

Recommendation Report for Planning Permission

REF NO: P/4/18/PL

LOCATION: Land at former Kings Beach Hotel
5 The Parade
Bognor Regis
PO21 4TW

PROPOSAL: Erection of 1No. 4-bedroom house and 2No. 3-bedroom bungalows including shared use of existing vehicular accesses to convenience store and associated parking, landscaping, bin and cycle storage. This application may affect the setting of a Grade 2 Listed Building.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	It is proposed to site a new bungalow adjacent to no 53 Sea Lane with a further bungalow on land to the rear alongside the side of no. 55. Each bungalow will have 2 double bedrooms and a further study room which could be used as third single bedroom. These will be accessed from Sea Lane through the Co-op car park and will have two designated parking spaces and additional space for vehicle turning. The third dwelling is a four bedroom, 2-3 storey house to sit alongside 1 The Parade. This will be accessed from The Parade also through the Co-op car park and will have three designated parking spaces and additional space for vehicle turning. The submitted drawings also detail bin stores, cycle stores and new 1.8m high close boarded fencing.
SITE AREA	0.15 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	20 dwellings per hectare.
TOPOGRAPHY	Predominantly flat but there is a slight dip along the western boundary adjacent to 53 Sea Lane.
TREES	Three medium sized trees to the rear of the former Kings Beach Hotel building comprising a Goat Willow and two Macrocarpas (Cypress trees).
BOUNDARY TREATMENT	* 1.9m high close boarded fencing around the Kings Beach Hotel building; * 1.9m high close boarded fencing to the northern boundary with 1 The Parade/rear of 78 St Thomas Drive; and * 1.7m high close boarded fencing to the western boundary with 53 Sea Lane, increasing to 2m at the rear.
SITE CHARACTERISTICS	The site consists of vacant land around the sides and rear of

the Kings Beach Hotel building which is in part grassed, in part hard standing and part overgrown with evidence of littering. On the western side adjacent to no. 53 Sea Lane, there is a single storey flat roofed brick garage block. There is also a single storey brick building in the north western corner near to three medium sized trees. This part of the site was very overgrown and impassable.

The Kings Beach Hotel sits within the centre of the site and is now occupied by a Co-op food store at ground floor. The first and attic level floors were formerly occupied as a hotel with living accommodation but are not currently in any use. The building has red brickwork, a red tiled roof and mix of black & white painted windows. The building's frontage is occupied by the Co-op's car park with accesses from both Sea Lane and The Parade.

CHARACTER OF LOCALITY

The surrounding area is considered to be a mix of retail and residential. Sea Lane is residential and is characterised by detached bungalows predominantly without dormers or roof lights. The Parade however has retail premises at ground floor with living accommodation above & to the rear. The Parade is a terrace of 2 storey buildings with a pitched roof, a parapet wall to the front of the roof and small dormer on the rear. Each of these properties also has a flat roofed rear single storey projection. Retail uses consist of takeaways, a pharmacy, barbers, newsagents, dental surgery and opticians.

The neighbouring buildings most likely to be affected by the proposals are as follows:

- * 1 The Parade - funeral shop at ground floor with living accommodation above/behind. One ground floor flank window facing the site which has metal bars over it so not considered to be for living accommodation. Principal window at rear first floor;
- * 53 Sea Lane - bungalow with no first floor accommodation. Four ground floor windows facing the site. Ground floor patio doors on the rear; and
- * 55 Sea Lane - bungalow with velux roof light overlooking the site. Ground floor windows screened by existing 2m high fencing.

RELEVANT SITE HISTORY

P/83/16/A	1No. non-illuminated Welcome sign & 1No. non-illuminated circular parking icon to front elevation, 3No. non-illuminated disclaimer signs to side elevations & side parking bay, 3No. internally illuminated Logo signs to front & side elevations, 1No. non-illuminated circular logo 'Disabled' sign, 1No. non-illuminated circular logo 'Parent	ApproveConditionally 14-09-16
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& Child' sign to front parking bays & 2No. non-illuminated disclaimer signs & 1No. internally illuminated totem sign to front verge.

P/59/15/PL Change of use from hotel (C1 Hotel) to shop on ground floor (A1 Shop) & external alterations to include new front entrance ramp, new entrance door & associated works. Resubmission following P/42/14/PL. ApproveConditionally 26-08-15

P/60/00/ Change of use from lock up garage to office ApproveConditionally 13-09-00

The building currently occupied by the Co-op was formerly in use as a public house/hotel and there was a beer garden occupying around half of the rear 'garden'. There is planning history in respect of the existing garage block but it is clear that was never implemented and the garages remained. The public house/hotel closed its doors in early 2014 and planning permission was then granted in August 2015 for the conversion of the building to Class A1 retail use. The Co-op opened in November 2017.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Pagham Parish Council

Pagham Parish Council

Initially stated "No objection" but subsequently wrote to request that the previous comment be suspended in light of the reports from statutory consultees regarding the ecology of the area. The Parish Council wish to endorse the comments of the Ecology Officer from CDC regarding the need for further survey work before this application can be determined. The Parish Council also point out the possible contamination from historic fuel tanks located at the site.

No local resident letters.

COMMENTS ON REPRESENTATIONS RECEIVED:

The amended Parish Council comments were received after a second response from the ecologist which had assessed the additional surveys and raised no objections in respect of bats or reptiles.

Environmental Health officers have assessed the proposal and do not consider it necessary to impose any conditions regarding contamination. Therefore, the Parish Council concerns are considered to have been resolved.

CONSULTATIONS

WSCC Strategic Planning

Environmental Health

Engineering Services Manager

Engineers (Coastal Protection)
Engineers (Drainage)
Southern Water Planning
Ecology Advisor
Arboriculturist
Natural England
Conservation Officer
Ecology Advisor

CONSULTATION RESPONSES RECEIVED:

NATURAL ENGLAND - No objection. Advise that subject to appropriate financial contribution being secured, the proposal should not result in a likely significant effect on the Pagham Harbour Special Protection Area or Ramsar Site.

SOUTHERN WATER - No objections. Recommend that an informative be added regarding connection to the sewer network and a condition to protect any sewers that may be found.

WSCC HIGHWAYS - No objection subject to a condition to ensure that the car parking is provided and permanently retained. Do not consider there to be any issues with the use of the existing accesses and consider the parking provision to be in accordance with the West Sussex Parking Demand Calculator.

ECOLOGY ADVISER - No objections. Following further surveys are happy that Reptiles and Bats do not use the site. Recommend conditions to protect nesting birds and to ensure that external lighting is bat friendly. Advise that a financial contribution of £871 per dwelling is necessary to ensure that there will not be an adverse impact from the increase in visitors to the Pagham Harbour Special Protection Area.

ADC ENVIRONMENTAL HEALTH - Raise no objection provided that the mitigation measures detailed in the Noise Report are implemented and adhered to.

ADC DRAINAGE ENGINEERS - No objections. Soakaways must be investigated for surface water disposal. Please apply standard condition ENGD2A.

ADC TREE OFFICER - No objections. Consider that the existing group of Macrocarpas and the single Goat Willow are of poor quality and limited value and not worthy of retention. Request that three replacement trees be provided as part of the landscaping scheme.

ADC CONSERVATION OFFICER - Raises no objection on the grounds that due to the presence and proximity of two existing adjacent properties (no. 55 Sea Lane and 78 St Thomas Drive) to the existing Grade II Listed Building, "The Thatched Cottage" (St Thomas Drive) is such that the physical impact of the proposed development on the setting of the Thatched Cottage would be minimal. Furthermore that the existing Kings Beach Hotel would be a more dominating feature than the proposed, and as such there are no conservation issues.

ADC COASTAL ENGINEERS - No comments received.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Within Built Up Area Boundary;
 Asset of Community Value (The Kings Beach Hotel);
 Pagham Harbour Zone A;
 Flood Zone 1 (Low Risk); and
 Public Sewer on Site.

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

AREA13	Sites of International Importance for Nature Conservation
GEN2	Built-up Area Boundary
GEN7	The Form of New Development
GEN9	Foul and Surface Water Drainage
GEN12	Parking in New Development
GEN28	Trees and Woodlands
GEN32	Noise Pollution

Publication Version of the Local Plan (October 2014):

D DM1	Aspects of Form and Design Quality
D DM2	Internal Space Standards
D SP1	Design
ECC SP2	Energy and climate change mitigation
ENV DM2	Pagham Harbour
ENV DM4	Protection of Trees
ENV DM5	Development and Biodiversity
H DM1	Housing Mix
HER DM1	Listed Buildings
HER SP1	The Historic Environment
QE DM1	Noise Pollution
SD SP1	Sustainable Development
SD SP2	Built -Up Area Boundary
T SP1	Transport and Development
W DM3	Sustainable Urban Drainage Systems

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's

Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and then subject to public consultation. The hearing sessions into the examination of the Arun Local Plan ended on Thursday 28 September 2017 and the Inspector then wrote to the Council to set out his 'Interim Views following the Hearings'. The plan was then modified further in January 2018 (Modified - Arun Local Plan - January 2018 Consultation) and these were subject to public consultation between 12 January 2018 and 23 February 2018.

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

The Neighbourhood Development Plan

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. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. 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).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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).

Pagham Parish Neighbourhood Plan:

In December 2014, the Pagham Neighbourhood Plan (PNP) was withdrawn from the examination process in order to produce further studies in respect of the impact on the Pagham Harbour SPA/Ramsar Site. This work has been completed and the Regulation 14 'pre-submission consultation & publicity' stage was undertaken between 02/10/15 and 13/11/15. Although no further progress has been made, it is necessary, in accordance with paragraph 216 of the NPPF, to have regard to the Draft Neighbourhood Plan as a material planning consideration.

The Draft Plan sets out housing allocations for the area for the period 2014-2019 and only allocates approximately 125 dwellings on two sites on Pagham Road. However, it is noted that paragraph 4.29 of the postamble to Policy 2 states that:

"There are sites that may be suitable for housing and other uses not allocated within this plan that may come forward as windfall sites within the Plan period. Where this occurs these will be required to be acceptable in terms of impacts on the designated site of Pagham Harbour; flood risk; density and design; landscaping and impacts on the sensitive landscape and suitable with regard to utility and highways infrastructure."

It is considered that the following policies to be relevant to this application:

Policy 1: A Spatial Plan for the Parish;
Policy 2: Housing Site Allocations; and
Policy 3: Housing Design.

It should be noted that the PNP was prepared in accordance with the 2015 publication version of the emerging Arun Local Plan and was therefore prepared in accordance with the Objectively Assessed (housing) Needs of that time and this figure has been the subject of change in order to meet the requirements of the significantly increased OAN. Given the significant revision of this figure and the position of the PNP (Reg. 14), the weight which can be attributed to the PNP in the determination of this application is considered to be minimal.

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 relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE:

The site is located within the built up area boundary where the principle of new development is considered to be acceptable subject to other policies in the development plan.

The site is not allocated within the emerging Pagham Neighbourhood Plan (PNP) for development however, it is noted that paragraph 4.29 of the postamble to PNP Policy 2 suggests that where residential windfall sites come forward, these will be assessed with regard to the impact on the Pagham Harbour Special Protection Area (SPA); on flood risk; on density, on design; on landscaping and on the landscape. Development must also be acceptable with respect to impact on the highway.

It is considered that the proposal is acceptable in principle given its location in a sustainable location within reasonable walking and cycling distance of a range of shops, facilities and services including bus stops. Whilst the private car would inevitably be required for some trips, future residents would have a realistic choice of transport options.

IMPACT ON ASSETS OF COMMUNITY VALUE:

On the 27th June 2014, the Kings Beach Hotel building was added to the Council's list of Assets of Community Value (ACV). The 2011 central government document "Assets of Community Value - Policy Statement" states on pages 5-6 that:

"The (ACV) provisions do not place any restriction on what an owner can do with their property, once listed, if it remains in their ownership. This is because it is planning policy that determines permitted uses for particular sites. However, the fact that the site is listed may affect planning decisions and it is open to the Local Planning Authority to decide that listing as an asset of community value is a material consideration if an application for change of use is submitted, considering all the circumstances of the case".

Paragraph 70 of the National Planning Policy Framework (NPPF) guards against the unnecessary loss of valued facilities and services, particularly where these would reduce the community's ability to meet its day-to-day needs.

The classification of the Kings Beach Hotel building as an Asset of Community Value is a material planning consideration but it is not considered to affect the determination of this application as the proposal is not considered to adversely affect the current use of the building and indeed may have a positive impact on the building through increased custom to the Co-op store.

IMPACT ON THE PAGHAM HARBOUR SPECIAL PROTECTION AREA:

This site is within 400m of the defined edge of the Pagham Harbour Special Protection Area. The Harbour is a designated Site of Special Scientific Interest (SSSI) and has also been designated as a Special Protection Area (SPA) and Ramsar site. As such it is protected through European Directive 92/43/EEC and nationally under Conservation of Habitats and Species Regulations. This has been incorporated into the emerging Local Plan through policy ENV DM2, although policy AREA13 of the Arun Local Plan 2003 attempts the same thing. Policy ENV DM2 states with respect to Zone A that:

"development will only be permitted in exceptional circumstances where the developer is able to demonstrate there will be no detrimental effects on Pagham Harbour, including non-native species and the water environment. Regard shall also be had to tests 1-4 as set out in policy ENV DM1 (Designated Sites of Biodiversity or Geological Importance)."

Policy ENV DM1 states that: "1. Proposed development likely to have an adverse effect on land within or adjoining a Site of Biodiversity or Geological Importance as listed in Tables 17.1 - 17.6 (either individually or in combination with other developments), will not normally be permitted. Exceptions will only be made where the following can be demonstrated:

- a. There is no alternative solution (which shall be adequately demonstrated by the developer) and
- b. There are reasons of public health or public safety or
- c. There are benefits of primary importance to the environment or
- d. There are imperative reasons of overriding public interest."

The applicant has submitted a report to support the assessment of likely significant effects under the

Habitats Regulations. This has been assessed by Natural England who advise that subject to an appropriate financial contribution being secured, the proposal should not result in a likely significant effect on the Pagham Harbour Special Protection Area or Ramsar Site. The applicant has agreed to the payment of the Pagham Harbour strategic access management measures contribution which is currently set at £871 per new dwelling and this has been secured by way of a legal agreement. Therefore, it is not considered that an objection should be raised in respect of Arun Local Plan policy ARE13 or policies ENV DM2 & ENV DM3 of the emerging Local Plan.

THE HISTORIC ENVIROMENT:

The site does not directly abut but is within only 7m of the curtilage of the Thatched Cottage, a Grade II listed Building. As such, it is considered that the proposal may effect the setting of this Listed Building.

There are no policies within the current development plan that refer to listed buildings and therefore, it is necessary to have regard to the policies within the emerging Local Plan (Arun Local Plan 2011-2031) which is considered to have weight in the planning determination process and to the guidance within the NPPF. Policy HER DM1 of the emerging Local Plan (Arun Local Plan 2011-2031) states that proposals affecting Listed Buildings will be required to "protect, and where possible enhance the setting of the building".

Paragraph 132 of the National Planning Policy Framework (NPPF) states that the significance of a heritage asset can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Further, that substantial harm to a grade II listed building should be exceptional. Paragraph 133 states that where a proposed development will lead to either 'substantial harm' or 'less than substantial harm' then this should be weighed against the public benefits of the proposal (with a more stringent test for substantial harm). Paragraph 137 is also relevant and states that new development within the setting of Listed Buildings should enhance or better reveal their significance.

The Councils Conservation Officer was requested to assess the impact of the proposal on the Listed Building and considered that no objection should be raised. This was on the basis that two existing adjacent properties (55 Sea Lane & 78 St Thomas Drive) are in closer proximity to the Listed Building and already affect the setting such that the physical impact of the proposed new dwellings on the setting would be minimal. It should also be noted that the closest new dwelling is to be a bungalow and has a much lesser impact than a larger building would do (such as the existing former Kings Beach Hotel).

On this basis, it is considered that the impact of the proposal on the significance of the heritage asset is negligible, the proposal will cause little actual harm and is therefore acceptable in respect of the emerging Local Plan policy and the guidance within the NPPF.

DESIGN, CHARACTER & VISUAL AMENITY:

Arun Local Plan Policy GEN7 (ii) requires that new developments respond positively to the identified characteristics of a particular site to create developments which respect local characteristics. Policy 3 of the emerging Pagham Neighbourhood Development Plan (PNP) is a design policy but is considered to have only minimal weight at this time. It states that:

"The Neighbourhood Plan requires the scale, density, massing, height, landscape design, layout and materials of all development proposals, including alterations to existing buildings, to reflect and enhance the architectural and historic character and scale of the surrounding buildings and landscape, as defined in the adopted Pagham Village Design Statement (VDS)".

The Pagham Village Design Statement was adopted by the Pagham Parish Council in 2007 and is a

material consideration in the determination of this application. The Statement breaks up the district into several character areas and does this by road name. The site falls within the Kings Beach Estate area and the following development criteria are therefore relevant:

- (1) Retain open plan aspects, avoiding front garden walls; frontage and streetscape materials should be consistent;
- (2) Preserve existing green space and amenity trees within the development;
- (3) New or replacement buildings or extensions should not vary significantly in height or bulk from those nearby;
- (4) Where planning permission is required, preserve existing separation of dwellings, and prevent unneighbourly cramped or visually intrusive closure of gaps or establishment of ill-conceived linkages between buildings;
- (5) Exercise strict control over any roof development likely to be particularly intrusive by virtue of proximity to neighbouring dwellings; and
- (6) It is desirable to retain the present shops on The Parade, unless it is shown that retail use is no longer viable.

It is considered that the applicant has taken care to ensure that the layout and design of the three new houses is in character with existing neighbouring buildings. Both of the new dwellings on the west side of the site are to be straight bungalows (i.e. with no roof accommodation) and this reflects the existing bungalows to the west on Sea Lane and to the north (St Thomas Drive). The height of bungalow 2 will be broadly the same as 53 Sea Lane and the height of bungalow 2 (to the rear) will be approximately 0.6m lower). Furthermore, bungalow 2 will have the same front building line as no. 53 adjacent. Bungalow 1 is to be set slightly forward of no. 55 Sea Lane to the West but due to the location set back from the road, this will not have any impact on the streetscene and thus will not result in harm to the character of the area.

The new two storey dwelling in the north eastern corner of the site will be the same height as the Kings Beach Hotel and will be slightly lower (around 0.2m) than the existing terrace of buildings to the north. It is unfortunate that this cannot be sited on the same building line as the existing terrace but it has been necessary to set it back in order to provide parking spaces to the front. However, it is also considered that if it were sited on the same building line then a large expanse of flank wall would be visible in views of the Kings Beach Hotel from the south and south east and this would be detrimental to the street scene.

Although the proposal includes a new dwelling on the rear of the site and therefore represents back land development which is generally not considered appropriate, this is acceptable in this scenario given the irregular shape of the site and the fact that there is an existing instance of back land development to the west of this new bungalow (no. 55 Sea Lane). Furthermore, the proposed 'back land' dwelling is to be a bungalow, set back some 45m from Sea Lane and will be served from an existing access. Therefore, it will have limited visibility in the street scene and thus have a negligible impact on the character of the area.

The design of the three dwellings is considered to be appropriate in the context of existing surrounding buildings. It is noted that the roof to bungalow 2 has the same design as that to 53 Sea Lane (hipped to all four sides). The addition of a dormer to the roof of house 1 is not in character with the frontage of the terrace to the north but it is noted that there are dormers on the Kings Beach Hotel and to the rear of said terrace.

The submitted application form states that materials will be a mix of red facing brickwork and concrete tiles. This would be in character with both the Kings Beach Hotel and 53 Sea Lane and therefore acceptable in the context of the area. A condition will be imposed to require details to be approved prior

to commencement.

It is therefore considered that the proposal would be in accordance with policy GEN7 of the Arun Local Plan, policy 3 of the emerging PNP and the VDS.

RESIDENTAL AMENITY:

Arun District Local Plan policy GEN7 indicates that development will be permitted if it takes into account impact on adjoining occupiers, land, use or property and that it takes account of any unacceptable adverse impacts that may arise from adjoining land uses or property. Paragraph 17 of the NPPF states that "Planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings".

It is also noted that one of the criteria within the VDS, as discussed above is that (4) "Where planning permission is required, preserve existing separation of dwellings, and prevent unneighbourly cramped or visually intrusive closure of gaps or establishment of ill-conceived linkages between buildings;

This assessment will assess the amenity in respect of each new dwelling in turn as follows.

Bungalow 1 (rear):

This is to be sited side on but slightly forward of 55 Sea Lane and to the rear of 53 Sea Lane. As a result it will impinge on a 45 degree angle drawn from the patio doors on the rear of 53's rear projection. However, due to the single storey nature of the bungalow, its hipped roof and siting to the north east of no. 53, there will be no adverse loss of light. The relationship to no. 55 is also acceptable for the same reasons and given the 3.5m gap between the two dwellings.

The proposal also involves an extension of the existing vehicle access further into the site (it currently finishes at the end of the garage block). This could result in harm from car noise to the amenity of neighbouring properties. However, the parking for bungalow 1 has been set in from the shared boundary and therefore there is scope for landscaping to provide noise mitigation.

Bungalow 2 (front):

This is sited on the same main front building line as 53 Sea Lane and does not extend as far back as 53. It will be set forward of the set back part of 53's frontage but this part of 53 is not considered to contain any principal windows and is itself screened from the road by a 1.8/9m high close boarded fence which will already take away light from this elevation. Regard is also had to the single storey scale of the proposed dwelling and the fact that it will part replace an existing single storey garage block. It is noted that there are existing high level secondary windows in the flank of 53 which are higher than the existing boundary fence and therefore some of these could allow views into the proposed rear garden. This could be mitigated by raising the boundary fence or adding landscaping. An informative will be added to make the applicant aware.

House 1:

This is sited on a building line set back from the front of 1 The Parade but roughly on the same building line. 1 The Parade has a commercial use on the ground floor and the sole window within the flank is at ground floor, serves the commercial use and is fitted with security bars. It is not considered that the siting of the house will adversely affect the amenity of the occupiers of the business property. The parking spaces for house 1 are to the front and border to the north with the parking area to the front of the Parade. The front and rear windows of the residential accommodation on the upper floors of 1 The

Parade will not be affected due to the siting of the dwelling.

Conclusion:

It is therefore considered that the proposal complies with policy GEN7, the guidance within the NPPF and the relevant criteria within the VDS.

INTERNAL & EXTERNAL SPACE STANDARDS:

It is necessary to assess the proposal against the internal space standards as set out in the Governments new Technical Housing Standards (Nationally Described Space Standard). The following is a breakdown of the proposal versus the standards:

Plot No. -	No. of beds -	No. of People -	Required Floor Space -	Actual Floor Space
Bungalow 1	3	5	86m ²	81.3m ²
Bungalow 2	3	5	86m ²	74.5m ²
House 1	4	6	115m ²	143.5m ²

Although neither of the bungalows comply with this standard, this is only because both show a study room which would be capable of being used as a single bedroom. If this was solely treated as a study then both would comply with the requirements for a two bedroom dwelling. On this basis, it is considered acceptable to allow the shortfall.

In respect of external garden standards, the current modified version of the emerging Arun Local Plan proposes to delete policy D DM3 in favour of inclusion within a future design guide which has not yet been prepared. It is not therefore considered appropriate to now refer to this policy. Paragraph 17 of the NPPF is relevant as this states that "Planning should always seek to secure a good standard of amenity for all future occupants of land and buildings".

It is noted that the proposed gardens are similar in size to those of neighbouring properties and would afford residents with a useable space. On this basis, it is not considered that permission should be withheld on this basis.

HIGHWAY SAFETY AND PARKING:

Arun Local Plan policy GEN12 refers to the need to provide sufficient off-street parking. However, the standards within the appendices to the Local Plan which it refers to have been superseded by the West Sussex (Residential) Parking Demand Calculator. This indicates a total demand for the development of 8 spaces. The proposed layout only allows for 7 spaces but this does include at least 2 per dwelling. Furthermore, it is considered that visitors could park within nearby on-street designated/undesignated parking bays without detriment to the amenity of existing residents. It is therefore considered that the parking provision is in accordance with the neighbourhood plan.

Policy GEN7 (vii) requires that new development allow for the safe movement of pedestrians and vehicles, giving priority to pedestrians. Regard should also be had to paragraph 32 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".

West Sussex Highways have not raised any objection to the scheme. They consider that the site is sustainably located and that each of the two accesses is of a sufficient standard to accommodate the anticipated level of vehicular activity. They do not consider that the proposal would have 'severe' impact

on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 32) and that there are no transport grounds to resist the proposal.

The proposal is therefore considered to be in accordance with Arun Local Plan GEN7 and the NPPF.

SUMMARY:

It is considered that this application is acceptable having regard to the policies of the adopted Local Plan, the emerging Arun Local Plan 2011-2031, the guidance within the NPPF and the policies of the emerging Neighbourhood Plan. The issues highlighted by consultees and the Parish Council are considered to have been resolved have all been resolved and conditions are recommended to provide further mitigation.

Therefore, it is considered that this application should be approved subject to the conditions set out below and the signed legal agreement covering a payment of £2,613 towards the mitigation of the impacts of the development on the Pagham Harbour Special Protection Area.

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

This decision has been granted in conjunction with a Section 106 legal agreement relating to a contribution of £2,613 towards the mitigation of the impacts of the development on the Pagham Harbour Special Protection 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:

- * 17.3030.110 Rev P3 Location and Block Plans;
- * 17.3030.100 Rev P4 Proposed Site Layout including Bin & Cycle Store Details;
- * 17.3030.103 Rev P1 Bungalow 1 Proposed Floorplans & Elevations;
- * 17.3030.104 Rev P1 Bungalow 2 Proposed Floorplans & Elevations;
- * 17.3030.101 Rev P1 House 1 Proposed Floorplans;
- * 17.3030.102 Rev P1 House 1 Proposed Elevations; and
- * 17.3030.105 Rev P1 Existing & Proposed Context Elevations from Sea Lane.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 The development permitted by this planning permission shall only be carried out in full accordance with the mitigation measures set out within the submitted Noise Impact Assessment by Airtight & Noisecheck Limited ref Test/Job No: 16262 (dated 14-15 December 2017). The mitigation measures shall be fully implemented prior to occupation of any of the dwellings and permanently adhered to thereafter. There shall be no deviation from these mitigation measures without approval in writing from the Local Planning Authority.

Reason: In the interests of the amenities of the area and of neighbouring residential properties in accordance with policies GEN7 and GEN32 of the Arun District Local Plan.

- 4 Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 5 No development above damp proof course (DPC) level shall take place unless and until a colour schedule of materials and finishes to be used for external walls and roofs of the proposed buildings have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the buildings.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and to protect the setting of the nearby Listed Building in accordance with policy GEN7 of the Arun District Local Plan and policy HER DM1 of the emerging Arun Local Plan (2011 - 2031).

- 6 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The scheme shall also include details of three new trees to replace those to be removed. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 7 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 in accordance with policies GEN7 and GEN9 of the Arun District Local Plan and the National Planning Policy Framework.

- 8 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The scheme should seek to conform with the recommendations within BS5489:1-2013 but also minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the area, the site biodiversity (particularly in respect of bats), the interests of minimising crime and to minimise unnecessary light spillage outside the development site in accordance with Policies GEN7, GEN29 & GEN33 of the Arun District Local Plan.

- 9 No removal of trees, shrubs or other vegetation that may contain birds' nests shall take place between 1st March and 31st August inclusive, unless a suitably qualified ecologist/wildlife specialist has undertaken a careful, detailed, check of vegetation for active birds' nests immediately before the vegetation is cleared and confirmed that no nests will be harmed. Where nests are discovered, the vegetation shall remain in place until nesting activity has ended naturally and the ecologist has confirmed that it is safe to proceed.

Reason: To prevent interference with the breeding success of wild birds in the interests of biodiversity conservation, as well as to ensure compliance with the legal protection of birds, their nests and eggs under Section 1 of the Wildlife and Countryside Act 1981, as amended and in accordance with policies GEN7 and GEN29 of the Arun District Local Plan.

- 10 The ground floor bathroom window on the western elevation of bungalow 2 shall at all times be glazed with obscured glass.

Reason: To protect the amenities and privacy of the adjacent property in accordance with policy GEN7 of the Arun District Local Plan.

- 11 The ground floor toilet window on the southern elevation and the first floor en-suite window on the northern elevation of house 1 shall at all times be glazed with obscured glass.

Reason: To protect the amenities and privacy of both future occupiers and the adjacent property in accordance with policy GEN7 of the Arun District Local Plan.

- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015, (or any Order revoking or enacting that Order) no windows or other openings (other than those shown on the plans hereby approved) shall be formed in the western wall of bungalows 1 & 2 and the eastern or western walls of House 1 without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities of adjacent residential properties in accordance with policy GEN7 of the Arun District Local Plan.

- 13 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to any of the three dwellings shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers and maintain adequate amenity space in accordance with policy GEN7 of the Arun District Local Plan.

- 14 Should any sewer be found during construction works then all development activities taking place within 5m of the external edge of the sewer shall cease and they shall not recommence until full details of the proposed measures to be undertaken to protect the existing public sewer have been submitted to and approved in writing by the local planning authority (in conjunction with Southern Water) and then implemented in accordance with the agreed details.

Reason: To ensure that the proposed development does not result in any damage to the existing foul sewer in accordance with policy GEN9 of the Arun District Council Local Plan.

- 15 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.

- 16 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to a contribution of £2,613 towards the mitigation of the impacts of the development on the Pagham Harbour Special Protection Area.

- 17 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.

- 18 INFORMATIVE: Drainage Engineers advise that Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of

the proposed structures. The percolation tests must be carried out in accordance with BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 30% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes are also available on request.

- 19 INFORMATIVE: It is noted that the high level windows on the eastern elevation of 53 Sea Lane currently allow views into the site above the height of the boundary fence and this may affect the privacy of the proposed garden to bungalow 2. The raising of the boundary fence or addition of boundary landscaping may mitigate this problem.