

PLANNING APPLICATION REPORT

REF NO:	LU/305/23/PL
LOCATION:	Antonia Court Terminus Road Littlehampton BN17 5BS
PROPOSAL:	Erection of an upward extension to the existing three storey residential building to provide two additional floors comprising 8 No flats along with associated external alterations to the existing building. This application may affect the setting of listed buildings, may affect the Littlehampton River Road Conservation Area and is in CIL Zone 4 (Zero Rated) as flats.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>Upwards extension of existing residential block of flats to create 2 new storeys (total of 5 storeys) and 8 residential dwellings.</p> <p>The overall upward extension measures 5.75m, with the new 3rd floor sitting above the bulk of the existing building. The 4th floor will be situated between 4.5m and 5.6m in from the eastern elevation of the building.</p> <p>The extension comprises three rendered 'columns' to the 3rd floor with glazed balconies and winter gardens (recessed and flush) breaking up the elevational treatment. The 4th floor will be constructed of glazing and cladding panels, slightly recessed from the edge of the footprint, again with balconies and winter gardens facing north. Bin and cycle store provision is made on site.</p> <p>The 8 dwellings will comprise of the following mix: 2 x studios, 5 x 1 bed flats, 1 x 2 bed flats.</p>
SITE AREA	0.08 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	287 dwellings per hectares.
BOUNDARY TREATMENT	The footprint of the building forms the boundary to the front and part of the eastern and western boundaries. Other boundaries to the south are formed by close boarded fence and neighbouring buildings.
SITE CHARACTERISTICS	The site comprises a 3 storey block of 15 dwellings, situated fronting Terminus Road. A small rear parking and bin storage area can be accessed through the ground floor of the building

which accommodates parking for the existing flats.

The existing building is brick built with a false mansard roof to its upper storey.

CHARACTER OF LOCALITY

Mixed retail/residential area, positioned on the outskirts of Littlehampton Town Centre. To the north is Terminus Road with the recently completed flatted development of Saxon Court opposite site, to the west is a MOT garage, to the east, southeast is the Old Market Lane development with the River Road Conservation Area and Listed Buildings immediately to the south.

RELEVANT SITE HISTORY

LU/45/16/PL	6 No. two bed & 3 No. one bed apartments with associated cycle & refuse storage	ApproveConditionally 19-05-16
LU/517/04/	Mixed use development with part retail use to ground floor and 24 No. one bedroom flats, 18 No. two bedroom flats, 6 No. three bedroom flats to part of the ground/upper floors and 3 No. two bed houses and 1 No. three bedroom house with public and private hard and soft landscaped areas.	Refused 20-05-09 Appeal: Allowed+Conditions 11-03-10

LU/45/16/PL relates to the redevelopment of The Locomotive Inn (now Saxon Court) for 6 No. two bed & 3 No. one bed apartments. This is a 4 storey development directly to the north of the application site.

LU/517/04/ relates to the redevelopment of the Covered Market (now Old Market Lane development) for a mixed use development including 24 No. one bedroom flats, 18 No. two bedroom flats, 6 No. three bedroom flats to part of the ground/upper floors and 3 No. two bed houses and 1 No. three bedroom house. A 5 storey development directly to the east/southeast of the application site, albeit the block to the immediate east/southeast is 4 storeys in height.

REPRESENTATIONS

Littlehampton Town Council - Objection.

- Concerns raised over lack of parking, unrealistic to expect new residents would not have cars.
- Bin storage insufficient.
- Overdevelopment of site.

10 letter of objection.

- Overlooking of neighbouring buildings.
- Excessive height.
- Not enough on street parking as it currently stands.
- Major disruption for existing residents.
- Not enough bin storage provision.
- Not in character development.

- Will be highly visible and dominate the Conservation Area.

COMMENTS ON REPRESENTATIONS RECEIVED:

It is understood that disruption during the construction phase will be of concern to residents of Antonia Court and neighbouring buildings, however this is not a matter that goes against the principle of development. A condition such as a Construction Management Plan can be included to ensure that the development is undertaken and managed in a responsible way, ensuring that disruption for residents and the public is kept to a minimum.

All other matters are discussed in the body of the report below.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSSC Highways - Advice additional information requested.

- Details of cycle provision exceeds WSSC requirements.
- Two personal injury accidents (PIAs) resulting in 'slight' injuries occurred within the last five years close to the site. One of these was close to the signal crossing found outside the site, while the other occurred at the junction of Terminus Road with Albert Road.
- Careful consideration is needed to minimise disruption on the local road network and to safeguard highway users and existing occupiers of Antonia Court and adjacent buildings and businesses. Care needs to be taken with new footpath paving and pedestrian crossing.
- Information about how they intend to construct the development, including details of any special requirements (including parking for contractors) and traffic management that might be required to minimise disruption on the local road network and to safeguard highway users and existing occupiers of Antonia Court and adjacent buildings and businesses (and how long that might be for), as may be informed by traffic management providers.

CAAC - Objection.

- The appearance of Antonia Court could benefit from an improved design but to add two more storeys, making five in total, would provide a building totally out of keeping in scale, height and massing.
- Development does not have a significant impact on Terminus Road Conservation Area Views.
- Distinctly adverse effect and impact on the setting of the Conservation Area where it is located immediately to the south of the application site and which includes Listed Buildings.
- Design is indifferent.
- Overbearing on 2 storey Listed Buildings to the south.
- Overlooking of properties to the south.

Conservation Officer - Less than substantial harm.

Environmental Health - No objection conditions suggested.

- Conditions relating to noise assessment for flats, construction management plan and hours of working are required.

WSSC Fire and Rescue - Advice.

- Evidence is required that there is sufficient supply of water within 45m. Any area not within the 45-metre distance from the fire appliance will need to be mitigated by the installation of domestic sprinkler or water mist system complying with BS9251 or BS8458 standard.

ADC Drainage Engineers - Advice.

- Due to the scale, location and type of application (no increase in building area footprint or impermeable area) we have no conditions to request. Any alterations to surface water drainage must be designed and constructed in accordance with Building Regulations.

Public Sector Housing - Advice.

- General advice relating to public health and safety within dwellings.
 - 3rd Floor bedroom should have access to natural light and ventilation.

Ecologist - No objection with conditions suggested.

- No further surveys required.
 - The proposed locations of the nest box on the western elevation, sparrow terrace and bat boxes are not optimal. The swift brick on the West risks overheating. The sparrow terrace and bat boxes are too low.
 - The features on the biodiverse roof are good.
 - Installing a green roof under the PV's will further enhance biodiversity and optimise the performance of the PV's.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Noise Assessment and ecological conditions are discussed in the body of the report below.

Given the application site has very little private space for the storage of materials and plant etc coupled with its proximity to the local train station and town centre shops, a Construction Management Plan which could also alleviate WSCC Highways queries, would appear to be a practical solution.

POLICY CONTEXT

Designation applicable to site:

DEVELOPMENT PLAN POLICIES

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

TSP1	T SP1 Transport and Development
QESP1	QE SP1 Quality of the Environment
DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
ENVDM5	ENV DM5 Development and biodiversity
QEDM1	QE DM1 Noise Pollution
WDM1	W DM1 Water supply and quality
ECCSP2	ECC SP2 Energy and climate change mitigation
EMPSP2	EMP SP2 Economic Growth Areas
RETDM1	RET DM1 Retail development
HERDM3	HER DM3 Conservation Areas

Littlehampton Neighbourhood Plan 2014 Policy 22	Design of New Development
Littlehampton Neighbourhood Plan 2014 Policy 1	The Presumption in Favour of Sustainable Development
Littlehampton Neighbourhood Plan 2014 Policy 17	Buildings and Structures of Character

Littlehampton Neighbourhood Plan 2014 Policy 2 A Spatial Plan for the Town
 Littlehampton Neighbourhood Plan 2014 Policy 3 Housing Supply

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework
 NPPG National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13 Arun District Design Guide (SPD) January 2021
 SPD11 Arun Parking Standards 2020

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.

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 complies with relevant Development Plan policies in that no harm to the character and appearance of the area, heritage assets, residential amenity or negative impact to highway safety will arise.

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

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The site is located within the Built-up Area Boundary (BUAB), as such Policy SD SP2 is of relevance, where development should be permitted subject to consideration against other policies in the plan. Policies 1, 2 and 3 of the Littlehampton Neighbourhood Plan also support the sustainable supply of development within the BUAB, noting that some of the provision will occur on windfall sites such as the application site.

The NPPF gives a presumption in favour of sustainable development and generally seeks to promote the effective use of all land. NPPF para. 124 (e) states planning policies and decisions should support development that makes efficient use of land supporting opportunities to develop airspace above existing buildings for new homes.

Para. 70 acknowledges that small and medium sites can make an important contribution to meeting housing requirements, as they are built out relatively quickly.

Para. 11(c) states that development proposals that accord with an up-to-date development plan should be approved without delay.

Given the above, the principle of the development of the site is therefore acceptable.

DESIGN AND CHARACTER

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include Character, Appearance, Impact, Adaptability, Layout, Density and Scale.

Policy RET SP1 seeks to maintain the existing hierarchy of retail centres. Town centre uses which fall within the hierarchy will be permitted subject to compliance with the following matters: High-quality design, materials and layout, accessibility, cycle and pedestrian access, disability provision and crime prevention measures are incorporated. Littlehampton Town Centre should be a main focus of major residential development.

Part P of the Arun Design Guide (ADG) is relevant to infill development and strives to have development respond positively to the character, appearance and layout of an area. Sites with street frontages should emulate the established pattern of building height, scale, special pattern, and continue the rhythm of the street by repeating key architectural elements.

Part R relates to apartment buildings. Block development such as the application site should provide for optimum sunlight and ventilation conditions. Each habitable room is provided with openings and access to natural light.

The site is in a prominent position on Terminus Road, a highly sustainable location well connected via train, bus and pedestrian access to services and leisure facilities. The proposal, seeks to extend the existing footprint of the building upwards, providing two additional storeys to the top of the existing residential building, with an appearance similar to that of the building immediately to the east at Old Market Lane. It will involve slight elevation alterations of the existing 2nd floor and introduce a part rendered/glazed 3rd and 4th floors. The alterations will be highly visible; however, it will have more visual impact when viewed from afar rather than when viewed at the site's boundaries, due to its elevated position above street level. As it is proposed to extend the building upwards, the proposal maintains the established pattern of development in the area. The appearance of development emulates the existing building in terms of the rhythm and pattern of openings and the articulation of architectural features, materials used and the form and set back position of the 4th floor takes its inspiration from the adjacent development at Old Market Lane. The design offers good natural surveillance of both public and private areas.

The scale of the extension is greater than adjoining buildings in the locality at 5 stories when the closest buildings are 3-4 stories in height. Through the course of this application following the advice of the Officer, the Applicant has reduced the bulk of the 4th floor, removing 1 unit from the eastern side of the development, and has reduced the overall height of the 4th floor. Changes have also been made to the material finish in that a rendered finish has been chosen over that of a brick finish to lessen its visual

impact. Despite the building being taller than its immediate neighbours, its curved roofline and glazed 4th floor mirrors the Old Market Lane development and produces a pleasing design and one which adds interest to the street scene. Given the character of the area and the Town Centre location, the scale is acceptable.

At Arun Design Guidance 'Infill Developments' development is required to provide a cohesive and unified response to the existing scale, form, massing and design details of surrounding development and to ensure that any deviations from the prevailing character of the area are of a high-quality design response which complements its surroundings and is appropriate to the schemes location in the existing street hierarchy. The design of the new development is considered to accord with the Design Guidance in this respect in that the appearance of the building, while larger than surrounding buildings, would be reasonably attractive and therefore accords with policy D SP1 of the ALP and Policy 22 of the LNP. Furthermore, the use of the site for residential development supports the aims of Policy RET SP1 to maintain the hierarchy as Littlehampton as a main town centre and the increase in density in this location is seen as an effective use of the land in accordance with para 123 of the NPPF.

TRANSPORT AND PARKING

Policy T SP1 ensures development of the transport network so that it reduces the need for car travel, promotes green infrastructure, protects the major road network, and requires applications to consider and design for development in relation to transport infrastructure.

Part I of the ADG requires parking standards to be adhered with, whilst exploiting opportunities to promote sustainable travel.

The Arun Parking Standards states for a development of this size and in this location, there should be 8 parking spaces. A nil provision has been made. Part (d) of Policy T SP1 requires an appropriate level of parking to be provided and part (e) requires that the scheme is supported by an effective and deliverable Transport Assessment. An assessment has been provided which demonstrates that the nil parking provision is appropriate for this development. This is justified due to the town centre location and the fact there are comprehensive traffic control measures surrounding the site. This ensures on-street parking is well managed and is not to the detriment of highway safety. It also evidenced that within a 200m radius of site there would be residual parking capacity.

Policy T DM1 requires that development be located within easy access to public transport services, have good links to pedestrian and cycle networks and make provisions for cycle facilities to meet the cycle parking standards. The site is in a highly sustainable location some 50m away from Littlehampton Train Station and with good bus services, with pedestrian access to other town centre facilities including supermarkets and other retail and service providers. An appropriate level of cycle parking provision is provided within site, a condition can be introduced to ensure that the cycle parking will be secure and covered, to increase usability of these spaces.

The site is sustainably located and makes provision for cycle facilities and promotes sustainable means of transportation in accordance with Policy T DM1. Despite not meeting the level of parking provision set out in Arun Parking Standards, it does provide an appropriate nil parking provision justified by a Transport Assessment and thus accords with Policy T SP1 of the ALP.

HERITAGE ASSETS

Policy HER DM3 relates to conservation areas and state that proposals must protect and if possible, enhance the setting of each. Policy 17 of the LNP requires the significance of Heritage Assets to be considered in development.

Chapter 16 of the NPPF paragraphs 200, 201 relates to identification and assessment of the significance

of the heritage asset, the weight given to the conservation of the asset and its weight against public benefits of the proposal.

Para 200 of the NPPF requires Applicants to identify and describe the significance of heritage assets affected. A Heritage Report has been provided. This report has identified the River Road Conservation Area to the immediate south of the site. The significance is noted by the report, and it is stated that the northern setting of the Conservation Area is one which has been significantly altered over the last 200+ years, the modern development to the north of the Conservation Area cannot be said to contribute positively to its setting.

Listed Buildings are also identified - Nos. 10-12 River Road directly back the application site. It is noted that the buildings significance arises from their well-preserved architectural interest, their setting is best appreciated within their own curtilages and from River Road. River Road makes a positive contribution to the setting of the Listed Buildings, whereas the modern development to the north could be said to have a neutral impact. Views of the modern development to the north of the heritage assets are limited (or fleeting between rooflines) unless taken from much further to the south within the Conservation Area.

Para. 201 requires the Local Authority to identify and assess the significance of any heritage asset that may be affected. The Conservation Area is of historical and architectural significance, the historic interest relates to the fact that it contains a number of listed buildings which housed dignitaries and those with associations with the sea and seafaring. Architectural interest is derived from the quality of the architecture of the heritage assets. The Conservation Officer has stated that the application site forms a part of the setting of the Conservation Area, which is true for the Terminus Road views, however whilst on site it was noted that views of the application site are highly limited from within the Conservation Area, as such the existing building forms a limited part of its setting. Should the development be permitted then further views will be achievable, and these will have neutral impact given the existing glimpses of other modern development to the north. The proposed development does not detract from the Terminus Road views from the Conservation Area due to the existing modern character of this area.

The Listed Buildings are of historical and architectural significance. Views of the existing building can be achieved from within the curtilage of the Listed Buildings (especially Nos 10-12 River Road). The Conservation Officer has commented that the excessive amount of glazing and the large single block of development would be out of keeping with the residential scale of the Listed Buildings.

It is concluded that some harm arises to the significance of the heritage assets from development, although towards the less than substantial harm scale. Para 208 of the NPPF goes on to say that where less than substantial harm is found, the this harm must be weighed against the public benefits gained through development. In this instance the provision of 8 new dwellings is a benefit towards reducing the Housing Land Supply target for the area and outweighs the less than substantial harm.

Since these comments have been made new plans have been submitted detailing a reduction in the height, amount and scale of the proposal, which will go some way in alleviating the harm caused by the development. Consequently, the application should be determined in accordance with the relevant policies within the Development Plan.

The proposal has a neutral impact of the setting of the Conservation Area and as such accord with Policy HER DM3 of the ALP, Policy 17 of the LNP and the relevant parts of the NPPF.

RESIDENTIAL AMENITY

Arun Local Plan Policy D DM1 indicates permission will only be granted for schemes which take into account impacts on adjoining occupiers, land, use or property by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance. Policy QE SP1 requires that all

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

New windows generally face towards the front and rear of the block, as do the existing openings within the building's facade. Separation distances between habitable windows at the front of the building accord with the ADG requirement (minimum 16m for front-to-front relationships) and the design includes features such as terraces and winter gardens to increase the distances between habitable rooms, and therefore the privacy of occupants. Rear distances also exceed rear-to-rear separation distances between habitable rooms (minimum of 21m) however the gap between the rear elevation to the rear boundary is slightly short of recommended levels (12m minimum). To the newly formed western elevation two new windows are introduced to serve habitable rooms, the 3rd floor this window is encased by a winter garden. The relationship between the western winter garden on the 3rd floor is approx. 11.5m from an eastern facing 2nd floor window found within No.6 Terminus Road, which despite there being a slight staggered effect due to the difference in cill height of the windows, may still cause a negative impact through overlooking. However, the winter garden is of a size where large gathering would not be possible, nor would it be expected to be frequented for occasional use only. As such an appropriate solution would be to reduce the impact from over looking by obscuring views and keeping the winter garden from opening on the western return of the glazing. By obscuring the view to the lower half of the winter garden will force views up and across the roof of No.6 Terminus Road. The opening found on the 4th floor is elevated well above the windows of concern at No.6 and no negative impact from overlooking will occur. The level of overlooking between all properties in the immediate area is one expected of a town centre location and the proposed distances are no lower than the existing situation/or can be satisfactorily mitigated against, as such this would not be reason to refuse the application.

The proposal will not be overbearing or overshadow other residential development as it is a significant distance away from 2-storey properties to the south and as the pattern of development is already established.

In terms of amenity of occupants Part H of the ADG requires outdoor amenity space to be provided of an appropriate size, space is to be useable, balconies provided will accord with this requirement. The balconies provided for each unit exceed the minimum usable area of 3sqm, at a minimum of 5sqm. Only 1 of the units (a studio) is not afforded independent external amenity space, although not ideal this would not be a reason to refuse this application especially as the unit is of a size ideal for first time buyers.

Environmental Health have no objection to the scheme, with suggested conditions to apply relating to noise, construction management and hours of construction requested.

Therefore, the development would accord with policies D DM1 and QE SP1 of the Arun Local Plan and relevant paragraphs of the NPPF as no significant harm is identified to the amenity of other residential dwellings or the local environment.

SPACE STANDARDS

Policy D DM2 of the ALP states that: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance". It is therefore necessary to assess the proposal against the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine whether the dwellings are suitable for residential use.

The following mix of accommodation is provided:

2 x studios/ 1 person.

5 x 1 bed/2 person flats.

1 x 2 bed/4 person flat.

The floor area of each of the units exceeds the standards for the relevant accommodation type, the minimum floor area being 37sqm, 50sqm and 70sqm respectively. The development accords with policy.

BIODIVERSITY NET GAIN

Policy ENV DM5 seeks to achieve a biodiversity 'net gain' and protect existing habitats on site. This can be achieved through incorporation of biodiversity elements such as green walls, bird/bat boxes or other mitigation measures into the landscape.

An Ecological Impact Assessment has been provided; it found the site of negligible ecological value which is to be expected as an urban area. No significant impacts to ecology will occur, habitats to be removed offer no significant potential for protected species including bats. Mitigation in terms of construction best practices have been outlined, and provision is made to achieve a biodiversity net gain. The Council's Ecologist has stated the mitigation included is not ideal and has suggested slight amendments to the proposed features. A biodiversity enhancement strategy shall be required by condition.

Subject to condition, the proposal does not negatively impact ecology or habitats found on site. Biodiversity net gain can be achieved in practice through the implementation of new ecological features to support species.

NOISE

Policy QE DM1 states that new noise generating development should be supported by an appropriate noise assessment detailing the existing noise environment, and the likely impact of the development and evidence to show that it will not negatively impact noise sensitive environments.

Residential development is not considered to be noise generating development, however, Environmental Health have requested a noise assessment is undertaken to ensure traffic and industrial generated noise does not negatively impact occupants of the proposed dwellings. It is their belief that predicted that the internal noise levels specified will not be met with windows open, and that an alternative ventilation system will be required, to reduce the need for windows to be opened. This is considered unnecessary resultant of the fact that the proposed development would be a greater distance away from the highway and MOT garage than existing units are already situated, and other new development can be found with openable windows and balconies fronting the highway and garage. Indeed, it was the Officer experience that during the site visit, many windows could be seen open, and balconies obviously used, such as to assume that noise was not an issue to existing residents.

The existing noise environment is one to be expected of a busy town centre location, however no so great to significantly negatively impact new occupiers. The proposal accords with Policy QE DM1.

ENERGY EFFICIENCY

Policy ECC SP2 relates to energy and climate change mitigates and states that extensions should utilise energy efficient measures that reflect current standards, use design and layout to promote energy efficiency and incorporate decentralised, renewable and low carbon energy supply systems in development.

It is noted that the proposal includes 12 Photovoltaic Panels (PV). A condition can also be included to ensure water efficiency it met. Given on site renewables are included, the proposal accords with policy.

SUMMARY

The site is in the built-up area boundary where development is acceptable in principle in accordance with

policy SD SP2 of the Arun Local Plan provided it accords with other development plan policies in respects of character, appearance, impact on residential amenity, heritage assets and impacts to highways. This proposal would make a moderate gain in smaller housing units in a highly sustainable town centre location. Given the scale of development it would be expected to be built-out quickly.

In accordance with Para 11(c) of the NPPF, where development proposal accord with an up-to-date development plan they should be approved without delay. It is therefore recommended that planning permission is approved subject to the following conditions and informatives.

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.

CIL DETAILS

This application is CIL liable, therefore, developer contributions towards infrastructure will be required (dependent on any exemptions or relief that may apply).

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:

- Location Plan PL01
- Proposed Site Plan PL07
- Proposed Elevations PL13 B
- Proposed Elevations PL14 B
- Proposed 3rd Floor Plan PL10 B
- Proposed 4th Floor Plan PL11 B
- Proposed Roof Plan PL12

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

- 3 No development shall take place unless and until a detailed colour schedule of materials and finishes to be used for external walls (and roofs) of the proposed extension have been submitted to and approved in writing by the Local Planning Authority and the materials so approved shall be used in the construction of the extension.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of the character and appearance of the heritage asset / by endeavouring to achieve a building of visual quality in accordance with Arun Local Plan policies D DM1 and HER DM3.

- 4 The winter garden hereby approved located to the 3rd floor western elevation, shall be at all times obscured up to 1.5m above the finished floor level of the winter garden and non-opening below this point. The obscured glazing/material and non-opening requirements are required to the western elevation only, the southern and northern returns remain unrestricted.

Reason: In the interests of protecting the amenity of No 6 Terminus Road in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

- 5 Prior to any development, a revised Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Ecological Impact Assessment - Version 2 (EMP), shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall include:

- No less than 2 bat boxes.
- A Sparrow terrace.
- No less than 2 Swift bricks.
- Green roof to include log piles, native species wildflower mix and gravel trays.

The nest/bat boxes proposed within the EMP are required to be correctly positioned to optimise the use of such i.e. the sparrow and bat boxes are positioned too low, the swift brick on the western elevation is at risk of overheating. It is also suggested that a green roof is installed under the PV panels to optimise their performance and increase biodiversity.

Details shall include the exact location, specification, and design of the habitats. The enhancement measures shall be implemented in accordance with the approved details prior to first occupation of any part of the development and all features shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species & habitats in accordance with Arun Local Plan policies: ENV SP1 and ENV DM5 and allow the Local Planning Authority to discharge its duties under the NPPF 2023 and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

- 6 Details of the proposed biodiversity (green/brown) roof(s) shall be submitted to and approved

in writing by the Local Planning Authority prior to development, unless otherwise agreed in writing, the biodiversity roof(s) shall conform to the following:

- a) Intensive green roof or vegetation over the structure with a substrate minimum settled depth of 150mm, or
- b) Extensive green roof with substrate of minimum settled depth of 80mm (or 60mm beneath a vegetation blanket) - meeting the requirements of GRO Code 2014,
- c) Laid out in accordance with roof plans; hereby approved; and
- d) Planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (focused on minimum 75% wildflower planting, and no more than a maximum of 25% sedum coverage).

The biodiversity roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used by people in the case of essential maintenance or repair or escape in case of emergency.

The biodiversity roof shall be installed prior to occupation of the development and carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

Reasons: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with Arun Local Plan policies GI SP1, ENV SP1 and ENV DM5.

7 No development shall take place, (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), until a Construction & Environmental Management Plan and accompanying Site Setup Plan has been submitted to and approved in writing by the Local Planning Authority (who shall consult with National Highways, WSCC Highways, the council's environmental health officer and ecologist as appropriate). Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. This shall require the applicant and contractors to minimise disturbance during demolition and construction and will include (but not be limited to) details of the following information for approval:

- a) An indicative programme for carrying out of the works;
- b) Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s), to be in accordance with BS5228:2009;
- c) The parking of vehicles of site operatives and visitors;
- d) Loading and unloading of plant and materials, including permitted times for deliveries;
- e) Storage of plant and materials used in constructing the development;
- f) Details of any special requirements and traffic management that might be required to minimise disruption on the Local road network and to safeguard highway users and existing occupiers of Antonia Court and adjacent buildings and businesses, as may be informed by traffic management providers.

Details of how measures will be put in place to address any environmental problems arising from any of the above shall be provided. A named person shall be appointed by the applicant to deal with complaints, shall be available on site and their availability made known to all relevant parties.

No demolition/construction activities shall take place other than from 08:00 hours until 18:00

hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no work on Sunday or Bank/Public Holidays.

Reason: In the interests of the safety and amenity of nearby residents & occupiers of any nearby noise sensitive premises, the safety & 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. This is required to be a pre-commencement condition because it is necessary to have the construction site set-up agreed prior to access by construction staff.

- 8 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 to be submitted to and approved in writing by the Local Planning Authority. The spaces so provided shall be retained in perpetuity.

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

- 9 The development shall not be occupied until details for the storage of waste and recycling on the site have been submitted to and approved in writing by the Local Planning Authority.

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

- 10 No individual dwelling hereby approved shall be occupied until the optional requirement for restricted water consumption in Part G of the Building Regulations as demonstrated through "The Water Efficiency Calculator for New Dwellings" has been complied with for that dwelling.

Reason: To improve the sustainability of the dwellings in accordance with Arun Local Plan policies ECC SP1 and W DM1.

- 11 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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.

BACKGROUND PAPERS

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](https://www.arun.gov.uk/weekly-lists) and entering the application reference or directly by clicking on [this link](#).

LU/305/23/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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