

Recommendation Report for Planning Permission

REF NO: FP/185/19/PL

LOCATION: Mermaid and Playbox
Sea Road
Felpham
PO22 7AW

PROPOSAL: Detached dwelling - Resubmission of FP/201/18/PL

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application proposes a detached dwelling - resubmission of FP/201/18/PL. Additional plans were received on 03 December 2019 which detailed a street scene elevation. It is upon the basis of these additional plans that this application has been assessed.
SITE AREA	210 sq/m.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	48 dph.
TOPOGRAPHY	Predominantly flat but at a lower level (approximately 1m) than the track on the south side of the site.
TREES	None affected by the development.
BOUNDARY TREATMENT	Comprises a mixture of metal railings serving the western and southern boundaries and open to the north. Adjacent railway carriage used as a dwelling bounds the eastern boundary.
SITE CHARACTERISTICS	The site is approximately 0.2 hectares in size. The site is overgrown with grass. The site is scattered with debris in the form of old boats, fence panels and other old materials. The track to the south forms part of the adjacent pumping station and is bounded by a palisade style fence. There is a similar style fence around the boundary of the adjacent pumping station.
CHARACTER OF LOCALITY	The site is located in a predominantly residential area located adjacent to the sea. The surrounding properties are varied in design and character. There are single and two storey detached buildings located to the west side of the site which form part of the adjacent pumping station site. Those dwellings to the east are former railway carriages and are positioned c. 1m above ground level. To the south of the site is the seafront. The sea wall is set at approximately 3-4m in height and is maintained by the Environment Agency. This sea wall forms part of the 'hold the line' strategy detailed in the Shoreline Management Plan. This area falls within Flood Zone 3 from tidal sources and groundwater flooding owing to the underlying geological conditions.

RELEVANT SITE HISTORY

FP/201/18/PL	1 No. dwelling.	Withdrawn 15-01-19
FP/62/14/CLE	Application for a Lawful Development Certificate for commencement of planning permission FP/223/89/ for demolition and building of 4 No 1 bedroom flats	Refused 21-07-14
FP/121/07/	Outline application for redevelopment of site into 4 no. 1 bedroom apartments in 3 storey building with parking to rear. (Re-submission following FP/42/07/)	Refused 10-07-07
FP/137/00/	New dwelling house.	Refused 24-10-00
FP/129/97	Redevelopment to provide 4 no 1 bed flats	Refused 05-03-98
FP/223/89	Demolition of Mermaid and Playbox and Redevelopment of site into 4 No 1 bedroom flats in three storey building with parking at rear and access onto Longbrook/Sea Road.	ApproveConditionally 28-02-90

The application follows a series of planning applications seeking residential development on this site. Planning permission FP/223/89 approved the 'demolition of Mermaid and Playbox and redevelopment of site into 4 no. 1 bedroom flats in three storey building of site into 4 no. 1 bedroom flats in three storey building with parking at rear and access onto Longbrook/Sea Road'. This application was approved by the District's Planning Committee.

Prior to the approval of application FP/223/89, the site was occupied by a single railway carriage which formed a single residential dwelling. Following a fire in 1994, the Council demolished this building in response to health and safety concerns. The history of the site was summarised in significant detail in the assessment of Certificate of Lawfulness use. The assessment of certificate of lawfulness application (FP/62/14/CLE), which assessed whether planning permission FP/223/89 had been implemented, found that:

'None of the conditions have ever been discharged and the permission was not commenced in respect of new building works being undertaken. However, there was a fire on the site sometime in 1994 and as a result of this, the Council obtained a court order allowing them to demolish the fire damaged buildings

and make safe the site. The applicants claim that this demolition occurred sometime in December 1994.'

'Since that time there have been four applications for residential development on the site, all of which were refused. It is queried, why if the applicant was sure that the planning permission had commenced by reason of demolition, they proceeded to make four additional planning applications on the site.'

'Furthermore, it is considered that the current use/activity on the site is such that it alters the identity of the site as a residential plot and therefore, it is not considered that the use of the land has been abandoned either'.

On this basis, the application site is considered to have last been in lawful use as a single storey residential dwelling. The Council's aerial photography dating back to the 1990s corroborates these written records.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Felpham Parish Council

No objection.

4 letters of objection have been received which detail the following matters:

- 1) Height blocks out light of dwellings on adjacent land
- 2) Lack of privacy of adjacent dwelling
- 3) Discrepancy in flood risk assessment to plans submitted
- 4) Intrusive to views as a 2 storey plot
- 5) Not in keeping with the existing properties, entrance/exits are not to front/back but to the side
- 6) Planning design statement says that the original building on the site comprised of 4 flats destroyed by a fire. The original building was that of a single dwelling of a railway carriage and not 4 flats
- 7) There is only pedestrian access to the land; therefore no vehicular access is available. There is a fee to be able to have vehicle access
- 8) Development has encroached onto areas of land that are not owned by the applicant at both the front and rear of the property
- 9) Proposed property is plain ugly with a featureless 2 storey wall facing west
- 10) Plans show accommodation on the ground floor in a flood risk area that has been rejected for other plans in the area

COMMENTS ON REPRESENTATIONS RECEIVED:

(1) - (5) are addressed in the subsequent sections of this report. (6) is addressed in the planning histories section of this report above. (7) comprises a private matter and would be for the applicant to make private arrangements to secure access. The planning process is only able to govern whether access would be safe. (8) has been addressed by the applicant serving notice on the landowner through the signing of the correct ownership certificate. (9) and (10) are addressed in the following assessment.

CONSULTATIONS

Environment Agency

Southern Water Planning

Engineers (Drainage)
Engineering Services Manager
WSCC Strategic Planning
Environmental Health

CONSULTATION RESPONSES RECEIVED:

SOUTHERN WATER

Southern Water requires a formal application for a connection to the foul and surface water sewer to be made by the applicant or developer. We request that should this application receive planning approval, the detailed informative is attached to the consent.

The disposal of surface water from this development should be in compliance with the hierarchy of Part H3 Building Regulations.

ENVIRONMENT AGENCY (19 September 2019)

As this development poses an unacceptable risk to life from flooding, we object to this application and recommend that planning permission is refused. The site lies within Flood Zone 3, which is land defined by the planning practice guidance as having a high probability of flooding.

Notwithstanding the mitigation measures proposed, the risk to life and/or property within the development from tidal inundation would be unacceptable if the development were to be permitted.

The application does not demonstrate that occupants can remain safe for the lifetime of the development, we would recommend that sleeping accommodation should not be placed on the ground floor in this location.

ENVIRONMENT AGENCY (10 January 2020)

We have reviewed the submitted Flood Risk Assessment and are happy to remove our outstanding objection to the proposed development, subject to the inclusion of the following condition, in any permission granted. Without this condition, the proposed development on this site poses an unacceptable risk and we would object to the application.

Condition - Implementation of Flood Risk Assessment

The development shall be carried out in accordance with the submitted flood risk assessment (ref R1) and the following mitigation measures it details:

Finished floor levels shall be set no lower than 4.05 m above Ordnance Datum (AOD). No bedrooms shall be located on the ground floor. These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

ARUN DISTRICT COUNCIL SURFACE WATER DRAINAGE

The site is within flood zone 3, the Environment Agency should be consulted. We would encourage the use of resilient and/or resistant design. The application form states that surface water is to be disposed of to main sewer. Our records show that there is some distance from the building to the surface water sewer. Soakaways should first be considered. Surface water drainage design and construction must be in accordance with building regulations.

ARUN DISTRICT COUNCIL DRAINAGE ENGINEER

Our standard policy is not to comment on applications of less than two buildings outside the Lidsey

Treatment Catchment. Given the expected level of groundwater there is every reason to believe that infiltration (soakaways) will not be viable on the site. We would normally recommend that groundwater monitoring is completed to assess this risk, in addition to infiltration testing completed in accordance with BRE365. In theory Building Control should expect the same. If infiltration is not viable on the site then the applicant will likely have to attenuate water on the site before discharging at an agreed rate to a public surface water sewer (assuming that there are no watercourses in the immediate vicinity of the site). Connection to the surface water sewer (and the discharge rate) will need to be agreed with Southern Water.

WEST SUSSEX COUNTY COUNCIL HIGHWAYS

The proposal is for the erection of a two-storey, three bedroom dwelling on vacant land to the west of Shingle End. The site is located off of Longbrook, a privately maintained road; consequently these comments are for advice only. The nearest publicly maintained highway is at the junction of Longbrook with Sea Road. Sea Road is an unclassified no-through road subject to a speed limit of 30mph in this location.

The LHA was consulted on a previous application at this site under ref: FP/201/18/PL to which no highway safety concerns were raised. The applicant withdrew the application.

The site will be accessed via the existing privately maintained road. Visibility at the junction with Sea Road appears sufficient for the anticipated road speeds in this location. Due to the narrow, no-through nature of Sea Road with the presence of on-street parking, vehicles are not anticipated to be exceeding the posted speed limit at this point. An inspection of data supplied to WSCC by Sussex Police over a period of the past five years reveals that there have been no recorded injury accidents within the vicinity of the junction. Therefore there is no evidence to suggest that the junction is operating unsafely or that the addition of a single dwelling would exacerbate an existing safety concern.

The application form does not specify details of parking on site. The proposed plans indicate that a covered parking and turning area will be provided on site, providing parking for two vehicles. These spaces appear to meet the minimum specifications as set out in Manual for Streets (MfS). The WSCC car parking demand calculator anticipates that a minimum of three parking spaces would be required for a dwelling of this size and location. Whilst there would be sufficient space on site for a third vehicle to park, this would remove the ability for vehicles to turn on site. However, the LHA would not anticipate any highway safety concerns with the lack of a turn on site, as it is expected that vehicles will enter onto the publicly maintained highway in a forward gear.

In the interests of sustainability and as a result of the Government's 'Road to Zero' strategy for at least 50% of new car sales to be ultra-low emission by 2030, electric vehicle (EV) charging points should be provided for new homes. Based upon current EV sales rates within West Sussex, active charging points should be provided for a minimum of 20% of all proposed parking spaces. Ducting should be provided to the remaining 80% of parking spaces to provide 'passive' provision for these spaces to be upgraded in future. Due to the small scale nature of this proposal, the anticipated provision of active EV spaces for this development would be 1 space and should be provided in accordance with the above WSCC guidance and Arun Local Plan policy.

The site is located within walking distance of Bognor Regis town centre, Bognor Regis train station and bus stops providing access into Chichester, Littlehampton and further afield. Cycling is a viable option within the vicinity and details of secure and covered cycle storage can be secured via condition.

In conclusion, the LHA 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 is not contrary to the National Planning Policy Framework (paragraph 109), and that there are

no transport grounds to resist the proposal.

If the LPA are minded to approve the application, the detailed conditions should be secured.

ARUN DISTRICT COUNCIL ENVIRONMENTAL HEALTH

I refer to the above application and whilst I have no objections to the application I would recommend the detailed conditions relating to a Construction Management Plan, hours of construction activities and provision for charging of electric vehicles be imposed which are largely to protect the amenity of local residents.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and addressed in full in the below assessment.

POLICY CONTEXT

Designation applicable to site:

- Built Up Area Boundary
- 2km Buffer of Bognor Reef Site of Special Scientific Interest
- 2km Buffer of Felpham Site of Special Scientific Interest
- Flood Zone 3

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
ECCDM1	ECC DM1 Renewable Energy
ECCSP1	ECC SP1 Adapting to Climate Change
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
HDM1	H DM1 Housing mix
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
QESP1	QE SP1 Quality of the Environment
SDSP1A	SD SP1a Strategic Approach
SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and the Felpham Neighbourhood Development Plan (2019-2031).

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

The Felpham Neighbourhood Plan has proceeded to Regulation 17 stage and can therefore be given material weight in the assessment of this development. There are no policies contained within the Felpham Neighbourhood Plan that are considered relevant to this proposal.

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 the development would result in significant harm to the amenities of neighbouring occupiers, contrary to policies QE SP1 and D DM1 of the Arun Local 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**

The Council is currently unable to demonstrate a 5 year Housing Land Supply on the date of this assessment. In such circumstances, paragraph 11(d) of the NPPF states that this means granting permission unless:

- i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 7 of the NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the NPPF makes clear the three objectives of sustainable development comprising an economic, social and environmental objective. The fulfilment of these objectives are detailed further in the following assessment.

The development would utilise an existing residential site that is currently in a stagnant use to provide an additional dwelling to the Council's housing targets within this plan period, following the loss of the existing dwelling in 1994. The development would deliver these additional dwellings on a previously

developed site which is sustainably located. Such an approach is supported by the National Planning Policy Framework and Arun Local Plan.

However, paragraph 11(d)(ii) makes clear that development should be supported unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

DESIGN AND VISUAL AMENITY

Paragraph 127 of the NPPF states that planning decisions should ensure developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscaping setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place, using arrangements of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and create places with a high standard of amenity for existing and future users.

Paragraph 130 of the NPPF states that where the design of a development accords with clear expectation in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

Paragraph 131 of the NPPF states that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

Policy D SP1 of the Arun Local Plan is consistent with the above paragraphs of the NPPF in that it requires development proposals to reflect the characteristics of the site and local area in their layout, massing, character, materials, finish and architectural details. Policy D SP1 requires development proposals to have derived from a thorough site analysis and context appraisal. Policy D DM1 of the Arun Local Plan mirrors paragraph 127 of the NPPF in that it sets out a criteria against which development proposals should be assessed against; including character, appearance/attractiveness, impact, innovation, layout, density and scale.

The proposed dwelling would comprise a two storey flat roofed element which would accord with the overall form of the adjacent dwellings to the east. Whilst a two storey form would be in contrast to the 1.5 storeys found alongside adjacent dwellings, this cluster of buildings are seen within a wider context of 4+ storey development. To the west of the application site are examples of two storey buildings in the pumping station site and it is therefore considered on balance that a two storey form would with a flat roof would not be considered problematic in this location.

The dwelling would be situated forward of Shingle End to the east; however, this follows the layout and footprint of the organic layout of this cluster of dwellings. Owing to the nature of the site it would not be possible to provide a similar layout to that of Shingle End and Vilhoet. The aspiration to reinforce local distinctiveness needs to be balanced against the requirement to use land in an effective manner in sustainable locations. On this basis it is considered that the layout of the site would be acceptable.

Whilst an indicative materials palette has been detailed within the submitted plans, comprising buff brickwork, K render and zinc standing seam roof, such matters could be addressed by subsequent discharge of condition process; if the development were to benefit from planning consent.

Taking the above factors into account, the design of the development would comprise a positive addition to the streetscape and would represent an organic addition to the local character and history in terms of the surrounding built environment. Therefore, in terms of design and visual amenity the development would accord with paragraphs 127, 130 and 131 of the NPPF and Policies D SP1 and D DM1 of the Arun Local Plan.

NEIGHBOUR AMENITY

Paragraph 127(f) of the NPPF requires planning decisions to ensure that developments create places with a high standard of amenity for existing and future users.

Policy QE SP1 of the Arun Local Plan is consistent with paragraph 127(f) of the NPPF in that it requires all development to ensure that development does not have a significantly negative impact upon residential amenity.

The proposed building would comprise 2 storeys and would feature a single window at first floor level which serves the proposed bathroom. This first floor window could be finished in obscure glazing which could be secured by way of condition. However, the building would be situated in close proximity to the western elevation of Shingle End. On the date of my site visit I noted that the western elevation provided a number of windows which appeared to serve habitable accommodation.

Owing to the proximity of the proposed development to Shingle End to the east, combined with the location of windows along the western elevation of Shingle End, would result in a form of development that would have an unacceptable perception of overmassing and overbearing impact upon the current and future occupants of Shingle End. This would result in demonstrable unacceptable impacts upon the living conditions of the occupants.

On the basis of the above, the development would result in demonstrable harm on the amenities of the neighbouring property which is given significant weight when assessing the development under paragraph 11(d) of the National Planning Policy Framework. On this basis, the development would be contrary to paragraph 127(f) of the NPPF and Policy QE SP1 of the Arun Local Plan. Given the nature and extent of harm that the relationship would cause, significant weight is given to this in weighing up compliance with the policies in the 2019 Framework under paragraph 11(d)(ii) of the NPPF.

FLOOD RISK - TIDAL FLOODING

Paragraph 155 of the National Planning Policy Framework makes clear that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

Paragraph 158 of the National Planning Policy Framework states development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.

Policy W SP1 of the Arun Local Plan states that the Council will support development that (a) is appropriate located, taking account of flood risk and promotes the incorporation of appropriate mitigation measures into new development.

Policy W DM2 of the Arun Local Plan is consistent with Section 14 of the NPPF in that it requires development in areas at risk from flooding, identified on the latest Environment Agency flood risk maps and the Council's Strategic Flood Risk Assessment (SFRA) to undertake a Sequential Test, as a starting

point.

Paragraph: 033 Reference ID: 7-033-20140306 of the NPPG, entitled 'How should the Sequential Test be applied to planning applications?', makes clear that 'the Sequential Test does not need to be applied for individual developments on sites which have been allocated in development plans through the Sequential Test, or for applications for minor development or change of use.' Minor development for the purposes of applying the Sequential Test under NPPG guidance does not rely on the Development Management Procedure Order definition but a separate NPPG definition.

The Arun District Council Strategic Flood Risk Assessment (Levels 1 and 2) detail in paragraph 16.2.8 that 'when assessing sites not identified in the Local Plan (windfall sites), developers should use evidence provided in this SFRA to apply the Sequential Test as well as provide evidence to show that they have adequately considered other reasonably available sites.

Whilst it is noted that the consultation response from the Environment Agency dated January 2020 did not detail any objections, their specific role is to ensure the proposed building can be engineered to circumnavigate flood risk and reduce impacts to the future occupants of the building. However, this does not circumnavigate the requirement of the Local Planning Authority, in implementing the Local Plan, to guide development away from areas at highest risk of tidal flooding.

In this instance, the applicant has not provided any Sequential Test that adequately demonstrates they have considered other reasonably available sites within Flood Zones 1 and 2. On this basis, the development would fail to fulfil paragraphs 155 and 158 of the National Planning Policy Framework, according National Planning Practice Guidance and Policies W DM1 and W DM2 of the Arun Local Plan.

FLOOD RISK - GROUNDWATER FLOODING

The site falls within an area identified as being at high risk of Groundwater Flooding. The Council's Drainage Engineers have been liaised with and their advice is that there is every reason to believe that infiltration by means of soakaways will not be viable on the site. In such instances infiltration testing will be required in accordance with BRE365. If infiltration is not viable on the site then the applicant/developer will have to attenuate water on the site before discharging at an agreed rate to a public water sewer. Connections to the surface water sewer (and corresponding discharge rate) will need to be agreed with Southern Water.

On the basis that such a matter will take considerable time to address through the corresponding procedures and protocols, but will need to be addressed prior to the commencement of development (given attenuation tanks may need to be inserted below ground in advance of other matters), such a matter will need to be dealt with by way of pre-commencement conditions. On this basis, the development would likely accord with Policy W DM2 of the Arun Local Plan in terms of groundwater flooding alone.

INTERNAL SPACE STANDARDS

Policy D DM2 of the Arun Local Plan requires internal spaces to be an appropriate size (having regard to the exceptions that may apply) to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance.

Nationally Described Space Standards dictate that for 2 bedroom 3 bed spaces at 2 storeys in height requires a minimum GIA of 70 sq/m. The application would comprise a total GIA of 96.6 sq/m.

Taking the above GIA's into account the development would provide internal spaces of an appropriate size that would meet the requirements of all occupants and their changing needs and therefore accord with Policy D DM2 of the Arun Local Plan.

HIGHWAYS, TRANSPORT AND PARKING

Policy T SP1 of the Arun Local Plan requires that growth in the District reduces congestion, works to tackle climate change and promotes healthy lifestyles. The Council will ensure that development provides safe access on to the highway network, promotes sustainable transport, including cycle provision. Policy T SP1 requires the Council to support development that incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide, taking into consideration the impact of development upon on-street parking.

The application site falls within Parking Zone 4 under West Sussex County Council and Arun District Council guidance. WSCC provision requires 1.7 spaces in Zone 4 for a 2 bedroom dwelling and ADC guidance requires 1 space for a 2 bedroom dwelling. The development would provide 2 no. spaces in total; one comprising an open air space and another within the undercroft parking area. West Sussex County Council did not provide any objection to the size of the spaces or level of provision.

The applicant has not shown any cycle parking provision which would require 1 space per 2 bedroom dwelling under WSCC and ADC guidance. However, should the development be found to be acceptable then cycle provision could be secured by way of subsequent discharge of condition process.

Taking the above factors into account, the proposed parking provision would accord with the guidance contained within both the West Sussex County Council and Arun District Council SPG's, and therefore fulfils Policy T SP1 of the Arun Local Plan.

BIN STORAGE

Policy WM DM1 of the Arun Local Plan requires new residential development to be designed to ensure that kerbside collection is possible for municipal waste vehicles. Owing to the nature of the private vehicular access road, it is likely that refuse bins would need to be moved to the kerbside to allow for a drive-by collection. This is comparable with the existing operation of neighbouring dwellings which has operated safely. No details regarding the capacity of bin storage have been provided in the submitted plans. However, such a matter could be addressed by way of imposition of condition.

NATIONALLY DESIGNATED SITES OF SPECIAL INTEREST

The application site falls within 2km of the Bognor Reef and Felpham SSSIs. Local paragraph 175(b) of the NPPF and Plan policy ENV DM1 states proposed development likely to have an adverse effect on the Bognor Reef and Felpham SSSIs will not normally be permitted.

Given the scale of the development proposed, comprising a 2 bedroom dwelling serving 4 bedspaces, the development would unlikely have an adverse effect on the Bognor Reef and Felpham SSSIs. Therefore, the development would accord with the contents of paragraph 175(b) of the NPPF and Policy ENV DM1 of the Arun Local Plan.

LOCALLY DESIGNATED HERITAGE ASSETS

Policy HER SP1 of the Arun Local Plan details that the Local Planning Authority will grant planning permission for development proposals that conserve or enhance the historic environment of the District. Policy HER SP1 requires non-designated heritage assets including locally listed heritage assets and their settings will also need to be conserved or enhanced in a manner appropriate to their significance and contribution to the historic environment.

Paragraph 197 of the National Planning Policy Framework requires Local Planning Authorities, in weighing applications that directly or indirectly affect non-designated heritage assets, to take a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset.

The adjacent railway carriage (Vilhoet) comprises a locally listed building. Under Historic England's 2008 guidance (Conservation Principles Policies and Guidance), this locally listed building comprises both illustrative and associative historic value in that they signpost the evolution of the area, historically. Illustrative and associative historic value allows for greater change in the local area; however, in this instance the proposed development would comprise an organic continuation of a similar form of development. The flat roofed form of the building, raised off the ground to respond to local flood risk, would adhere to this historic value present in the nearby locally listed building.

On the basis of the above, the development would not result in harm to the locally listed building and would therefore not trigger the balance under paragraph 197 of the NPPF. The development, under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) would, however, preserve the significance of the locally listed designated heritage asset, in accordance with Policy HER SP1 of the Arun Local Plan and paragraph 197 of the National Planning Policy Framework.

5 YEAR HOUSING LAND SUPPLY POSITION

Arun District Council are unable to demonstrate a 5 Year Housing Land Supply on the date of this assessment. The National Planning Policy Framework (2019) makes clear at paragraph 117 that planning decisions should promote an effective use of land in meeting the need for homes.

Paragraph 118(d) of the NPPF states that planning decisions should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.

Paragraph 122 of the NPPF states planning decisions should support development that makes efficient use of land taking into account the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it; local market conditions and viability; the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and the importance of securing well-designed, attractive and healthy places.

Paragraph 123 of the NPPF states that where there is an existing shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. Criteria (c) of paragraph 123 states that in this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

These paragraphs of the NPPF are given weight as a material considerations in the absence of the Council being able to demonstrate a 5 year Housing Land Supply. However, given the severity of harm caused to the living conditions of the adjacent dwelling, these provisions are not considered to be of such weight that they would outweigh the identified conflicts with policies QE SP1 and D DM1 of the Arun Local Plan.

SUMMARY

Paragraph 11(d)(ii) of the National Planning Policy Framework (2019) makes clear that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. The requirement to accord with the Strategic Flood Risk Assessment is a significant factor in assessing the development against the policies contained within the 2019 Framework. The purpose of the SFRA is to ensure development is sustainable by directing it away from areas at greatest risk of flooding. The failure to demonstrate accordance with the SFRA by undertaking the Sequential Test means that the

location of development that follows is unsustainable.

Paragraph 7 of the 2019 Framework makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. The conflict with the SFRA means the development cannot accord with paragraph 158 of the NPPF, resulting in the inability for the development to achieve sustainable development under paragraph 7.

Therefore, applying paragraph 11(d), the demonstrable harm identified is of such significance that the benefits associated with a single dwelling are would not outweigh the harm identified, when assessed against the policies contained within the 2019 Framework.

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

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

REFUSE

- 1 The applicant has not demonstrated how the development accords with the Sequential Test to adequately demonstrate other reasonably available sites within Flood Zones 1 and 2 have been considered. The development would therefore fail to accord with paragraphs 155 and 158 of the National Planning Policy Framework, according National Planning Practice Guidance and Policies W DM1 and W DM2 of the Arun Local Plan.
- 2 The development, owing to its proximity to Shingle End, would result in a form that would lead to an unacceptable perception of overmassing and overbearing impacts on the living conditions of the current and future occupants of Shingle End; contrary to paragraph 127(f) of the National Planning Policy Framework (2019) and Policy QE SP1 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 discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way

forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

- 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.