

## REPORTS ON APPLICATIONS DEFERRED FROM PREVIOUS MEETING

<b>P/159/21/PL</b>	Variation and removal of conditions imposed under P/58/19/PL for the variation of condition 2-plans condition & 16-external lighting of roads & footpaths & removal of conditions 11-footpath access through Hotel site & 13-signage of vehicular access previously proposed. <b>(Deferred For Further Information)</b>	253-255 Inglenook Hotel Pagham Road
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**Report following a request for further information, negotiations or consultation**

<b>REF NO:</b>	<b>P/159/21/PL</b>
<b>LOCATION:</b>	253-255 Inglenook Hotel Pagham Road Pagham
<b>PROPOSAL:</b>	Variation and removal of conditions imposed under P/58/19/PL for the variation of condition 2-plans condition & 16-external lighting of roads & footpaths & removal of conditions 11-footpath access through Hotel site & 13-signage of vehicular access previously proposed.

The Committee resolved on 02/02/22 to defer this application to allow further consultation on the uncertainty caused by non-adherence to the original planning application and closer consideration of what has been proposed. This deferral was far from clear in terms of what it was that the Committee were seeking, and Officers consulted with the Chair to seek to clarify what was required in order for the application to return to Committee.

Officers have already considered the proposals closely and the report clearly sets out why the changes to the buildings are acceptable and why the application has been recommended for approval based on the merits of the proposals. Whilst there was extensive member comment around the proposals being retrospective, this is not material to the determination of the application.

In coming to a recommendation, the main points are:

- Whilst it is acknowledged that the homes on Mill Farm are single storey, the proposed houses are already higher due to their two-storey nature and the proposed changes only result in a 0.55m height increase in the ridge plus new windows in the roofs. There is no corresponding increase in the eaves height.
- There are four existing houses on the Spinnaker View estate which are two storeys with rooms in the roof and have a front dormer plus rear velux windows. These are a similar total height to those proposed at the Inglenook site. The character of an area should be informed by all surrounding development.
- In allowing the appeal of P/58/19/PL, the Inspector did not consider it necessary to impose a permitted development rights restriction on roof extensions/alterations to any of the plots. This means that once the houses have been built, any of them could add rear dormers or velux windows to enable additional accommodation in the roof. This is a valid fall-back position to this application and so an important material consideration.
- The distances between plots 5, 6, 8 & 9 and the closest existing dwellings within Mill Farm and Spinnaker View are all within the tolerances recommended by the Arun Design Guide.
- There is no conflict with the space standards policy and the applicant has provided an extra parking space to plots 5, 6, 8 & 9 to meet the demand generated by the additional bedrooms.

On the subject of enforcement, this is also a matter that is not material to the determination of the current application. The local planning authority would be very unlikely to ever issue a Stop Notice if a current application was before us for consideration. It would be entirely unreasonable to do so and would involve lots of abortive work (e.g., where an application is subsequently approved or discharged). It would also expose the Council to potential costs because we would be liable for compensation if we have not been reasonable.

A retrospective application should be dealt with in the same way as if the development were not in place

and judged only on its planning merits. Officers have done so and made a recommendation of approval accordingly.

If the Committee consider that the proposals themselves are unacceptable when assessed against the relevant policies, then a decision to refuse should follow and reasons for refusal should clearly set out the harm.

### PLANNING APPLICATION REPORT

**REF NO:** P/159/21/PL

**LOCATION:** 253-255 Inglenook Hotel  
Pagham Road  
Pagham  
PO21 3QB

**PROPOSAL:** Variation and removal of conditions imposed under P/58/19/PL for the variation of condition 2-plans condition & 16-external lighting of roads & footpaths & removal of conditions 11-footpath access through Hotel site & 13-signage of vehicular access previously proposed.

#### **SITE AND SURROUNDINGS**

**DESCRIPTION OF APPLICATION**

The purpose of this application is to agree revisions to the previously approved scheme to:

(1) access the site from Spinnaker View to the south. This consists of a new vehicular access, separate pedestrian access and minor alterations to the road layout. The physical accesses to Spinnaker View has already been granted by P/165/21/PL. The access via the Inglenook would remain in its existing state but for emergency use only (i.e. should the Spinnaker access be blocked) and secured by removable bollards with the key held by the emergency services. This change renders previous conditions 11 & 13 redundant and requires changes to previous conditions 2 & 16;

(2) make minor amendments to the scale, appearance and internal layout of plots 5/6 & 8/9 to add accommodation (new bedroom and en-suite bathroom) on a new second floor in the roof space. This entails raising the ridge line by 0.55m and adding three rear velux windows, a front window & a flank window to each of these dwellings. This requires changes to previous condition 2;

(3) make minor amendments to plot 7 to revise the internal layout. This requires changes to previous condition 2; and

(4) amend the layout to show an extra parking space each for

plots 5/6 & 8/9 to cater for the additional parking demand created by the new bedrooms. This requires changes to previous condition 2.

There are no changes to plots 1-4 on the east side of the development.

SITE AREA 0.4 Hectares.  
RESIDENTIAL DEVELOPMENT 22.5 dwellings per hectare.  
DENSITY  
TOPOGRAPHY

Site levels were approved by the discharge of condition 9 on P/84/21/DOC and show all road and parking areas as being 6.05/6.10m AOD with finished floor levels at 6.15m AOD but garden levels lower. There is to be a short length of retaining wall behind plot 7's garage on the northern boundary.

TREES  
There are no trees on the site but there are notable specimens in the adjoining land to the east which partially overhang the eastern boundary.

BOUNDARY TREATMENT  
Existing boundaries consist of approx. 1m high post and rail fence to the east & north boundaries, 1.8m high close boarded fencing to the south boundary and a mix of low fencing and hedging to the west boundary. New boundary treatments are subject to condition and have not yet been approved.

SITE CHARACTERISTICS  
Current building site associated with the implementation of P/58/19/PL which has commenced.

CHARACTER OF LOCALITY  
The site is bordered by dwellings to the south (Spinnaker View approved by P/125/14/PL), residential mobile homes forming part of Mill Farm to the north, a further area of grassed land forming part of Mill Farm to the west and land forming part of the Inglenook to the east (on which there are mobile homes used for staff accommodation).

The mobile homes to the north are single storey with ground floor rear principal windows, some have conservatories to the rear. In Spinnaker View there is a roadway and part amenity landscaping with houses beyond. Spinnaker View houses that would be affected are two storeys but there are three houses in that development that have additional accommodation in their roofs.

RELEVANT SITE HISTORY

P/165/21/PL  
New vehicular access entrance, relocated parking bays, and pedestrian access associated with the redevelopment of the rear of Inglenook Hotel as 9 No. dwellings. This application is in CIL Zone 4 (zero rated) as other development. This application may affect the setting of a Grade II Listed Building.



P/171/21/DOC	Approval of details reserved by condition imposed under ref W/4001476 (P/58/19/PL) relating to Condition Nos 10 - proposed location of one fire hydrant or stored water supply, 12 - soft & hard landscaping, 14 - materials & finishes and 15 - boundary treatments.	
P/119/21/DOC	Approval of details reserved by condition imposed under ref W/4001476 (P/58/19/PL) relating to Condition Nos 5 - Construction & Environmental Management Plan, 6 - surface water drainage, 7 - maintenance & management of surface water drainage and 14 - materials, finishes & detailing for external walls and roofs.	DOC Part Approved 15-10-21
P/84/21/DOC	Approval of details reserved by condition imposed under ref W/4001476 (P/58/19/PL) relating to Condition Nos 5 - Construction & Environmental Management Plan, 6 - surface water drainage, 7 - maintenance & management of surface water drainage, 8 - badger survey and 9 level survey.	DOC Part Approved 22-07-21
P/58/19/PL	Erection of 9 No. dwellings with associated access, parking, cycle & refuse storage & landscape design. This application is a Departure from the Development Plan & may affect the setting of a listed building.	Refused 05-03-20  <b>Appeal: Allowed+Conditions 18-12-20</b>
P/53/19/L	Listed building consent for the demolition of modern side extension & 2.25m of boundary wall.	ApproveConditionally 12-03-20
P/125/14/PL	Demolition of existing dwelling & ancillary buildings & erection of 40 no. dwellings with associated access, car parking, cycle & refuse storage, hard & soft landscaping & amenity space. This application is a Departure from the development plan	App Cond with S106 30-06-16

P/165/21/PL is the separate application for the vehicular and pedestrian accesses into Spinnaker View and covers the replacement visitor parking in Spinnaker View. This was approved at the 2nd February committee meeting.

P/171/21/DOC is a current application to discharge conditions relating to P/58/19/PL. The conditions relating to materials and fire hydrant provision have been agreed. P/119/21/DOC and P/84/21/DOC have separately agreed the discharge of certain other conditions related to P/58/19/PL.

P/58/19/PL was allowed on appeal in December 2020 and included access from Pagham Road alongside the south side of the Inglenook Hotel. The permission has been lawfully commenced although some conditions are in breach due to development being above damp proof course level. Some plots have been built in accordance with the proposals set out in this application (in respect of extra height and accommodation in the roof of plots 8/9) and currently conflict with the approved scheme.

On P/58/19/PL, Pagham Parish Council expressed a desire for the access to be from Spinnaker View. This was raised with the applicant at the time who advised this was not possible due to two ransom strips which would decrease profitability of the site by two thirds. This was reported in the Committee report from 06/11/19 as a response to the Parish Council comments.

The desire to create access into Spinnaker View came up during Committee debates on P/58/19/PL and is a matter of public record via the online video recordings of the meetings on 06/11/19 & 04/03/20 and the printed minutes of the 04/03/20 meeting.

P/53/19/L relates to demolition & alteration works to the hotel which are required to upgrade the access to serve the dwellings. This has been part implemented (removal of boundary wall and outer wall of the modern side extension). P/125/14/PL relates to the Spinnaker View dwellings to the south.

## **REPRESENTATIONS**

Pagham Parish Council support the application in respect of access through Spinnaker View as it is preferable in safety terms than the approved access alongside the hotel. They object to new accommodation in roofs of units 5, 6, 8 & 9 as the design is not in keeping with the surrounding developments and will result in overlooking of Mill Farm. Extra bedrooms create additional parking demand.

As at 04/02/22, thirty-three letters of objection raising the following concerns:

- Building changes result in harm to character;
- Harm to Mill Farm/Spinnaker View residents due to overlooking/loss of light from enlarged buildings;
- Highway safety concerns due to intensification of Pagham Road/Spinnaker View junction;
- The turning circle for a fire tender is not big enough as it overhangs plot 6's parking space;
- Insufficient parking provision particularly visitor parking;
- Need restriction on garages to prevent conversion as construction suggests suitable as living accommodation;
- Loss of three parking spaces in Spinnaker View;
- Loss of turning area within Spinnaker View;
- The approved Inglenook access is perfectly fine as it was agreed by the Inspector;
- No capacity in Spinnaker View bin store for bins from the development;
- Refuse vehicles will block Spinnaker View for a longer period to collect refuse from the site;
- Harm to mental health as Spinnaker View will no longer be private;
- Harm to mental health due to being sandwiched between two active building sites;
- Loss of green spaces in Spinnaker View to make way for replacement parking;
- No benefits to Spinnaker View;
- Enforcement action should be taken against the new houses not being built to the approved plans;
- The whole development is driven by greed and the residents are being punished;
- The appeal decision was flawed and the site visit was carried out in lock down;
- Spinnaker View residents are the legal owners and will not give permission for access or removal of the fencing;
- Arun should be investigated for saying that they have no interest in whether the developers have

permission to access into Spinnaker View;

- Spinnaker View residents would have to foot the bill for increased maintenance costs arising from the increased use of the private road;
- P/58/19/PL has not been implemented correctly as hotel side extension was not completely removed;
- Crayfern Homes did not previously disclose the potential of an access from this site; and
- The objection of the previous site owner/applicant to having access adjacent to the Inglenook should be discounted.

#### **COMMENTS ON REPRESENTATIONS RECEIVED:**

Matters relating to parking provision, character/design, residential amenity and highway safety are discussed in the report conclusions. The following comments are provided in respect of other issues:

- There is a condition to restrict conversion of garages. This is numbered 13 on the recommendation;
- The new access into Spinnaker View and the arrangements in respect of Spinnaker View's parking are subject of application P/165/21/PL. There is no loss of parking as it is proposed to create three replacement spaces in Spinnaker View. There is no loss of a turning facility as according to plans approved by P/125/14/PL, the location of the new access is shown as being a visitor parking area (3 spaces). It may be used sometimes for turning (on a site visit there was a car parked in it) but it is not required to allow vehicles to turn on site. There is a formal turning head a short distance to the west which is not affected;
- Planning applications are considered on their own merits and although the planning history is a material consideration this does not mean that a different proposal cannot now be considered;
- It is not proposed for Inglenook residents to use the Spinnaker View bin store, their own bin storage arrangements are the subject of condition 17 in the recommendation;
- The additional wait due to refuse servicing from Spinnaker View would not be significant;
- Whilst health & wellbeing are material planning considerations, it is not considered additional movements associated with the Inglenook development will have a noticeable impact on the environment of Spinnaker View;
- The loss of green spaces in Spinnaker View to make way for the replacement visitor parking has already been assessed by application P/165/21/PL;
- The current situation of Spinnaker View being between two active building sites is unfortunate but is a temporary arrangement and is not a result of the current application;
- It is not necessary to demonstrate benefits to Spinnaker View for this application to be accepted;
- The planning system allows any person/organisation to seek planning permission retrospectively. If they undertake works without permission they do so at their own risk in the full knowledge that if planning permission is refused (and any subsequent appeal dismissed) they may need to modify what they have erected.
- It is not possible to reconsider the merits of the previous appeal decision;
- There was no condition imposed requiring the removal of the hotel side extension prior to works taking place. There would only be a breach of planning if the development was completed (and the houses occupied) in accordance with P/58/19/PL and the extension had not been fully removed as then the development would not be in accordance with the approved plans. If the current application is granted this would no longer be a requirement;
- The Inglenook site owner has not commented on this application and as has already been stated there is nothing to prevent a different proposal from being considered; and
- It is not possible to consider the motives of applicants, the actions or non-actions of the Spinnaker View developer, land ownership or associated land maintenance costs as these are not material planning considerations in planning law.

It is not necessary to own land to make a planning application provided notice is served on the landowner (in the case of P/159/21/PL, this was not necessary as all land subject to the application is in

the applicants control). A planning permission cannot be implemented without the approval of the landowner (which is relevant in respect of approved application P/165/21/PL).

## **CONSULTATIONS**

### **CONSULTATION RESPONSES RECEIVED:**

WSCC HIGHWAYS - raise no objection and recommend no new conditions. Comment that:

- Spinnaker View is a private road not maintained at public expense, the comments on this road are advice only;
- Comments relating to capacity/accessibility are as advised within the comments on P/58/19/PL;
- The access would take the form of a 4.8m wide bellmouth. This has been designed in accordance with design speeds from Manual for Streets of 20 mph with visibility splays provided at 25m from the point of access which is appropriate;
- There is sufficient visibility available in both directions at the junction of Spinnaker View and Pagham Road and there have been no recorded Road Traffic Collisions within the vicinity of the existing junction;
- The proposal demonstrates turning on site for a refuse collection vehicle and fire tender;
- A 2m pedestrian link has been included to connect Spinnaker View with the application site; and
- No concerns with principle of extra parking or replacement visitor parking spaces. Stated that the turning for a fire tender on the site is tight but is workable.

ADC ENVIRONMENTAL HEALTH - do not wish to make any comments.

ADC CONSERVATION OFFICER - the proposal will not result in any harm to the nearby Listed Buildings (The Inglenook Hotel, Mill Cottage, 4 Barns at Mill Farm & 247 Pagham Road). It should be determined in accordance with relevant policies in the Development Plan and in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended). Comment as follows:

- The Inglenook Hotel is Grade II Listed Building. Further development has taken place to the rear so that the oldest part is somewhat surrounded by modern built fabric but the age of the core part of the building, along with its use means it is considered to be of historic and communal significance;
- The other listed buildings are associated with Pagham Road, are illustrative of the development of the village and are of historical (fortuitous) significance;
- Pleasant mature trees & vegetation which are incorporated in a private garden area make a positive contribution to the general character of the land in the curtilage of the listed building and help to screen the listed building from the application;
- The other listed buildings are located so as to not be directly impacted upon as a result of the proposal with other development in between;
- The alternate access route for the site will mean that traffic is no longer brought close to the listed building, or its 'pub garden' area which is positive; and
- The scale of the alterations, along with their location will mean that they will not impact upon the setting of the listed buildings.

### **COMMENTS ON CONSULTATION RESPONSES:**

All comments noted.

## **POLICY CONTEXT**

Designations applicable to site:

Outside the Built Up Area Boundary;  
 Close to a Grade II Listed Building (The Inglenook Hotel);  
 Pagham Harbour Zone B;  
 Within 2km Buffer of Pagham Harbour SSSI;  
 Within 2km Buffer of Bognor Reef SSSI;  
 Area of Special Control of Adverts;  
 Current/Future Flood Zone 1; and  
 TPO/P/2/15 (Within the site to the south).

## DEVELOPMENT PLAN POLICIES

### Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ENVDM2	ENV DM2 Pagham Harbour
ENVDM5	ENV DM5 Development and biodiversity
HERDM1	HER DM1 Listed Buildings
HERSP1	HER SP1 The Historic Environment
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development

## PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
NPPDG	National Design Guide

## SUPPLEMENTARY POLICY GUIDANCE:

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

## POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

Where applicable, Neighbourhood Development Plan's, once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area. There is no Pagham Neighbourhood Plan to consider as the emerging Plan was withdrawn in September 2020.

## 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 the changes would not result in any significant harm to the character of the area, to the amenities of residents, to the safety of the highway or to the nearby heritage assets.

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

"In considering whether to grant Listed Building Consent for any works, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

The proposal complies with this in that it preserves the setting of the nearby Listed Buildings due to the existing planting and other development in the intervening space. This proposal will also reduce vehicle movements alongside the listed Inglenook Hotel which is positive.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

#### **OTHER MATERIAL CONSIDERATIONS**

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

#### **CONCLUSIONS**

##### **PRINCIPLE:**

The site benefits from an extant permission which has been lawfully commenced. This application seeks to make alterations to the scale, appearance and internal layout of plots 5, 6, 7, 8 & 9 (plots 1-4 are unchanged) and to take vehicular & pedestrian access from Spinnaker View to the south, leaving the existing access as an emergency route only. The latter change enables the deletion of two conditions and the variation of a third (insofar as they relate to the approved access) with the whole of the proposal necessitating an amendment to the approved plans condition.

Due to the nature of the changes proposed, it is only necessary to assess the impact on the character & appearance of the site/local area, on the existing nearby Listed Buildings, on the amenity of nearby residents, on the amenities of future residents and in respect of highway safety.

Should P/159/21/PL be granted the developer would have a choice of permissions to implement and both would remain valid unless and until the implementation of one makes the implementation of the other physically impossible. Should the developer not be able to get legal consent for the access into Spinnaker View then they may still be able to revert back to the original permission and thus use the

approved access alongside the Inglenook.

This report will determine whether the changes now sought cause additional harm compared to the approved scheme, and if harm is considered to arise, is it sufficient to warrant refusal.

#### HERITAGE ASSETS:

There are Listed Buildings to the east including the Grade II Listed Inglenook Hotel as well as those close to the Inglenook (Mill Cottage; a group of Four Barns at Mill Farm and 247 Pagham Road).

ALP policy HER SP1 states development likely to prejudice heritage assets and their settings will be refused. Policy HER DM1 requires that proposals protect and, where possible, enhance the setting of Listed Buildings. The NPPF provides guidance on how to determine impacts on heritage assets.

Para 194 requires applicants to describe the significance of heritage assets affected, including any contribution made by their setting. Para 195 requires Local Planning Authorities to identify and assess the particular significance of the heritage asset affected by a proposal. The Local Planning Authority must then consider the level of harm associated with the proposal and decide whether there is no harm, 'less than substantial harm' or 'substantial harm'. It is then necessary to counterbalance any harm with the level of public benefits associated with the proposal (as set out in para 202).

The submission does not consider heritage impacts however, this was fully considered on P/58/19/PL and a heritage statement was submitted at that time which was accepted by the Conservation Officer who did not consider there to be any harm.

The Conservation Officer assessed this proposal and states the proposal will not result in any harm to the significance or setting of the nearby heritage assets. It is not necessary to assess the application benefits per para 202. The Conservation Officer notes the reduction in use of the access alongside the Inglenook may have a positive impact.

The proposal accords with ALP policies HER SP1 and HER DM1 in that there is no harm to the setting of the nearby Listed Buildings. The proposal also complies with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### ACCESS & PARKING:

ALP policy T SP1 seeks to ensure development provides safe access on to the highway network; contributes to highway improvements (where appropriate) and promotes sustainable transport. Schemes should accommodate efficient delivery of goods and supplies; give priority to pedestrian and cycle movements, be accessed by high quality public transport facilities, create safe and secure layouts for traffic, cyclists and pedestrians and provide appropriate levels of parking. The Council has a Parking Standards SPD.

Para 110 of the NPPF states: "In assessing .. specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Para 111 states: "Development should only be prevented or 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 effect of the application will be to abandon the agreed access improvements to the access alongside the Inglenook Hotel and take access from Spinnaker View. The existing access would be retained in its current state for emergency use only (and will be secured by removable bollards). The actual access

through to Spinnaker View has been approved by application P/165/21/PL.

WSCC Highways raise no objections. They consider the Spinnaker View/Pagham Road junction is suitable for the additional movements associated with the Inglenook scheme. WSCC Highways advised on P/58/19/PL that an additional 43 two-way vehicular movements would be anticipated per day and this would be expected to generate 4-5 movements in the a.m. peak of 8-9am and 4-5 movements in the p.m. peak of 5-6pm. WSCC Highways do not state there would be an unacceptable impact on highway safety or a severe impact on the road network.

The parking requirement for the scheme as per the Arun Parking Standards SPD is 27 spaces (including 2 visitor spaces). Initially the layout showed 19 spaces (including 2 visitor) and 5 garages but the garages are less than the required 6m x 3m size so cannot be considered to provide any spaces resulting in a shortfall of 8 spaces.

It is acknowledged that the whole development has already been approved by P/58/19/PL and so it is not appropriate to reassess the whole scheme. The previous decision was made before adoption of the Arun Parking Standards SPD. The applicant was requested to amend the layout to provide 4 more allocated parking spaces to cater for additional demand generated by extra bedrooms to plots 5/6/8 and 9. The applicant agreed and provided a revised plan. On this basis, there is no objection on parking grounds. Whilst the garages are undersized when measured against the standards, they were approved by P/58/19/PL, are still large enough to accommodate a car and so do provide some space for parking of additional cars.

The proposal accords with ALP policy T SP1 and the Arun Parking Standards SPD.

#### DESIGN CONSIDERATIONS:

ALP policies D SP1 and D DM1 require development to make the best possible use of land by reflecting or improving on the character of the site/surrounding area. The National Design Guide (NDG) has weight as a material consideration in the determination of this application. This states achieving a well-designed place comes about through making the right choices at all levels, including the layout (or masterplan), the form and scale of buildings, their appearance, landscape, materials and their detailing.

The Arun Design Guide is a material consideration and Section J refers to new building design and states new development must ensure the existing character and sense of place of an area is respected and enhanced. This can allow for new design forms but only where these take cues from well-designed elements of the existing area. New development should also generally reflect the scale of existing buildings and should avoid overshadowing of neighbouring properties.

The amendments to the buildings concern their scale (0.55m increase in height of plots 5/6 & 8/9), appearance and internal layout. There are no changes to plots 1-4 and no changes to the footprint of any of the dwellings. The height increase is not significant in itself and will not cause additional demonstrable harm to the character of the area.

Those houses with new roof accommodation all face Mill Farm which is single storey in character. This does not automatically mean that this roof development is out of character as the houses are already much higher than the residential mobile homes on Mill Farm.

There are three houses in Spinnaker View to the south which have roof accommodation with front dormers/rear velux windows, two of which are closer to Mill Farm than any of the 4 dwellings in this proposal. There are other instances of roof development/dormers in the surrounding areas of Pagham.



In allowing the appeal the Inspector did not consider a permitted development rights restriction on extensions/alterations to the roofs of plots 1 to 7 (closest to Mill Farm) to be necessary to protect Mill Farm residents. It was stated that:

"The Council has recommended a condition restricting permitted development rights for alterations to the roof of the proposed new dwellings. However, Planning Practice Guidance notes that these conditions should only be used in exceptional circumstances. The circumstances of this case (dwellings, separated by reasonably sized gardens from the nearest residential properties) do not amount to exceptional circumstances".

Roof dormers could be added to other houses on the development (such as plots 1-4 & 7) through permitted development rights and the Local Authority would not be able to prevent this (subject to compliance with the conditions & limitations of the permitted development rights).

There are no concerns with the changes to plot 7 as these are very minor and do not result in any harm to character.

The Pagham Village Design Statement is 14 years old but remains a material consideration in the determination of applications. The site falls in the "Pagham Road" area and this sets out the following development criteria relevant to this site/proposal: (1) Highest quality layout and design; (2) Exclude development in existing Open Spaces; (4) Preserve character of area; (5) Front boundaries should contribute to overall street scene; (6) Traditional materials where appropriate; (9) Maintain existing pattern e.g. setback, density. The proposal does not conflict with the guidance and overall, there is no conflict with development plan policies or the Design Guide in respect of design and character.

#### RESIDENTIAL AMENITY:

ALP policy D DM1 requires there be minimal impact to users/occupiers of nearby property and land. Policy QE SP1 requires all development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity. The Council's Design Guide sets out guidance on interface distances between houses which is relevant to this application only in respect of the new roof level windows to plots 5/6 & 8/9.

- Back to Back: min. 21m between habitable rooms of properties or to existing buildings.
- Back/Front to Side: min. 14m between habitable rooms and side gable of adjacent property.
- Front to Front: min. 16m between habitable rooms of properties facing each other.
- Back to Boundary: min. 12m between habitable rooms and site boundary to existing landscaping.
- There are no standards for either side to side or front to back.

The Design Guide does not make any special provisions for distances from roof level windows except that section G refers to the 25 degree rule which should be applied between facing dwellings for the purposes of privacy, overlooking and light.

The distance from the edge of the rear velux window on plots 5/6 to 17/19 Mill Farm is 26m whilst the distance from the new front roof level window to the nearest dwelling on Spinnaker View is 24m. The distance from the edge of the rear velux window on plots 8/9 to the nearest Mill Farm mobile home is 47m and the new front windows face east across the Inglenook site (there is no difference in the approved distance to the other proposed dwellings on the site). No flank windows are proposed which face towards dwellings outside of the site.

All interface distances are well within tolerances of the Design Guide and the 25 degree rule is not breached either. Although the Design Guide is guidance not policy, it would be difficult to sustain an

objection on grounds of overlooking. The appeal Inspector found no harm to the residential amenities of Mill Farm residents and did not consider it necessary to prevent rear dormers from being added later through permitted development rights.

Although these dwellings are to the south and east of Mill Farm, the additional 0.55m of height increase to plots 5/6 & 8/9 is not significant and will not result in demonstrable harmful loss of light to the mobile homes. A refusal on these grounds would also not be sustainable.

#### **SPACE STANDARDS:**

As per ALP policy D DM2, it is necessary to assess the proposal against internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if buildings will be suitable for residential use.

The previous application was found to be appropriate versus the space standards with all dwellings having greater floor areas than required. The effect of this amendment will be to further increase the amount of floor space for four of the plots and so is positive in this respect. The alterations do not generate the need for any enlargement of residential gardens and these were previously considered to be acceptable.

#### **CONDITIONS:**

The original permission has been implemented and some of the previous conditions have been discharged and are either no longer relevant or relevant only insofar as they relate to details approved by them. The applicant proposes deletion of two of the previous conditions and changes to two more. It has been necessary to delete conditions 8, 11 & 13 and amend previous conditions 2, 5, 6, 7, 8, 9, 10 & 16. Due to the deletions, the amended conditions are numbered 1, 4, 5, 6, 7 & 12. No new conditions are proposed.

#### **SUMMARY:**

Notwithstanding the concerns of the local residents, the scheme as amended will not result in any demonstrable harm to local character, highway safety or residential amenity. It will not result in any harm to nearby heritage assets. It is recommended that this section 73 planning application be granted subject to the following updated conditions and the signed Deed of Variation (DoV).

Should the DoV not be completed by the date of the Committee then it is requested that the final decision be delegated to the Group Head of Planning with authority to make minor amendments to the Agreement.

<b>HUMAN RIGHTS ACT</b>
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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 made in accordance with a Deed of Variation to the previously approved section 106 legal agreement as agreed on P/59/21/PL which related to a contribution of £7,839 towards the provision of accessible natural open green spaces to serve the Pagham area. The Deed of Variation allows the original s106 to also apply to this new permission.

#### **CIL DETAILS**

Due to the additional second floor accommodation in plots 5, 6, 8 & 9, this s73 application is liable for additional CIL beyond that already sought in connection with P/58/19/PL. The additional CIL to be sought is £139,281.74.

#### **RECOMMENDATION**

**APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT**

- 1 The development hereby approved shall be carried out in accordance with the following approved plans:
  - Location Plan 01 Rev A;
  - Site Overview 001 Rev E;
  - Refuse Vehicle Swept Path Analysis & Bin Collection Distances 003 Rev B;
  - Fire Tender Swept Path Analysis & Building Regulations Requirements 004 Rev E;
  - Car Parking Swept Path Analysis 005 Rev B;
  - Car Parking Swept Path Analysis 2 006;
  - House Plans (units 1-4) 1594-07;
  - Plots 5 & 6 Proposed Floor Plans 21-003;
  - Plots 5 & 6 Proposed Elevations 21-004
  - Bungalow Plot 7 Elevations and Floorplan 14 Rev B;
  - Plots 8 & 9 Proposed Floor Plans 21-006; and
  - Plots 8 & 9 Proposed Elevations 21-007.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies QE SP1, D DM1 and T SP1 of the Arun Local Plan
- 2 All activity at the site is to be carried out in strict accordance with the submitted Arboricultural Report by Beechdown Arboriculture Ltd (ref: B/0189/18) as approved by P/58/19/PL.

Reason: To comply with BS5837 and policy ENV DM4 of the Arun Local Plan to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised and they can continue to enhance the landscape and amenity of the area.

- 3 All activity at the site is to be carried out in strict accordance with the mitigation and enhancement measures as set out within section 6.0 of the "Preliminary Ecological Appraisal and Bat Building Assessment" by Arbeco Ltd dated 09/04/18; and section 6.0 of the Reptile Survey Report by Arbeco Ltd dated 22/05/18 (all approved by P/58/19/PL). The mitigation and enhancement measures shall be implemented as per the documents and permanently retained and maintained thereafter.

Reason: In accordance with Arun Local Plan policy ENV DM5 and the NPPF.

- 4 The development shall proceed in full accordance with the Construction & Environmental Management Plan as approved on 15/10/21 through application ref P/119/21/DOC. This plan shall be in force throughout the construction process.

Reason: In the interests of the amenity of the occupiers of any nearby noise sensitive premises, the general amenities of the area and in the interests of highway safety in accordance with policies D DM1, QE SP1, QE DM1, QE DM2, QE DM3 and T SP1 of the Arun Local Plan and the NPPF.

- 5 The development shall proceed in full accordance with the surface water drainage scheme as approved on 15/10/21 through application ref P/119/21/DOC. The drainage scheme shall be implemented in accordance with the approved scheme and permanently retained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan.

- 6 The development shall be occupied in full accordance with the "SuDS Drainage Maintenance Schedule" as approved on 15/10/21 through application ref P/119/21/DOC. The owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan.

- 7 The site ground levels and the finished floor levels of buildings that are the subject of this approval shall be in accordance with the plans and details approved by application P/84/21/DOC on 20/07/21

Reason: In order to safeguard the amenities of the area and neighbouring residents in accordance with policy D DM1 of the Arun Local Plan.

- 8 The fire hydrant and water connection as approved by P/171/21/DOC shall be installed in accordance with the agreed details and prior to occupation of any of the houses. Thereafter, it shall be tested, the location identified with an H plate, cover sprayed yellow, plotted in the WSCC mapping system and permanently retained/maintained in accordance with the approved details. However, should it not be possible to agree the connection to the water main in Spinnaker View due to land ownership issues then you will need to reapply using an alternative water source. This will require the submission of full details to the local planning authority for approval in writing prior to occupation.

Reason: In the interests of amenity and in accordance with policies INF SP1 and T SP1 of the

Arun Local Plan and in accordance with The Fire & Rescue Service Act 2004.

- 9 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, a soft and hard landscape design scheme including details of all hard and soft landscape design elements (including hard surfacing to any new/upgraded roadways/footpaths or accesses). The approved planting 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. Any trees or plants which die, are removed or become seriously damaged or diseased within a period of five years from the completion of development, shall be replaced in the next planting season with others of a similar size and species.

Reason: In the interests of amenity, the environment of the development and pedestrian safety/convenience in accordance with policies D DM1, T SP1 & T DM1 of the Arun Local Plan.

- 10 The development shall proceed in full accordance with the materials approved through application ref P/171/21/DOC and these details shall be permanently retained.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and the setting of the nearby listed buildings by endeavouring to achieve buildings of visual quality in accordance with policies HER SP1, HER DM1, D DM1 and D SP1 of the Arun Local Plan.

- 11 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, details of all new and improved boundary treatments. No part of the development shall be occupied unless and until the development has been implemented in accordance with the boundary treatments hereby approved. Thereafter, these boundary treatments shall be permanently retained.

Reason: In the interests of amenity of existing and future residential occupiers in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

- 12 Prior to the occupation of any part of the development, full details of all new external lighting (including type of light appliance, the height and position of fitting, predicted illumination levels and light spillage) shall be submitted to and approved in writing by the Local Planning Authority. This submission should also cover new streetlighting if required. The scheme should seek to conform with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (GN01:2011) but also minimise potential impacts to any bats using the trees and hedgerows by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting approved shall be installed and 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 QE SP1, QE DM2 & ENV DM5 of the Arun Local Plan.

- 13 No part of the development shall be first occupied until the car parking spaces have been constructed in accordance with the approved site plan. The parking spaces and garages shall thereafter be retained at all times for this purpose.

Reason: To provide adequate on-site car parking for the development in accordance with policies D DM1 and T SP1 of the Arun Local Plan and paragraphs 108-110 of the NPPF.

- 14 No part of the development shall be first occupied until details of covered and secure cycle

parking spaces have been submitted to and approved in writing by the Local Planning Authority. The covered and secure cycle parking spaces approved shall be installed prior to the first occupation of any dwelling and thereafter shall be permanently retained.

Reason: To ensure that adequate and satisfactory provision is made for the parking of bicycles in accordance with policies T SP1 & T DM1 of the Arun Local Plan and paragraphs 108-110 of the NPPF.

- 15 No part of the development shall be first occupied until the roads, footways, and visitor parking areas serving the development have been constructed, surfaced, and drained in accordance with the approved plans and details. The roads, footways, and visitor parking areas serving the development shall thereafter be retained at all times for this purpose.

Reason: To secure satisfactory standards of access for the proposed development in accordance with policies D DM1 and T SP1 of the Arun Local Plan and paragraphs 108-110 of the NPPF.

- 16 No part of the development shall be first occupied until a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings have been submitted to and approved in writing by the Local Planning Authority. The facilities to enable the charging of electric vehicles shall be installed prior to the first occupation of any dwelling and thereafter shall be permanently retained and maintained in accordance with the approved details.

Reason: New petrol and diesel cars/vans will not be sold beyond 2030, 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 District Council Electric Vehicle Infrastructure Study (November 2017) and the NPPF.

- 17 No part of the development shall be first occupied until detailed drawings of dustbin enclosures showing siting and design have been submitted to and approved in writing by the Local Planning Authority. The approved bin storage enclosures or spaces shall be installed prior to the first occupation of any dwelling and permanently retained in accordance with the approved details.

Reason: To ensure sufficient refuse facilities and to safeguard the appearance of the development & the amenities of the area in accordance with policies D DM1 and WM DM1 of the Arun Local Plan.

- 18 No part of the development shall be first occupied until a scheme to demonstrate that the new houses will incorporate decentralised, renewable and low carbon energy supply systems has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed prior to the first occupation of any dwelling and thereafter shall be permanently retained and maintained in accordance with the approved details.

Reason: To ensure that the development is energy efficient and in accordance with policy ECC SP2 of the Arun Local Plan.

- 19 No construction / demolition activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no works taking place on Sunday or Bank Holidays unless they are not audible outside of the application site.

Reason: To protect the amenity of local residents in accordance with policies QE SP1 and QE DM1 of the Arun Local Plan.

- 20 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 21      INFORMATIVE: It is noted that this permission will be granted pursuant to Section 73 of the Town and Country Planning Act 1990 and is Community Infrastructure Levy (CIL) liable. As there is an increase in floorspace (due to the new second floor accommodation) since the original permission, there is a change in the amount of CIL payable. Therefore, a new Liability Notice that supercedes CIL Liability Notice ref 994 will follow.
- 22      INFORMATIVE: This decision is subject to a Deed of Variation to the previously approved section 106 legal agreement agreed on P/59/21/PL which related to a contribution of £7,839 towards the provision of accessible natural open green spaces to serve the Pagham area. The Deed of Variation allows the original s106 to also apply to this new permission.

<b>BACKGROUND PAPERS</b>
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[The documents relating to this application can be viewed on the Arun District Council website by going to <https://www.arun.gov.uk/weekly-lists> and entering the application reference or directly by clicking on this link.](https://www.arun.gov.uk/weekly-lists)

**P/159/21/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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