

Recommendation Report for Planning Permission

REF NO: P/93/14/PL

LOCATION: 1 Beach Road
Pagham

PROPOSAL: Part change of use of existing amusement arcade to manager's accommodation
(Resubmission following P/107/10)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal is to provide replacement residential accommodation for the existing amusement arcade manager by using 62 sq.m. of the existing footprint of the building to create a single storey 1 bedroom dwelling. The section to be converted will have a raised floor level and so as to provide sufficient headroom the existing flat roof will be raised by 300mm. The proposals results in a reduction in the existing building footprint of around 34m². The proposal is largely the same as that approved under is application P/107/10 except that the dwelling is now set a further 2m into the amusement arcade and there is a further reduction in the remaining area of the amusement arcade.

SITE AREA

0.039 ha.

RESIDENTIAL DEVELOPMENT DENSITY (NET) 27 dwellings per hectare.

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

The building abuts the highway on Beach and East Front Roads.

SITE CHARACTERISTICS

Single storey flat roofed amusement arcade building located on the corner of East Front Road and Beach Road.

CHARACTER OF LOCALITY

The application site is part of the Pagham Beach Estate Area of Special Character where there is a predominance of detached single storey residential properties.

RELEVANT SITE HISTORY

P/104/02/	2no. Bungalows	ApproveConditionally 27-11-2002
P/146/07/	Demolition of exisitng two bed bungalow and erection of two bed bungalow and garage	Refused 09-01-2008
P/37/08/	Demolition of existing two bedroom bungalow & erection of two bedroom bungalow and garage. Re-submission of P/146/07	ApproveConditionally 14-05-2008
P/107/10/	Part change of use of existing amusement arcade to manager's accommodation	ApproveConditionally 09-02-2011
P/7/55/C	Amusement arcade building	Refused 06-12-1961
P/104/77	Rear extension to amusement arcade	ApproveConditionally 26-10-1977

This is a resubmission of application P/107/10/ which sought permission for "Part change of use of existing amusement arcade to manager's accommodation" and was approved in February 2011. It was not possible to implement that permission due to the proximity of the dwelling approved under P/37/08.

REPRESENTATIONS

Representations received:

Pagham Parish Council

Pagham Parish Council: "No objection. Pagham Parish Council would offer no objection to the amended resubmission of a proposal for managers accommodation as detailed. The flood risk element would however require to be deliberated upon by the Environment Agency as statutory consultants to the Planning Authority. Attention has been drawn to some minor inaccuracies in the presentation:-(1) ADC has a hold the policy replaced by Adaptive Management Policy; (2) In accord with PPS25 - subsequently replaced by NPPF; and (3) FFL to be approx. 4.0m AOD - EA consideration of adequate freeboard - Escape Route?"

1 letter objecting on the grounds of Food Risk.

Comments on Representations received:

Although the Environment Agency have not responded on this application, they considered the submitted Flood Risk Assessment (FRA) on the previous application and resolved to raise no objection on flood grounds. The FRA is considered to contain adequate flood mitigation measures and these will be enforced by way of condition.

CONSULTATIONS

Environment Agency
Conservation Officer

Consultations responses received:

None.

Comments on Consultation responses:

It should be noted that both the Environment Agency and the Councils Conservation Officer were consulted but have not provided any comments back.

POLICY CONTEXT

Designations applicable to site:

Within Built Up Area Boundary;
Within Area of Special Character;
No Public Sewer; and
Flood Zone 2/3.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [AREA1](#)
[GEN2](#)
[GEN7](#)
[GEN9](#)
[GEN10](#)
[GEN12](#)

[Publication Version of the Local Plan \(October 2014\):](#)

Areas of Special Character
Built-up Area Boundary
The Form of New Development
Foul and Surface Water Drainage
Tidal Flooding and Coastal Defence
Parking in New Development
D DM1 Aspects of Form and Design Quality
D DM2 Internal Space Standards
D DM3 External Space Standards
D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)
ECC SP2 Energy and Climate Change Mitigation
ENV DM2 Pagham Harbour
NR DM1 Natural Resources and Minerals Safeguarding
HER DM4 Areas of Special Character
SD SP2 Built-Up Area Boundary
T SP1 Transport and Development
W DM2 Flood Risk
W DM3 Sustainable Urban Drainage Systems

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

PDS

Pagham Parish Council's Village Design Statement by PaghamPC

SPD8

Areas of Special Character

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.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. 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: Arundel; Barnham & Eastergate; Bersted; Felpham; Littlehampton; and Yapton. A planned referendum for the Pagham Neighbourhood Plan has been postponed.

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 within the built up area boundary of Pagham where there is a presumption in favour of residential development subject to compliance with other development control criteria which includes consideration of visual and residential amenity and any implications on flooding and highway safety matters.

PAGHAM HARBOUR

According to the Arun Local Plan (2011 - 2031) Publication Version (October 2014), the site falls within an area that is within 400m of the Pagham Harbour Site of Biodiversity or Geological Importance. Therefore, part (a) of Policy ENV DM2 is relevant:

"Within Zone A (<400m) as identified on the Policies Maps, 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 NR DM1 (Designated Sites of Biodiversity or Geological Importance)."

Although the applicant has not submitted any justification to enable assessment against ENV DM2, it is considered that there are a number of factors which justify granting permission on this site. These are:

- * The application is a resubmission of a previously approved scheme;
- * The proposal is for a small 1 bedroom flat and will be restricted to occupation by the Amusement Arcade manager or staff employed on the premises;
- * No new buildings are proposed; and
- * The Amusement Arcade will remain in place and will continue to divert people away from the sensitive harbour area.

VISUAL AND RESIDENTIAL AMENITY

The impact on the character and appearance of the area is considered to be negligible as the works are largely restricted to internal renovations with a raising of the existing roofline by 300mm. This is not considered to lead to material harm to the character and appearance of the area.

In terms of residential amenity there are windows proposed on the elevation facing the property constructed under P/37/08 which neighbour the application site on East Front Road. However, these are on the ground floor of a single storey elevation and with suitable fencing/screening along this section of the proposal (which will be conditioned), it should not result in undue harm to neighbouring residential amenity. With regards to the impact on prospective occupiers from noise emanating from the use of the amusement arcade this can be addressed by restricting the occupation of the dwelling for the manager (or staff) of the arcade who has been renting

elsewhere following the redevelopment off the adjacent plot under P/37/08.

FLOOD RISK

The Flood Risk Assessment proposes that the floor levels for the proposed dwelling will be 4.0m above ordnance datum (AOD) (some 300mm above the current level) and slightly above the current level of the adjacent bungalow to the east. It also proposes to provide rear access so as to reach a safe haven on higher ground to the north of the proposed dwelling. Although the Environment Agency have not commented on this application, it is considered that their previous advice is still relevant and that therefore, whilst the site is on land prone to flooding, the mitigation measures proposed are sufficient to overcome the dangers posed.

INTERNAL & EXTERNAL SPACE STANDARDS (Policies D DM2 & D DM3)

Following a thorough analysis of the proposal versus the internal and external space standards policies, it is considered that:

* The proposed dwelling complies with D DM2 in that the general internal area requirement for a single storey 1 bedroom 2 person dwelling is 50m² and the proposal provides 62.7m²; and

* Given that the dwelling is attached to the existing amusement arcade, it is considered to be a flat rather than a bungalow. The requirement for 1 bedroom flats is only 4m² and the proposal includes amenity space (in the form of a private terrace) equating to 13.3m². The proposal therefore complies with this policy.

HIGHWAY SAFETY

There will be no intensification in the use of the site and therefore no increase in vehicle use leading to any impact on highway safety/convenience. No parking spaces are provided but the dwelling will be occupied by the manager of the existing amusement arcade who likely already drives to work. The West Sussex Parking Demand Calculator indicates a total demand of only 1 space.

SUMMARY

The application will not result in any demonstrable harm to either the visual or residential amenities of the locality nor endanger prospective occupiers from the risk of flooding. Planning Permission is therefore recommended subject to the following conditions.

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.

RECOMMENDATION

APPROVE CONDITIONALLY

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

PL002 (Location Plan, Block Plan, Existing Elevations, Existing Floor Plan, Existing Roof Plan); and
PL001 Rev A (Proposed Floor Plans and Elevations).

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 No development approved by this permission shall commence until plans that show floor levels raised to 4 metres AOD i.e. 300mm above existing ground level (as indicated in the agents FRA statement paragraph 2.2) have been submitted to and approved by the Local Planning Authority.

Reason: To mitigate the risk of flooding in accordance with policies GEN10 of the Arun District Local Plan and the National Planning Policy Framework.

- 4 The accommodation hereby permitted shall be occupied solely by the manager of the Pagham Beach Amusements, Beach Road, Pagham or any other employee of the Pagham Beach Amusements, Beach Road, Pagham appointed for that purpose and shall not be used as a separate unit of accommodation.

Reason: To accord with policy GEN7 of the Arun District Local Plan and to prevent the establishment of an additional independent unit of accommodation which would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between independent dwellings.

- 5 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the dwelling houses 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, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 6 No development shall take place until details of screen walls and/or fences have been submitted to and approved by the Local Planning Authority and no dwellings shall be occupied until such screen walls and/or fences associated with them have been erected. The fence so approved shall be retained in perpetuity.

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

- 7 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.