

Recommendation Report for Planning Permission

REF NO: P/61/21/PL

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

PROPOSAL: Sub division of existing private club to include 1 No. holiday let accommodation.
This application is in CIL Zone 4 (zero rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Planning permission is sought for the conversion of part of the premises to a residential holiday let by internal alterations, the remainder will be retained as a smaller club.
SITE AREA	0.05 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	To the eastern boundary of the site and the southern is a low lying brick course wall.
SITE CHARACTERISTICS	The application site comprises a single storey business premises currently vacant but previously used as a private members club. Parking is situated to the front (north) of the site in the form of a car park.
CHARACTER OF LOCALITY	The area is part of a commercial street comprising a mixed but single storey character with detached properties set in medium and large plots set back and abutting the highway with within a suburban seaside environment. The site lies off the junction of Beach Road and West Front Road. To the immediate north-west of the site is a residential accommodation previously used as an accommodation for the staff working in The Pagham Harbour Club. To the north east are a number of buildings in commercial use and to all other boundaries are buildings in residential use. Most properties in this area comprise single storey buildings with roof pitches of no greater than 30 degrees. The site falls in Flood Zone 2, with most of the wider area falling within Flood Zone 3.

RELEVANT SITE HISTORY

P/10/20/PL	Change of use of existing staff residential accommodation to be used as a separate unit of	ApproveConditionally 21-04-20 REPORT_1011(ODB)
------------	--	--

residential accommodation.

P/74/19/PL	Removal of condition 4 imposed under P/8/04/ relating to staff accommodation to be used as a separate unit of residential accommodation.	Withdrawn 13-12-19
------------	--	-----------------------

Noted.

REPRESENTATIONS

Pagham Parish Council: No Objection

No letters objection received.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ENVIRONMENT AGENCY: The proposed development will only meet the National Planning Policy Framework's requirements if the following planning condition is included. It is requested that the suggested condition be attached to any planning permission granted.

ACD Coastal Engineers: The proposal will increase habitable space within flood zones 2 & 3 through change of use and will therefore increase flood and erosion risks as it will introduce new habitable space.

Engineers Comments Regarding Surface Water Drainage:

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

ENVIRONMENTAL HEALTH: No objection subject to suggested conditions.

NATURAL ENGLAND: No objection, subject to appropriate financial contribution an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The Appropriate Assessment has been sent to Natural England and approved.

POLICY CONTEXT

Designation applicable to site:

- 2km Buffer of Bognor Reef Site of Special Scientific Interest;
- 2km Buffer of Pagham Harbour Site of Special Scientific Interest;
- Pagham Harbour Access Management Zone A;
- Built-up Area Boundary;
- Areas of Character 5 (Pagham Beach Estate);
- Article 4 Direction;
- Flood Zone 2 & 3.

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM2	ENV DM2 Pagham Harbour
ENVDM5	ENV DM5 Development and biodiversity
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TOUDM1	TOU DM1 Tourism related development
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WDM4	W DM4 Coastal Protection
WMDM1	WM DM1 Waste Management

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

PDS	Pagham Parish Council's Village Design Statement by PaghamPC
SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

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

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 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 be weighed in the balance with the Development Plan.

CONCLUSIONS

KEY ISSUES

The key issues are principle, design and visual amenity, residential amenity, highways/traffic, flooding and impact on Pagham Harbour.

PRINCIPLE

The site falls in the Pagham Harbour Built-up Area Boundary in the Local Plan where development is acceptable in principle in accordance with policy SD SP1 of the Arun Local Plan and provided it accords with other policies of the Local Plan covering such issues as visual amenity/character, residential amenity and parking. In this case, the key policies of the Arun Local Plan are D SP1, TOU DM1, D DM1, ENV DM2, W DM1, W DM2 and T SP1 of the Arun Local Plan.

Policy D SP1 of the Arun Local Plan requires development to make efficient use of land reflecting the characteristics of the site and local area and policy D DM1 states that a high standard of architectural principles should be demonstrate and new development should have a minimal impact to users and occupiers of nearby properties and land. Policy TOU DM1 supports proposals which are likely to attract visitors, policy D DM2 expects internal spaces to meet the requirements of Nationally Described Space Standard. Policy W DM1, Policy ECC SP2 expects all new development to be energy efficient, policy W DM2 sets the criteria for development in areas at risk from flooding and policy ENV DM2 sets exceptional circumstances where developer is able to demonstrate there will be no detrimental effect on Pagham Harbour.

NPPF paragraph 119 highlights that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Paragraph 124(d) NPPF states planning policies and decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an area's prevailing character and setting (including residential gardens).

Paragraph 157 NPPF signifies in determining planning applications, local planning authorities should expect new development to comply with any development plan policies on local requirements for

decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable.

The proposal is for a division of an existing private club. No external changes are proposed except one additional window and one amended window on the western elevation. It would result in a creation of one holiday let unit of 3 beds and the reduced area of club. Policy TOU DM1 of the ALP supports development that attract visitors in accessible location.

DESIGN AND VISUAL AMENITY

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

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

The application relates to insertion of one new window and alteration of an existing window on the western elevation and internal changes which would result in a holiday let with floor plan of 139sqm comprising lounge, kitchen/dining area, 3 bedrooms, bathroom and shower room.

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

INTERNAL SPACE STANDARDS

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

The internal spaces of the proposed dwelling has been assessed against the Nationally Described Space Standards which are used to assess acceptable spaces under Policy D DM2. The proposed spaces either meet or exceed the minimum thresholds. The development accords with Policy D DM2.

AREA OF CHARACTER (PAGHAM BEACH ESTATE)

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

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

The development comprises a change of use of part of an existing building and no operational development is proposed and the special features that contribute to the character of the area would not be lost.

Taking into account the above factors, the development would retain the features that culminate in the

special area of character and therefore accords with Policy HER DM4 of the Arun Local Plan.

NEIGHBOURING AMENITY

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

Paragraph 130(f) (NPPF) requires planning decisions to create places with a high standard of amenity for existing and future users.

The nearest noise generating use is The Pagham Club located within the same premises, however due to the nature of proposed accommodation and the fact that the size of an existing club would be reduced such noise generation is likely to be small-scale in nature and easily controlled.

On the basis of the above assessment, the development would accord with Policy QE SP1 and D DM1 of the Arun Local Plan and paragraph 130(f) of the National Planning Policy Framework.

HIGHWAYS, TRANSPORT AND PARKING

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

Paragraph 108 (NPPF) states it should be ensured safe and suitable access to the site can be achieved for all users. Paragraph 111 (NPPF) states development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The site falls in Parking Zone 2 and comprises 3 bedrooms. The club owns the car park and spaces will be allocated to the apartment.

Taking into account the above, the development provides for the transport demands created in accordance with paragraphs 110 and 111 of the NPPF, Policy T SP1 of the Arun Local Plan and according Arun District Council Parking Standards.

FLOODING ISSUES

W DM2 of the Arun Local Plan states development in areas at risk from flooding (as identified by the EA) will only be permitted following compliance with listed criteria. One of these criterion is the submission of a sequential test in accordance with the NPPF - however the application is for a change of use and therefore under current guidance a sequential test is not required.

According to Environment Agency Flood Risk Map the 2/3 of the building is in flood zone 2. The application is supported by a full Flood Risk Assessment detailing flood resilient measures that ensures the occupants of the building would not be put at unacceptable risk of flooding. This was assessed by the Environmental Agency.

The Environment Agency is of an opinion that the proposed development will only meet the National Planning Policy Framework's requirements if the following planning condition is included.

Therefore the proposal would comply with W DM2 and the National Planning Policy Framework.

COASTAL PROTECTION

The Marine and Coastal Access Act 2009 brought in a new requirement for planning in the marine environment in the same way as planning the terrestrial environment. Although the primary risk to the site is through coastal flooding the FRA fails to consider erosion risk.

The proposal will increase habitable space within flood zones 2 & 3 through change of use and will therefore increase flood and erosion risks as it will introduce new habitable space. While this property is not at an immediate risk of coastal erosion as the other sites were, coastal erosion of the barrier beach would lead to an increased flood risk.

Arun District Council holds photographic records showing overtopping of the shingle beach which resulted in minor flooding of the junction of Beach Road, East Front Road and West Front Road. As far as the Council is aware 'The Pagham Club' did not experience any internal flooding.

The proposal is for a change of use of part of existing club for a tourist accommodation therefore it is considered that proposed development would be in a general conformity with the Arun Local Plan policy W DM4.

IMPACT ON THE PAGHAM HARBOUR SPECIAL PROTECTION AREA:

The development falls within Zone A (0 - 400m boundary) of the Pagham Harbour Special Protection Area. Policy ENV DM2 makes clear that development will only be permitted in exceptional circumstances where the development is able to demonstrate there will be no detrimental effect on the Pagham Harbour; including non-native species and the water environment. Policy DM1 sets out such exceptional circumstances in test 1-4. These tests comprise:

1. There is no alternative solution (which shall be adequately demonstrated by the developer)
2. There are reasons of public health or public safety or
3. There are benefits of primary importance to the environment or
4. There are imperative reasons of overriding public interest

The enquiry does not stipulate how the development would meet this criteria. The development proposes an increase in residential accommodation, thus incurring recreational pressures on the adjacent SPA, with no exceptional circumstances having been demonstrated.

The development would result in commensurate harm to the integrity of an Internationally Important Site for Nature Conservation and thus fail to accord with the contents of Policies ENV DM1.

According to Natural England's advice, an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended), PART 6, Chapter 2 should be carried out. Therefore it should be considered whether the proposed development as a whole, notwithstanding financial measures, is likely to have a significant effect on the Pagham Harbour Special Protection Area.

The application for the subdivision of private club to create a holiday let accommodation results in recreational disturbance only to Pagham Harbour. Having considered the mitigation and avoidance measures to be provided in-perpetuity through the contribution to the Joint Pagham mitigation scheme, Arun District Council conclude that with mitigation the plan or project will not have an Adverse Effect on the Integrity of the European protected site(s).

On the basis of a net gain of 1 unit, the contribution of £871 should be paid and this should be secured by the agreed Section 106 agreement. The applicant signed Section 106 agreement in accordance with

policy ENV DM2 of the Arun Local 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

This decision will be granted with a S106 legal agreement relating to a contribution of £871 towards the cost of delivering measures to avoid or mitigate to an acceptable level, the harm caused to Pagham Harbour by the Development.

CIL DETAILS

This application is in CIL Zone 4 (zero rated) as other development.

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:

Dwg No 2730/01/03/A, Proposed Floor Plan;
Dwg No 2730/01/04/A, Elevations as Proposed;
Dwg No 2730/01/05/A, Block Plan;

Location Plan.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 3 Details for the storage of waste on the premises shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The bin store shall be undertaken in accordance with the details hereby approved and retained as such at all times thereafter.

Reason: To protect the amenities of nearby residents in accordance with Arun Local Plan policy WM DM1.

- 4 No part of the development shall be first occupied until the car parking spaces have been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated use.

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

- 5 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority. Once provided they shall be retained for their designated purposes at all times thereafter.

Reason: To provide alternative travel options to the use of the car in accordance with policies T SP1 and T DM1 of the Arun Local Plan.

- 6 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.

- 7 Notwithstanding the provisions of Part C, Class C3 Dwelling House to the Schedule of the Town and Country Planning (Use Classes) Order 1987, (or any order revoking or re-enacting that Order), the premises shall be used for the purpose of holiday accommodation only and for no other purpose, including any other purpose within Class C3 of the Order, without the prior permission of the Local Planning Authority. The property shall not be occupied by any persons for a total period exceeding 28 days in any calendar year. The owner shall maintain a register of occupiers for each calendar year, which shall be made available for inspection by the Local Planning Authority at any time, and a copy of the register shall be supplied to the Local Planning Authority at the end of each calendar year.

Reason: Reason: To preserve the availability of the accommodation as a holiday let in accordance with policy TOU SP1 of the Arun Local Plan and to prevent the establishment of permanent dwellings in Designated sites of Biodiversity of Geological Importance in accordance with policy ENV DM1 of the Arun Local Plan.

- 8 The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) (ref: 90799-Barnes-PaghamCib- Prepared by UNDA- June 2020) and the following mitigation measures it details:
 - Finished Flood Levels shall be set no lower than 4.30m above Ordnance Datum (AOD)

This mitigation measure shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measure detailed above shall be retained and maintained thereafter throughout the lifetime of the development to satisfy requirement of policy W DM2 of the Arun Local Plan and relevant paragraphs of the NPPF.

- 9 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to a contribution of £871 towards the cost of delivering measures to avoid or mitigate to an acceptable level, the harm caused to Pagham Harbour by the Development.

- 10 INFORMATIVE: Flood Resistance and Resilience
 We strongly recommend the use of flood resistance and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage. To find out which measures will be effective for this development, please contact your building control department. In the meantime, if you'd like to find out more about reducing flood damage, visit the Flood Risk and Coastal Change pages of the planning practice guidance. The following documents may also be useful:

Department for Communities and Local Government: Preparing for floods
<http://www.planningportal.gov.uk/uploads/odpm/4000000009282.pdf>

Department for Communities and Local Government: Improving the flood performance of new buildings: <https://www.gov.uk/government/publications/flood-resilientconstruction-of-new-buildings>

- 11 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by 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.