

Recommendation Report for Planning Permission

REF NO: BE/112/19/PL

LOCATION: Land adjacent to
12 Plover Close
Bognor Regis
PO21 4LZ

PROPOSAL: 1 No dwelling (resubmission following BE/65/19/PL)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application proposes the erection of 1 new dwelling on an area of vacant land adjacent to 12 Plover Close. The proposed dwelling would be a single storey 1 bedroom bungalow, with a gable end roof form. The property would be constructed with block and facing brickwork elevations with some Eternit weatherboard to the front gable end, roof pantiles, and would have white upvc window and door frames. 2 parking spaces are proposed to the driveway to the front of the new dwelling. The current application follows a previous refusal for a larger 3 bedroom bungalow (ref. BE/65/19/PL).
SITE AREA	0.02 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	50 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Brick wall, timber panel fencing and timber gates.
SITE CHARACTERISTICS	The site consists of a vacant plot of land, to the east of and adjacent to 12 Plover Close. Directly adjacent to the site is a footpath serving the housing estate. The site has an area of hardstanding/driveway to the front, timber double gates, and an area of vacant land enclosed by a brick wall and timber fence panels. The land itself consists of scrubland and contains rubbish and a painted metal storage shed.
CHARACTER OF LOCALITY	The site is located in the south eastern corner of Plover Close, a residential cul-de-sac, situated in Bersted, north of Bognor Regis. Plover Close has a fairly uniform character consisting of post-war 2 storey terrace properties and semi-detached bungalows. The bungalows have driveways with each having on-site parking for 1 car, and the terraces are served by a row of garages and shared bay parking. The bungalows have front gardens which are either open or enclosed by low hedging/vegetation. At this eastern end of Plover Close there

is an area of grassy communal amenity land with a number of trees.

The site is located within the Built-Up Area Boundary, the Bersted Neighbourhood Plan Area and partially within Zone B of Pagham Harbour (a Site of International Importance for Nature Conservation).

RELEVANT SITE HISTORY

BE/65/19/PL	1 No dwelling.	Refused 20-09-19
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BE/65/19/PL - previous refusal for 1 new 3 bedroom bungalow, refused on basis of impact on street scene, impact on residential amenity of no.12 Plover Close and future occupants of new dwelling, failure to meet internal space standards and provide an adequate garden, and failure to provide a financial contribution for the provision of accessible natural green open spaces around Pagham Harbour (a SIINC).

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bersted Parish Council
No objection.

Neighbour objection - summarised as:

- The previous reasons for refusal still stand - harm to visual and residential amenity
- Damages the character of this established residential area
- Loss of light to no.55 Osprey Gardens
- Impact on house prices due to being less parking and worse view
- Parking issues due to over-development of area, proposal will make this worse
- Local children play on green directly opposite site - the proposals would result in cars driving on the path/green to park in the driveway to the property - impact on safety
- Questions how making a financial contribution to Pagham Harbour accessible natural open green

COMMENTS ON REPRESENTATIONS RECEIVED:

Property value and view are not material planning considerations.
The other matters raised in the neighbour objection will be addressed in the Conclusion section of the report.

CONSULTATIONS

Engineering Services Manager
Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No objection. Suggest planning conditions to secure vehicle electric charging points and a Construction Management Plan.

Drainage - No objection. Due to location, scale and type of development no planning conditions to request. Informative - any alterations to surface water drainage must be designed and constructed in accordance with Building Regs.

West Sussex County Council Highways - No objection.

-The existing access which currently serves 12 Plover Close will be utilised for this development. There are no apparent visibility issues at this access. There is no evidence to suggest the access is operating unsafely or that the proposal would exacerbate an existing safety concern.

- 2 car parking spaces are proposed for the new dwelling accords with the WSCC Parking Demand calculator. Turning on site will not be achievable, so vehicles may have to exit onto Plover Close in reverse gear. This appears to be the existing arrangement which has operated safely and is not anticipated to result in a highways safety concern.

- A cycle parking store has been shown on the plans, which would meet the requirements under the WSCC parking standards.

- The site is situated in a sustainable location within walking distance to shops, schools and public transport.

- Suggest planning conditions to secure car parking as per approved plan, and cycle parking details.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and addressed in the Conclusion section of the report.

POLICY CONTEXT

Designation applicable to site:

Built-Up Area Boundary

Bersted Neighbourhood Plan Area

Partially sited within Zone B of Pagham Harbour (Site of International Importance for Nature Conservation)

DEVELOPMENT PLAN POLICIES

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

SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

ENVDM2 ENV DM2 Pagham Harbour

Bersted Neighbourhood Plan 2014 Policy ES1	Design of new development
Bersted Neighbourhood Plan 2014 Policy HDQ2	Integration of new housing
Bersted Neighbourhood Plan 2014 Policy HDQ3	Windfall sites
Bersted Neighbourhood Plan 2014 Policy HDQ5	Design of new housing development
Bersted Neighbourhood Plan 2014 Policy HDQ6	Outdoor space
Bersted Neighbourhood Plan 2014 Policy HDQ7	Attention to detail
Bersted Neighbourhood Plan 2014 Policy HDQ8	Car parking

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

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

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

The Neighbourhood Development Plan

Policies in the Bersted Neighbourhood Plan are relevant in the determination of this planning application.

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 conflict with relevant Development Plan policies in that it would represent an overdevelopment of the site resulting in a cramped development, would not be in keeping with the established pattern of development and density of the area and would fail to integrate visually with its surroundings harming the character of the street scene.

The proposal would comply with other relevant Development Plan policies in that it would be located within the Built-Up Area Boundary, would maintain the residential amenity of neighbouring and future occupants of the new dwelling and would comply with internal space standards and provide an adequately sized and useable private garden area. Subject to planning conditions, it would provide sufficient on-site car and cycle parking, bin storage provision and surface water drainage, in accordance with policies SD SP1, SD SP2, H SP1, D DM1, QE SP1, D DM2, WM DM1, T SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan and policies HDQ3, ES1, HDQ2, HDQ5, HDQ6, HDQ7 AND ES3 of the Bersted Neighbourhood Plan.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE:

Paragraph 118(d) of the NPPF states: "Planning policies and decisions should: promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing".

Policy SD SP1 of the Arun Local Plan states: "When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF)."

Policy HDQ3 (windfall sites) of the Bersted Neighbourhood Plan states that permission will be granted for small residential development on infill and redevelopment sites subject to the policies of the Plan being met.

Policy SD SP2 of the Arun Local Plan states that development should be focused within the BUAB and will be permitted, subject to consideration against other policies of this Local Plan.

The site is under-utilised land within a sustainable location within walking and cycling distance of a range of shops, schools, medical services, bus stops and a railway station. It is considered the construction of the dwelling and its future occupation will bring benefits to the local economy and social benefits in terms of the provision of a new home, boosting housing supply within the District. The site is located within the Built-Up Area Boundary, where the principle of development is acceptable.

The proposal is considered to accord with policies SD SP1, SD SP2 and H SP1 of the Arun Local Plan and policy HDQ3 of the Bersted Neighbourhood Plan, with respect to the provision of new housing, on under-utilised land, on an infill site, within a sustainable location and within the BUAB.

CHARACTER, DENSITY AND DESIGN

D DM1 of the Arun Local Plan seeks to make the best possible use of the land by reflecting or improving upon the character of the site and the surrounding area and to consider scale, massing, aspect, siting, layout, density, building materials, landscaping, and design features. It is necessary that development demonstrates a high standard of architectural principles, use of building materials and hard and soft landscaping to reflect the local area.

In terms of density, D DM1 requires that housing makes efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. The policy requires the scale of development keep within the general confines of the overall character of a locality.

The Arun Local Plan policy D SP1 "Design" requires development to make an efficient use of land and also reflect local character. Para 127 of the NPPF requires developments to be visually attractive and sympathetic to local character and history.

Bersted Neighbourhood Plan policies ES1, HDQ2 and HDQ5 are relevant. ES1 states: "New development which would have an effect on the appearance or character of the surrounding area should be of a high quality design and should contribute to local character by creating a sense of place appropriate to it's location". HDQ2 states "Proposals for new housing must ensure that the new homes are well connected to the surrounding area and visually integrated with their surroundings." HDQ5 requires new housing is of a high quality and is designed to reflect the local character.

One of the reasons for refusal of the previous application is that the new dwelling would have a harmful impact on the visual amenity and character of the area. The current application proposes a revised scheme with a dwelling with a different shape and smaller footprint, reducing the depth at the back of the site. Notwithstanding this, the proposed dwelling would appear the same from the front elevation as the previous scheme, and would therefore result in the same harm to the character of the street scene, as set out below.

The proposal is for a new single storey dwelling in the grounds of No 12 Plover Close, to the east of this property on a corner plot. It would be located in close vicinity to the existing dwelling at no.12, within a distance of 1.7m from its side elevation, would be set back from the front building line by 2.5m and would not have a proper relationship with the street (the end of cul de sac) appearing cramped in the street scene.

Having regard to the existing character, layout and density of the area, it is considered that the proposal would represent an overdevelopment of this constrained site resulting in a cramped appearance and would not be in keeping with the established density, layout and pattern of development (which consists of a mix of semi-detached and terraced dwellings with substantial gaps in the between) and would fail to integrate with its surroundings harming the character of the street scene. The proposals would therefore conflict with policies D DM1 and D SP1 which requires development of good design, to make efficient use of land, but in the same way respond to the character of the area. Additionally, the proposal would not respond to the locality and would fail to integrate visually as per Bersted Neighbourhood Plan policies ES1, HDQ2 and HDQ5.

RESIDENTIAL AMENITY

The Arun Local Plan's policy D DM1 requires the LPA to have regard to certain aspects when considering new development including: (3) Impact - "Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance."

QE SP1 states: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity, the natural environment or upon leisure and recreational activities enjoyed by residents and visitors to the District."

There are no policies in the Bersted Neighbourhood Plan which refer to residential amenity issues.

One of the reasons for refusal of the previous application was that the rear projection beyond the rear elevation of no.12 Plover Close would be 5.7m and that this would result in a significant loss of outlook and harmful loss of sunlight to the occupants of this neighbouring property. Concern was also raised with regard the side facing window to Bedroom 3 which would only be at a distance of 0.6m to the existing timber fence panel and that this would result in poor outlook to the future occupants.

The current revised scheme reduces the depth of the new dwelling so it would now only project 3m beyond the rear elevation of no.12. Taking into account this depth projection and its single storey height

with a pitched roof form which would slope away from the boundary with no.12, it is concluded that the revised proposals would not have a significant and harmful impact on the outlook or sunlight to the rear openings of no.12. Furthermore, the layout has been revised from the previous scheme so that none of the habitable room windows would face toward the side boundary, and all habitable rooms would have a decent quality of outlook from the windows/doors.

Concern has been raised by an objector with regard to loss of view and light to the properties opposite to the east of the site at Osprey Gardens as a result of the proposals. However, given the separation distances (around 11-11.5m) from the nearest side elevation of the new dwelling to the front elevations of these neighbouring properties on Osprey Gardens, and taking into account the fact that the new dwelling would be single storey and have a pitched roof that would slope away from these facing properties, the proposals would not have a significant impact on the outlook and light to these properties. The 25 degree test (applied where the window is opposite proposed development) has been undertaken and shows that a 25 degree angle taken from the nearest ground floor windows at Osprey Gardens opposite would not be breached by the new development. This demonstrates that there would not be a material loss of daylight to these neighbouring windows/rooms opposite the new dwelling, but also indicates that there would not be a significant loss of outlook nor sunlight.

In terms of privacy, on the west elevation, the side facing window facing towards no.12 would serve a bathroom and could be conditioned to be obscure-glazed and as such would not result in any overlooking to no.12. On the east elevation, there would be a side facing entrance door and a small secondary window serving the lounge facing toward nos.55, 56, 57 Osprey Gardens. There would be a separation distance of around 11-13 metres from this new side facing window to the front windows at nos. 55, 56 and 57.

Until the Arun Design Guide is adopted (currently being drafted) the Council does not have any specific standards in respect of privacy interface distances. Prior to the adoption of the Local Plan, the Council worked on the basis of a standard of 20m for front to back or back to back distances. Whilst the separation distance would be below 20m and would be somewhere between 11-13m, given that this is a side to front relationship rather than front to back or back to back, and given the existence of the footway between new dwelling and these properties meaning these properties are already heavily overlooked from passing pedestrians, it is concluded that overlooking would not be an issue in this case.

The proposals would maintain the residential amenity of the neighbouring and future occupants, in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

INTERNAL AND EXTERNAL SPACE STANDARDS

Policy D DM2 of the Arun Local Plan states that the planning authority will require internal spaces to be of an appropriate size and that the Nationally Described Space Standards apply. This national guidance advises that for a single storey 1 bedroom property the minimum Gross Internal Area (GIA) should be 39sqm (for a 1B1P) and 50sqm (for a 1B2P) with 1-1.5sqm of built-in storage.

The previous application was partly refused on the basis that the 3 bedroom dwelling would not provide adequate internal space nor private outdoor amenity space. The current application proposes a 1 bedroom dwelling, and a double bed is shown in the bedroom indicating that it would be for 2 persons. The dwelling would have a GIA of approximately 46-47sqm. The bedroom size would meet the requirements for a double bedroom being a minimum 11.5sqm in size and 2.75m wide, and there would be built-in storage of 1-1.5sqm. However, the proposal would fail to meet the minimum national standards for a 1 bedroom 2 person dwelling of 50sqm. It would, however, exceed the minimum requirement for a 1 bedroom 1 person dwelling of 39sqm. Furthermore, the national standards include reference that "Furnished layouts are not required to demonstrate compliance". As such, given that

furnished layouts have been provided, there is no requirement for compliance in this instance.

Whilst the Council does not have specific external space standards, the supporting text to ALP policy D DM2 refers to a detailed Design Guide (still to be adopted) which will include guidance on external space standards, and the need for planning applications to have regard to include adequate provision of private external space. Until such time as the Design Guide is published, there is no policy within the Arun Local Plan regarding private garden sizes.

However, regard should also be had to paragraph 127 of the NPPF which states that "Planning policies and decisions should ensure that developments (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users".

Policy HDQ6 of the Bersted Neighbourhood Plan advises that a private outdoor garden amenity space must be provided for all new dwellings, and that this should be commensurate to the size and type of dwelling and character of the area.

One of the reasons for refusal of the previous application, was that the proposals would fail to provide sufficient garden space. The size of the dwelling has been reduced under the current application, which allows more space to the side/rear of the new property and would provide around 77sqm of enclosed privacy amenity space. This would be sufficiently private and would provide an adequate sized and usable garden space to serve the property.

The proposal would accord with Arun Local Plan policies D DM1 & D DM2 and Bersted Neighbourhood Plan policy HDQ6 with regard to internal and external space standards.

BIN STORAGE

Policy WM DM1 of the Arun Local Plan advises that all new residential development, including flat conversions, will be permitted provided that:

(a) it is designed to ensure that kerbside collection is possible for municipal waste vehicles

Development proposals must show bin storage/collection provision as follows:-

Each unit should be provided with the equivalent of 240 litres of residual waste storage/bins. Alternatively one 240 litre wheelie bin for each property can be provided.

The same amount of storage space/bins for recyclable materials is required to be provided.

Policy HDQ7 of the Bersted Neighbourhood Plan states that items such as bin storage should be considered early in the design process and integrated into the overall scheme. Bin stores and recycling facilities should be designed to be screened from public view, be easily accessible to residents, and placed in a position to meet ADC and WSCC standards.

The Proposed Ground Floor Plan shows a waste bin storage area which would be approximately 600-700mm in depth and 1.5m in width. A bin storage and the existing brick boundary wall would provide screening from public view. The store would be sited adjacent to the entrance door to the property so would be easily accessible to the occupants. No collection point on or adjacent to the kerbside has been shown on the plans. The average dimensions for a 240l wheelie bin is 730mm deep and 575mm in width. The proposed bin storage would therefore appear to not be deep enough to accommodate 2 x 240l wheelie bins required for refuse and recycling. However, it may accommodate smaller types of bins. Notwithstanding this, details of bin storage could be secured by planning condition to ensure compliance with policy and would not form a reason for refusal.

Subject to a planning condition, the proposals would accord with Arun Local Plan policy WM DM1 and

Bersted Neighbourhood Plan policy HDQ7 in respect of bin storage.

PARKING & HIGHWAYS

Regard should be had to paragraph 109 of the National Planning Policy Framework which states that: "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".

Policy T SP1 of the Arun Local Plan supports development which incorporates appropriate levels of parking in line with the West Sussex County Council guidance on parking provision.

West Sussex County Council has produced a parking demand calculator which will provide guidance on the levels of car parking required. This can be viewed at:

<https://www.westsussex.gov.uk/roads-and-travel/information-for-developers/pre-application-advice-for-roads-and-transport/>

Arun District Council has recently consulted on its own Parking Standards SPD, which is due to be adopted in January 2020.

Policy HDQ8 of the Bersted Neighbourhood Plan states that proposals for new housing will have adequate on-site parking to meet current and future needs at a minimum rate of two spaces per dwelling, unless accessible and alternative car parking arrangements can be made which do not add to on-street congestion.

The Highways Authority have raised no objection to the proposal and confirmed that it does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network. Therefore, it is not contrary to the National Planning Policy Framework (paragraph 109), and there are no transport grounds to resist the proposal.

The proposal provides 2 off-street parking spaces, which would exceed the WSCC parking demand calculator (which requires 1.4 spaces for a 1 bed property in Parking Behaviour Zone 2). It would accord with the emerging Arun Parking SPD (which requires 2 spaces for a 1 bed property in PBZ 2). The proposals would also accord with Neighbourhood Plan policy HDQ8.

The plans indicate cycle parking storage, which would be deep enough to accommodate at least one bicycle, however it appears it would not be wide enough. The WSCC parking standards and Arun Parking SPD require 1 cycle parking space for a 1 bedroom property. However, it may accommodate smaller types of bikes e.g. fold up etc. Notwithstanding this, details of cycle storage could be secured by planning condition to ensure compliance with policy and would not form a reason for refusal.

Subject to planning conditions securing car and cycle parking, the proposal accords with policy T SP1 of the Arun Local Plan and with policy HDQ8 of the Bersted Neighbourhood Plan.

BIODIVERSITY

National Planning Policy indicates that developments should aim to maintain and enhance, restore or add to biodiversity and geological resources of the area.

Arun Local Plan policy ENV DM5 states that development shall seek to achieve a net gain in biodiversity and protect existing habitats on site.

Given the existence of scrubland and vegetation on the site, there may be the possibility for existing

habitats on the site which may require protection. However, given the residential sub-urban location of the site then this possibility is limited. The Biodiversity Checklist has not been submitted with the application. However, based on the limited risk, an Ecology Report is not required in this case. In the event of planning permission being granted, planning conditions and informatives would be applied confirming the requirement for the applicant to comply with all protected species legislation to ensure appropriate protection.

DRAINAGE

As set out in the National Planning Policy Framework, inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. There are requirements regarding the submission of a Flood Risk Assessment and Sequential test documentation. The relevant requirements for these are dependent upon the designated flood zone that the site is located within and the Technical Guidance to the NPPF provides more details on these issues. Arun Local Plan policy W DM2 provides policy on areas at risk of flooding.

The site is located within Environment Agency Flood Zone 1 (lowest risk of flooding) and as such development is acceptable in this location in this respect and does not require a Flood Risk Assessment (FRA) nor flood mitigation measures.

Policy W DM3 states that all development must identify opportunities to incorporate a range of Sustainable Urban Drainage (SUDs) systems. These features may include green roofs, permeable driveways, soakaways, water harvesting such as water butts.

Policy ES3 of the Bersted Neighbourhood Plan states that new development should aim to reduce the overall flood risk in the area and support the use of SUDs where suitable.

The plans indicate the installation of new surface water drains on the site. However, other opportunities such as permeable hardstanding for the driveway and the installation of a water butt and green soakaway could have been suggested. Notwithstanding this, details of SUDs could be secured by planning condition and since some SUDs are shown this would not form a reason for refusal.

PAGHAM HARBOUR:

Policy ENV DM2 requires that new residential developments within a 400m to 5km distance ('Zone B') of Pagham Harbour make a financial contribution towards the provision of accessible natural open green spaces to serve the area. A contribution of £1,275 per new residential unit was agreed by the Councils Cabinet on 20 July 2015. The Councils Cabinet subsequently approved a reduction in the tariff from £1,275 to £871 as of the 10th April 2017.

The site is partially sited in designated Zone B and it was necessary to apply this requirement. The net increase in 1 dwelling results in a requirement for a contribution of £871 and it is this that should be paid upfront or after the decision but be secured by the signed legal agreement. The applicant has failed to submit a signed legal agreement to make this financial contribution, and as such has failed this requirement and does not comply with Local Plan policy ENV DM2.

SUMMARY:

The proposal would comply with some relevant Development Plan policies in that it would be located within the Built-Up Area Boundary, would maintain the residential amenity of neighbouring and future occupants of the new dwelling and would comply with internal space standards and provide an

adequately sized and useable private garden area. Subject to planning conditions, it would provide sufficient on-site car and cycle parking, bin storage provision and surface water drainage, in accordance with policies SD SP1, SD SP2, H SP1, D DM1, QE SP1, D DM2, WM DM1, T SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan and policies HDQ3, ES1, HDQ2, HDQ5, HDQ6, HDQ7 AND ES3 of the Bersted Neighbourhood Plan.

However the proposal would represent an overdevelopment of the site resulting in a cramped development, would not be in keeping with the established pattern of development and density of the area and would fail to integrate visually with its surroundings harming the character of the street scene, in conflict with policies D DM1 and D SP1 of the Arun Local Plan, and policies ES1, HDQ2 and HDQ5 of the Bersted Neighbourhood Plan. The application also fails to secure the financial contribution required in relation to Pagham Harbour (SIINC) and is therefore also in conflict with policy ENV DM2 of the Local Plan. The application is therefore recommended for refusal.

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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

The site is partially sited in designated Zone B of Pagham Harbour (a SIINC) and as such a financial contribution for the net increase in 1 dwelling of £871 would be required to contribute to accessible natural green spaces at Pagham Harbour. The applicant has failed to submit a S106 legal agreement to secure this.

RECOMMENDATION

REFUSE

1 The site, by virtue of its constrained size and shape, is considered unsuitable to accommodate

a dwelling that meets the internal space standards and provides adequate garden space without damaging the character of this established residential area. The proposal would represent overdevelopment of the site resulting in an unduly cramped form of development, would not be in keeping with the established pattern of development and density of the area and would fail to integrate visually with its surroundings harming the character of the street scene. The proposals would thereby conflict with policies D DM1 and D SP1 of the Arun Local Plan, and policies ES1, HDQ2 and HDQ5 of the Bersted Neighbourhood Plan.

- 2 The application fails to secure the financial contribution required towards the cost of providing accessible natural open green spaces to serve the Pagham Harbour area (Site of International Importance for Nature Conservation). The proposals therefore conflict with policy ENV DM2 of the Arun Local Plan.
- 3 **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 with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.
- 4 If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.