POLICIES

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

SDSP2	SD SP2 Built-up Area Boundary
EMPDM1	EMP DM1 Employment Land: Development Management
HERDM1	HER DM1 Listed Buildings
HERSP1	HER SP1 The Historic Environment
HSP1	HSP1 Housing allocation the housing requirement

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
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development
WMDM1	WM DM1 Waste Management
ENVDM2	ENV DM2 Pagham Harbour

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
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POLICY COMMENTARY

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

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

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

The initial Pagham Neighbourhood Plan was undertaken between 02/10/15 and 13/11/15. Although no further progress was made. A second version has been produced it is necessary, in accordance with paragraph 48 of the NPPF, to have regard to the Draft Neighbourhood Plan as a material planning consideration.

In the case of this planning application, Policy DM 1 of the emerging Pagham Neighbourhood Plan are applicable.

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 comply with Development Plan policies in that, subject to conditions, it

would be acceptable in terms of the change of use from a 'sui generis' commercial/employment use to a residential use, its impact on visual and residential amenity, the standard of internal and external space and quality of accommodation for future occupants, parking and refuse provision, highways safety, and its impact on Pagham Harbour SINC, SPA and Ramsar sites. The application would comply with Local Plan policies SD SP2, EMP DM1, H SP1, D SP1, D DM4, D DM1, D DM2, QE SP1, T SP1, WM DM1 and ENV DM2.

However, the proposal, which would result in less than substantial harm to the setting of the adjacent listed building, is considered to be in conflict with Development Plan policies HER SP1 and HER DM1 which seek to protect listed buildings.

LISTED BUILDING

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:
"In considering whether to grant Listed Building Consent for any works, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

The proposal would fail to accord with the above Act in that it would fail to preserve the setting of the adjacent Grade II listed building. This harm is considered to be 'less than substantial'.

OTHER MATERIAL CONSIDERATIONS

The proposal would fail to comply with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Development Plan policies HER SP1 and HER DM1, in terms of its impact on the adjacent listed building. However, paragraph 196 of the NPPF states that where the harm is less than substantial this may be outweighed by the public benefits of a development proposal. In this case, the less than substantial harm to the adjacent listed building is outweighed by the public benefit of the provision of 2 new homes. This is a material consideration which warrants a decision in conflict with the Development Plan.

CONCLUSIONS

PRINCIPLE:

Arun Local Plan (ALP) policy SD SP2 states that development should be focussed within the BUABs, subject to consideration of other policies within the Development Plan. The site is located within the Built-up Area Boundary. As such, in accordance with policy SD SP2, development in this location is acceptable, in principle, subject to consideration of all other policies.

CHANGE OF USE:

The loss of shops in certain areas is prevented by ALP policy RET DM1. However, the former/last use of the ground floor commercial unit was as a betting shop (sui generis use) and not an A1 retail use. Therefore, this policy does not apply.

Local Plan policy EMP DM1 (2) seeks to protect existing employment premises and states that a change of use from B uses or similar sui generis uses will not be permitted unless:

- (a) it is demonstrated that the site is no longer required and is unlikely to be re-used or re-developed for industrial/commercial purposes including marketing, or:
- (b) The existing location poses insurmountable environmental harm or amenity which cannot be satisfactorily resolved.

The proposals would result in the loss of a betting shop, which when in use in the past would have provided employment (1 full-time and 2 part-time staff) and contributed to the local economy. The use (which appeared to be operational in March 2019) has now ceased (as evidenced at the site visit in January 2020) and the ground floor commercial unit is now vacant. The applicant's have submitted an Economic Development Statement in support of the proposed loss including that the betting shop was running at a loss, was not sustainable and that recent changes in the gambling laws means small betting shops will no longer be financially viable. It is acknowledged by the Council that betting shops are not a desirable employment use. The Council's Economic Development Officer has been consulted on the application and confirmed that they have no objection. In addition, the site already benefits from Prior Approval (ref.P/25/19/PD) for the change of use from a betting shop to C3 residential use, by reason of Class M of the General Permitted Development Order (GPDO). As such, the loss of the employment use in this particular case is considered to be acceptable.

Housing policy H SP1 of the ALP sets out the housing requirement for the District, stating that within the Plan period 2011-2031 at least 20,000 new homes will be accommodated.

Paragraph 118(d) of the NPPF states: "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".

The proposals would result in the net increase in 2 new residential units. This would help to add to the Districts housing supply in accordance with ALP policy H SP1 and those in the NPPF. It would also bring an under-utilised vacant building back into use and meet identified needs for housing, in accordance with paragraph 118(d) of the NPPF.

IMPACT ON ADJACENT LISTED BUILDING:

Paragraph 190 of the NPPF requires the LPA to consider the significance of any heritage asset (including its setting) that may be affected by development proposals and seeks to conserve designated heritage assets such as listed buildings. ALP policy HER SP1 advises that designated heritage assets including listed buildings and their settings will be given the highest level of protection and should be conserved and enhanced in a manner appropriate to their significance. Policy HER DM1 requires proposals affecting statutorily listed buildings to protect, and where possible enhance, the setting of the building.

Conservation Officer comments:

The Council's Conservation Officer has been consulted on the application and provided comments, summarised as follows:

The site adjoins a Grade II listed building (which has been sub-divided into two cottages 'Martins Cottage' and 'Summer Lane Cottage') and curtilage listed wall. The listing description identifies it as being C17, with one storey and an attic, along with a hipped thatched roof. It is faced with flints with red brick dressings and quoins. The windows are casement in style. The building is considered to be of aesthetic significance.

The setting of the listed building has already been negatively impacted/compromised by the significant amount of C20 development which extends right up to the cottages. The proposal would result in development extending even closer to the listed building than it does at present. It would appear the rear extension would extend so it would abut the curtilage listed wall. The development proposals should ensure that the wall is not harmed either through construction or afterwards through the design or use of

materials.

It is considered that there is potential for the development to cause harm to the listed building/curtilage wall, and that this would be 'less than substantial' in accordance with paragraph 196 of the NPPF. As such, it will be necessary to consider the public benefits of the proposals and if these weigh in the proposals favour on balance. If minded to approve the application, a planning condition is recommended to ensure the submission of details of how the curtilage listed wall is to be protected during construction works.

Heritage harm versus public benefit:

Whilst the proposals may result in less than substantial harm to the setting of the adjacent listed building, there would be clear public benefits as a result of the proposals in the provision of 2 new residential units which would add to the District's housing supply and help to meet identified housing needs. In accordance with paragraph 196 of the NPPF, in this case, the public benefits outweigh the potential harm to the setting of the listed building and are concluded as being acceptable, on balance. It is recommended that a planning condition is applied requiring details to be submitted to ensure the impact of the works on the curtilage listed wall would be acceptable and it would be suitably protected.

DESIGN AND VISUAL AMENITY:

ALP policy D DM4 sets out the policy with regard to alterations and extensions to existing (residential and non-residential) buildings. This includes that they appear visually subservient to the main building and sympathetically relate to and are visually integrated with the existing building in terms of siting, scale, form, massing, design and materials.

The existing shopfront at ground floor level would be removed, the opening infilled with facing brickwork to match and two new windows. There would be no front door to this elevation, the entrance to the 2 flats would be located at the back of the property on the rear elevation.

It is also proposed to replace the existing single storey rear extension with a new single storey rear extension which would be 5m in depth and 5.2m in width. It would have a flat roof with a height of 2.8m.

A rear dormer is also proposed, which would have a depth of 2.1m, width of 2m and would have a flat roof with a height of 1.6m.

The proposed materials for these alterations and extensions would be; facing brickwork to match existing at low level and Cedar weatherboarding at high level, UPVC doors and windows, single ply membrane roof and dormer and with lead cheeks to the dormer.

These alterations and extensions would, for the most part, and as required by ALP policy D DM4, appear visually subservient to the main building and sympathetically relate to and be visually integrated with the existing building in terms of siting, scale, form, design and materials. The rear extension would have a depth over 50% of the depth of the main building, however, it would be single storey only, of modest height, and would be sited at the rear where it would not be readily visible. The dormer would be of an appropriate siting and scale in relation to the main roof slope. The materials used for the alterations and extensions would match and sympathetically relate to the host building.

It is concluded that the proposed external alterations and extensions would not have a detrimental impact upon the character and appearance of the building nor the wider area, and would accord with ALP alterations/extensions policy D DM4.

INTERNAL SPACE STANDARDS:

Policy D DM2 of the Arun Local Plan states that the planning authority will require internal spaces to be of an appropriate size and that the Nationally Described Space Standards apply.

This national guidance advises that for a 1 storey, 1 double bedroom, 2 person home (Ground Floor, Flat 1), the minimum Gross Internal Area is 50sqm with 1.5sqm of built-in storage. A bedroom with a double bedspace must provide a minimum of 11.5sqm. The flat has a GIA of around 61-62sqm, built-in storage of around 2.5sqm and the double bedroom is just over 11.5sqm. As such, the proposals comply with the internal space standards.

The national guidance advises that for a 2 storey, 2 bedroom, 3 person home (First and Second Floor, Flat 2), the minimum Gross Internal Area is 70sqm with 2sqm of built-in storage. A bedroom with a single bedspace must provide a minimum 7.5sqm and a bedroom with a double bedspace must provide a minimum of 11.5sqm. The flat has a GIA of around 64sqm, built-in storage of around 2sqm, the single bedroom is around 11.5sqm and the double bedroom is around 20sqm. The proposals do not comply with respect of the minimum GIA of the flat.

However, policy D DM2 does state that the "Nationally Described Space Standards will provide guidance" (and as such is to be used as guidelines only) and the supporting text under paragraph 13.3.4 states: "There might be occasions where development schemes cannot comply with all the space standards required (such as the conversion of an existing building, or where compliance with the standards may harm the historic character of a building). Arun District Council will consider these on a case-by-case basis." As such, this application warrants a degree of flexibility and the proposals are considered acceptable in this regard.

EXTERNAL SPACE STANDARDS:

Whilst the Council does not have specific external space standards, the supporting text to ALP policy D DM2 refers to the emerging Arun Design Guide SPD (due to be adopted mid 2020) which will include guidance on external space standards, and the need for planning applications to have regard to include adequate provision of private external space. Policy H.04 of the emerging Arun Design Guide SPD advises that outdoor amenity spaces should be of an appropriate size and shape and be usable and enjoyable. It states that rear gardens should have a minimum depth of 10.5 metres and buildings should be set back by 2m from the plot boundary to mark defensible space. Regard should also be had to paragraph 127 of the NPPF which states that "Planning policies and decisions should ensure that developments (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users".

The proposals include around 24sqm of communal outdoor amenity space at the rear of the site which would be shared between the 2 new properties. It is concluded that the size and shape of this area would allow it to be usable and enjoyable and provide adequate outdoor amenity to the future occupants of the 2 flats.

RESIDENTIAL AMENITY:

Paragraph 127 (f) of the NPPF states that development should have a high standard of amenity for existing and future users.

Policy D DM1 of the ALP that new development will have minimal impact to users and occupiers of nearby property and land, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance. Policy QE SP1 states that the Council requires all development contributes

positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity.

The Council does not currently have any specific standards in respect of privacy interface distances. However, prior to the adoption of the Local Plan, the Council worked on the basis of a standard of 20m for front to back or back to back distances. The Council have drafted a Design Guide SPD (the consultation for which has just ended) which is due to be adopted by mid 2020. Policy G.03 states that minimum back-to-back distances should be 21m for the purposes of privacy and the 25 degree rule should also be used to inform these distances to ensure proper provision of daylight and sunlight. It advises that back-to-side distances should be informed by the 45 degree rule to ensure adequate daylight and sunlight and there should be a minimum distance of 14m between habitable rooms and the side gable of the adjacent property. Policy H.04 advises that front-to-front distances should be a minimum of 16m between habitable rooms of properties facing each other. Once the Design Guide SPD has been adopted this will hold material weight in the decision making process. In the meantime, it is a useful guide for making assessments of planning applications.

The existing shopfront would be replaced with 2 new windows to the ground floor flat (Flat 1), which would serve a kitchen/living/dining room (habitable room). These new windows serving a habitable room would be located around 19m from the nearest front facing windows (which may serve habitable rooms) at the neighbouring property across the road, no. 150 Pagham Road. As such, this alteration would not result in unacceptable loss of privacy for existing or future occupants.

The existing rear extension (2m in depth) would be replaced with a larger rear extension with a depth of 5m. On the southern boundary, the extension would run adjacent to the wall, existing single storey rear extension and the main rear elevation of the two listed cottages 'Martins Cottage' and 'Summer Lane Cottage'. The rear elevation of the cottages contains ground floor rear windows facing toward and in close proximity (2m) of the boundary wall and application site. However, nearest to the location of the proposed extension to the application property, the existing neighbouring extension to the cottages consists a blank elevation with no windows. The proposed rear extension would only extend in depth beyond this existing neighbouring extension by approximately 0.3m. This would have a minimal impact in terms of outlook and daylight/sunlight to the nearest rear facing windows to 'Summer Lane Cottage'. On the northern boundary, the extension would run adjacent to the existing single storey rear extension and boundary wall to no.211 Pagham Road. The existing neighbouring extension is around 3m deep, and contains a set of double doors to its rear elevation. The proposed rear extension would extend approximately 2m in depth beyond the existing neighbouring extension at no. 211. It would pass the 45 degree test and would not have significant harmful impact on the outlook and daylight/sunlight to this neighbouring property.

The new window serving the bedroom (habitable room) within the new rear extension would be at ground floor level, sited 22m from the side elevation of 'Selig' on Summer Lane, and given this in addition to the boundary treatments, would not give rise to any inter-visibility issues and loss of privacy. The new window would be located only around 9m to the rear facing windows at 'Summer Lane Cottage' and the listed boundary wall between the two sites is relatively low. However, given the orientation, the new window would not face directly toward these neighbouring windows but rather toward the rear of the application site. It would therefore only provide oblique rather than direct angles of view toward 'Summer Lane Cottage' and would not give rise to undue overlooking and loss of privacy to existing and future occupants.

The proposed rear dormer would be of a scale and siting which would mean it would not give rise to any undue impacts on outlook, daylight/sunlight nor privacy of neighbouring occupants.

The proposals would have an acceptable impact on residential amenity, in accordance with the NPPF

and Local Plan policies D DM1 and QE SP1.

HIGHWAYS & PARKING:

Regard should be had to paragraph 109 of the National Planning Policy Framework which states that: "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe". Policy 106 refers to maximum parking standards for residential and non-residential development.

Policy T SP1 of the ALP supports development which incorporates appropriate levels of parking in line with the West Sussex County Council guidance on parking provision.

Arun District Council has recently adopted its own Parking Standards SPD (Jan 2020).

The ADC parking standards for 1 and for 2 bedroom properties in this type of location (Parking Behaviour Zone 2) requires a minimum of 2 car parking spaces to be provided on site. As such, the standards require a total of 4 car parking spaces on site to serve the 2 flats. The plans show the provision of 2 car parking spaces at the rear of the site, which would be accessed from the access road off Summer Lane. Therefore, the proposals do not comply with the ADC parking standards set out in the SPD.

However, the site is located directly adjacent to a bus stop on Pagham Road which provides sustainable options for transport, is in a fairly sustainable location with convenience shops in walking distance, and there is also uncontrolled parking across the road near the pub. The existing commercial use of the property would have had a parking demand also which will cease to exist if the new scheme is implemented. As such, this warrants a degree of flexibility and the under-provision of on-site parking is acceptable in this case.

The ADC Parking SPD requires the provision of 1 Electric Vehicle (EV) charging point and 1 EV-only parking bay to be provided on site for flatted development of less than 50 units. The plans do not show an EV charging point or EV bay provision. As such, a planning condition is recommended to secure this.

The ADC parking standards for 1 and for 2 bedroom flats requires a minimum of 1 cycle parking space to be provided on site. As such, the standards require a total of 2 cycle parking spaces on site to serve the 2 flats. Cycle parking should be accessible to occupants, undercover and secure. The plans show cycle storage within the rear garden area, which could accommodate 2 bicycles. It would be easily accessible to occupants, undercover and could be lockable/secure.

The proposals would be acceptable in terms of access, highways safety and parking provision (subject to condition) and would accord with transport policies in the NPPF and Local Plan.

REFUSE STORAGE:

Policy WM DM1 of the Arun Local Plan advises that all new residential development, including flat conversions, will be permitted provided that:

- (a) it is designed to ensure that kerbside collection is possible for municipal waste vehicles
- (b) where appropriate, communal recycling bins and safe bin storage areas are available to residents of flats

Development proposals must show bin storage/collection provision as follows:-

Each unit should be provided with the equivalent of 240 litres of residual waste storage/bins. Alternatively one 240 litre wheelie bin for each property can be provided.

The same amount of storage space/bins for recyclable materials is required to be provided.

The plans show bin and recycling storage within the rear garden area, which could accommodate 2 x 240l wheelie bins (1 for refuse/1 for recycling) for each of the flats.

The proposals would comply with Local Plan policy WM DM1.

PAGHAM HARBOUR SITE OF INTERNAL NATURE CONSERVATION:

Policy ENV DM2 requires that new residential developments within a 400m to 5km distance ('Zone B') of Pagham Harbour make a financial contribution towards the provision of accessible natural open green spaces to serve the area. A contribution of £1,275 per new residential unit was agreed by the Councils Cabinet on 20 July 2015. The Councils Cabinet subsequently approved a reduction in the tariff from £1,275 to £871 as of the 10th April 2017.

DM Policy 3 of the emerging Pagham Neighbourhood Plan sets out the policy with regard to Pagham Harbour SPA and Ramsar sites.

The site is sited in designated Zone B and, as such, it is necessary to apply this requirement. The net increase in 2 dwellings results in a requirement for a contribution of £1742. This has been secured by a Section 106 legal agreement (dated 19th November 2019, and completed). The proposals therefore comply with Local Plan policy ENV DM2 and emerging Neighbourhood Plan DM Policy 3.

Natural England were consulted on the application and confirmed that, subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site (s). They stated that it is for the Council to determine whether an appropriate assessment (Environmental Impact Assessment) is required in this case. The LPA has determined that, given the scale and nature of the proposals, in this case an EIA is not required.

SUMMARY:

The proposal would fail to comply with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Development Plan policies HER SP1 and HER DM1, in terms of its impact on the adjacent listed building. However, paragraph 196 of the NPPF states that where the harm is less than substantial this may be outweighed by the public benefits of a development proposal. In this case, the less than substantial harm to the adjacent listed building is outweighed by the public benefit of the provision of 2 new homes. This is a material consideration which warrants a decision in conflict with the Development Plan.

The proposals for the upper floor flat (Flat 2) do not accord with the national internal space standards. However, policy D DM2 is clear that the national standards are to be applied as guidance only, and that there might be occasions where development schemes cannot comply with all the space standards required (such as the conversion of an existing building) and each application is to be considered on a case-by-case basis. As such, this application warrants a degree of flexibility and the proposals are considered acceptable in this regard. The provision of 2 on-site car parking spaces does not accord with the ADC Parking SPD. However, again this is guidance only, and in this particular case, given the site is in a relatively sustainable location, with sustainable transport modes and services/facilities within walking distance and that there is also uncontrolled parking in the locality, the under-provision of on-site car parking is considered acceptable.

The proposals, subject to conditions, would be acceptable in terms of the change of use from a 'sui

generis' commercial/employment use to a residential use, its impact on visual and residential amenity, the standard of internal and external space and quality of accommodation for future occupants, parking and refuse provision, highways safety, and Pagham Harbour SINC and Ramsar sites. The application would comply with the NPPF, Local Plan policies SD SP2, EMP DM1, H SP1, D SP1, D DM4, D DM1, D DM2, QE SP1, T SP1, WM DM1 and ENV DM2 and policy DM1 of the emerging Neighbourhood Plan.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010:

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

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

SECTION 106 DETAILS

£1742 towards the provision of accessible natural open green spaces to serve the Pagham Harbour area.

RECOMMENDATION

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby approved shall be carried out in accordance with the following approved plans:
 - Front, Rear and Side Elevations (labelled as Floor Plans as Proposed), Drawing No. 2.02 Rev A, received 27/01/2020
 - Ground, First and Second Floor Plans (labelled as Floor Plans as Proposed), Drawing No.

2.01, received 14/11/2019

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D SP1, D DM4, D DM1, D DM2, QE SP1, T SP1 and WM DM1 of the Arun Local Plan.

- 3 No development above damp proof course (DPC) level shall take place unless and until details of the Cedral cladding to be used have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the development.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy D DM1 of the Arun Local Plan.

- 4 Prior to commencement of development of the rear extension above damp proof course (DPC) level, details (in the form of a Method Statement) of how the adjacent curtilage listed wall will be protected during the construction works must be submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance the approved Method Statement.

Reason: To preserve the appearance and special character of the adjacent listed building and its curtilage listed structures for the future in accordance with HER SP1 and HER DM1 of the Arun Local Plan and the NPPF.

- 5 No part of the development shall be first occupied until a dustbin enclosure (to provide refuse and recycling storage) shall be provided as shown on the approved plans. The bin storage shall thereafter be retained.

Reason: To safeguard the appearance of the property and the amenities of the area in accordance with policy D DM1, QE SP1 and WM DM1 of the Arun District Local Plan.

- 6 No part of the development shall be first occupied until the car parking spaces have been constructed in accordance with the approved plans, and one of these car parking spaces shall be marked out for Electric Vehicles only. These spaces shall thereafter be retained at all times for their designated use.

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

- 7 No part of the development shall be first occupied until covered and secure cycle parking storage (accommodating 2 cycle spaces) has been constructed in accordance with the approved plans. The cycle spaces shall thereafter be permanently retained in good working condition.

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.

- 8 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.

- 9 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources (as described in the glossary at Annex 2 of the NPPF) unless it can be demonstrated that a fabric-first approach would achieve an equivalent energy saving. Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority before any development above damp proof course (DPC) level begins. The development shall be implemented in accordance with the approved details and timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to secure on site renewable energy in accordance with national planning policy, and in accordance with Policy ECC SP2 of the Arun Local Plan.

- 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.
- 11 INFORMATIVE: The applicant is advised that the Method Statement will need to include details of how the curtilage listed wall would be protected from any works to foundations (e.g. hand dig only), how it would be supported during construction (i.e. use of props), that no construction materials/equipment will be stored/used directly adjacent to it (a Construction Exclusion Zone created), and that the proposed rear extension would be internally skimmed/finished.
- 12 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to the Pagham Harbour financial contribution of £1742 for 2 new dwellings (S106 agreement dated 19th November 2019, completed February 2020).