

Recommendation Report for Planning Permission

REF NO: LU/36/25/PL

LOCATION: 7 Roman Acre
Littlehampton
BN17 7HN

PROPOSAL: Construction of 1 No. 3 bedroom self-build house (resubmission following LU/187/23/PL). This application is in CIL Zone 4 and is CIL Liable as a new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to construct a detached 3-bedroom self-build dwelling.
TOPOGRAPHY	Predominantly flat.
TREES	The development will not result in the removal of any trees surveyed.
BOUNDARY TREATMENT	Low brick wall of approx. 1m height along the front boundary which extends north with hedging behind. Mature hedging to the northern boundary and 1.8m fencing to the shared southern boundary, albeit this is in poor condition.
SITE CHARACTERISTICS	The site is occupied by a semi-detached two storey dwelling and features significant garden amenity space, in which the proposal is to site. The site is located to the end of a cul-de-sac with an access on the northern side which leads to a garage compound.
CHARACTER OF LOCALITY	The area is predominantly residential in character with dwellings featuring a relatively regular design.

RELEVANT SITE HISTORY

LU/187/24/PL	Construction of 1 No. 3-Bedroom self-build dwelling. This application is in CIL Zone 4 and is CIL Liable as a dwelling.	Refused 17-10-24
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LU/187/24/PL - This application sought an almost identical proposal but was refused on grounds of Flood Risk.

REPRESENTATIONS

Littlehampton Town Council - No objection.

1 No. Objection from nearby occupier:

- Concerns regarding 2 No. trees recently felled and damages to boundary fence.
- Concerns regarding the current security of the site.
- Concerns for parking.
- Concerns for disruptions during construction.
- Concerns for potential conflicts with a private right of way.
- Concerns of overlooking.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. For clarity, private rights of way are not a material planning consideration and cannot influence the consideration or determination of this application.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No objection:

- Construction hours condition requested.

WSCC Highways:

- Do not consider that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network and that there are no transport grounds to resist the proposal.
- Recommended conditions to secure car and cycle parking provisions.

Ecologist - No objection:

- The site has recently been cleared so the ecological value is now impossible to determine.
- The ecological enhancement statement proposes habitat creation and tree planting to provide ecological gain from the current baseline.
- The ecological enhancements should be secured by condition.

Environment Agency (12/03/25) - Objection:

- The submitted Flood Risk Assessment does not adequately assess the flood risks posed by the development.

Environment Agency (04/04/25) - Objection:

- This development poses an unacceptable risk to life and/or property from flooding.
- The application does not provide sufficient freeboard above the design flood level.

Tree Officer - No response.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built-up Area Boundary.

Partially within Flood Zones 2 & 3.

Partially within Future Flood Risk Zones 3a (Present - 2031 & 2031 - 2061).

Wholly within Future Flood Risk Zone 3a (2061-2111).

2km Buffer for Site of Special Scientific Interest.

DEVELOPMENT PLAN POLICIES

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

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
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVSP1	ENV SP1 Natural Environment
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVDM5	ENV DM5 Development and biodiversity
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

<u>Littlehampton Neighbourhood Plan 2014 Policy 1</u>	The Presumption in Favour of Sustainable Development
Littlehampton Neighbourhood Plan 2014 Policy 2	A Spatial Plan for the Town

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 does not comply with relevant Development Plan policies in that it has not demonstrated

that the development will be safe for its lifetime with respects to flood risk.

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.

BIODIVERSITY NET GAIN

This application was not liable for Biodiversity Net Gain.

CONCLUSIONS

PRINCIPLE

The site is within the Built-up Area Boundary, where the principle of development is acceptable subject to accordance with the relevant development plan policies, as stated in SD SP2 of the Arun Local Plan (ALP), and Policy 2 of the Littlehampton Neighbourhood Development Plan (LNP). By virtue of compliance with Policy 2 of the LNP, this proposal is also in accordance with Policy 1 of the LNP.

As the proposed access is within Flood Zones 2 & 3, the proposed dwelling is located within Future Flood Risk Zone 3a (2061), and the proposal has not been supported by a Sequential or Exception Test for Flood Risk, nor a sufficient Flood Risk Assessment, the presumption in favour of sustainable development does not apply despite The Council's current shortfall of housing land supply in line with Paragraph 11(d)(i) of the NPPF.

CHARACTER & DESIGN

The existing site is occupied by one of a semi-detached pair of dwelling that is of two storeys, red brick construction with clay tiles and white UPVC fenestrations. It features a small front amenity space, a large wedge-shaped rear amenity space, and an outbuilding set back from the frontage. It is forms part of a pair to the west went of Roman Acre.

Section P of the Arun Design Guide (ADG) regards infill development and advises that 'new schemes should emulate the established pattern of building height, scale, plot width, boundary treatment and building line along the edge of the plot, and continue the rhythm of the street by repeating key elements such as chimneys, porches, windows, doors and walls.

Whilst there are limited examples of similar infill developments, in this case, the proposal is not significantly out of character and would not be harmful to the appearance of the area as a result. The proposed dwelling would be of a similar scale and match the materiality of the area. It would feature a single storey front bay extension, hipped roof, rear central chimney, and central flush string course. The unit would be set on the north side of the plot and well back from the frontage of the existing dwelling, occupying part of the large, wedge-shaped rear amenity space. It would have a relatively open frontage with a driveway serving the unit but given its siting and the layout of the street, views would be relatively limited unless progressing down the relatively short, western end of the Roman Acre cul-de-sac. The

similar design and matching materiality conform to the general character of the area, and in combination with the limited visual presence in the street, the proposal would maintain the prevailing character of the area and is acceptable.

Whilst neighbouring units are predominantly semi-detached pairs, given the acceptable design of the unit and limited visual impact on the wider area, the proposal being a detached dwelling would not unduly compromise the character of the area.

The proposed development would not result in adverse harm upon the character of the area and is in accordance with Policies D SP1 & D DM1 of the ALP.

It is understood that in order to satisfy the relevant flood risk mitigation requirements, any future iteration of the proposal may require finished floor levels that are approx. 0.5m greater than proposed. Should any future design incorporate such higher floor levels, the proposal should include street elevations to understand how the design would relate to its neighbouring units, particularly No. 7 as this may have significant knock-on impacts to the height of fenestrations etc.

QUALITY OF ACCOMMODATION

The Nationally Described Space Standards advise a minimum Gross Internal Area (GIA) of 102sqm for a 3 No. bedroom, 6 No. person dwelling over two storeys. The property has a floor area of 124sqm, exceeding this standard. The bedrooms are also of suitable dimensions.

Arun District Council has no specific area standards in respect of private gardens but Section H.04 of the ADG recommends a minimum 10.5m depth, and the quality and quantity of proposed private amenity space must still provide a sufficient standard of residential amenity for its occupiers.

The proposed dwelling has a garden depth of 17.2m which exceeds the Arun Design guidance. The garden for the existing dwelling at No.7 would be significantly reduced to enable the proposal and due to the shape of the site, the garden is angled, reducing the space available. However, it would retain a depth of 15m and is of an area and width that would remain useable and enjoyable.

The proposal complies with Policy D DM2 of the ALP and the Section H.04 of the ADG.

NEIGHBOURING RESIDENTIAL AMENITY

The dwelling will be set back and to the north of the existing dwelling (No. 7) to a degree such that views outward from the rear viewpoints of No. 7 would observe the side elevation of the proposal and be intersected at the 45-degree line at approx. 11m. As such, there would be some adverse overbearing impact although this would be relatively limited and known to any future occupier. Outlook toward the southern side from the same openings would remain unobstructed, and there is minimal built form directly to the rear that would have any overbearing impact on the same openings either. On balance, these limited harms would be acceptable. By virtue of being north of No. 7, the proposal would also have negligible overshadowing impacts on the existing unit.

There will be first floor rear facing windows serving bedrooms that would provide views toward the rear gardens of Nos. 8 Roman Acre and No. 4 Peel Close. However, views toward No. 8's garden would be distant and confined to the very end of the garden only, and with 17m to the proposed rear boundary that is shared with No. 4 Peel Close, the distance is such that views would not be significantly harmful, and not uncharacteristic for a built-up area.

The 2 No. first-floor front windows serve a bedroom and bathroom. The northernmost of the two (bathroom) would be conditioned to be obscure glazed and non-opening to a suitable height. As such, its overlooking impacts toward the side and rear amenity space of No. 5 Roman Acre would be negligible.

The southernmost of the two (bedroom) would have some oblique views toward the rear amenity space of No. 5, but would also be distant at approx. 15m, with its primary outlook being over the open, side parking amenity space and elevation of No. 5 at approx. 14m. There are no first-floor windows to the west elevation of No. 5 and the ground floor opening is offset and down from the outlook of the first-floor front bedroom window, and this ground floor opening is also open to the street. These impacts would not be unacceptable.

Views of rear gardens along the north side of Clun Road would also be achievable from the first-floor rear viewpoints, but these would be distant, oblique, and not of significant concern.

The southern first-floor side window of the proposal serves an en-suite and would be conditioned as obscure glazed and non-opening to a suitable height to prevent direct overlooking of No. 7 and other neighbours immediately to the south.

The proposal would not result in unacceptable harm to neighbouring residential amenity by way of overbearing, overshadowing, or overlooking in accordance with Policies QE SP1 & D DM1 of the ALP.

TRANSPORT & PARKING

Policy T SP1 of the ALP supports development which incorporates appropriate levels of parking in line with the West Sussex County Council guidance on parking provision. Although, this policy preceded the creation of the Arun Parking Standards which are more specifically applicable to the Arun District.

Regard should be had to para 115 of the NPPF which states: "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".

The Arun Parking Standards for a 3 No. bedroom property in this location (Parking Behaviour Zone 4) are expected to provide 2 No. car parking spaces on site. Electric vehicle charging points at a rate of one per house with a garage or driveway, and 2 No. cycle spaces for a 3 No. bedroom house should also be provided on-site in line with the Arun Parking Standards. Cycle storage should be under cover, secure, and easily accessible to occupants.

Both the existing and proposed dwelling would be accessed via the existing vehicular crossover from Roman Acre which is acceptable.

2 No. parking spaces are proposed for the new dwelling positioned in tandem spaces which is acceptable. They are of an appropriate size and 1 No. parking space would also be constructed for No.7. Whilst No. 7 would benefit from only 1 No. parking space, however, this appears to be the same as the existing parking provision, therefore, the proposal does not result in reduction in the number of spaces available.

The plans demonstrate 1 No. shed to the rear garden of both the proposed and existing dwellings which would accommodate cycle storage. This is acceptable. There are no details for the provision of an electric car charging point, but this would have been conditioned for the proposed dwelling.

The site is in a sustainable location and is approximately 950m from Littlehampton Railway Station and has regular buses on Club Road which is short walk away.

The proposal would not result in adverse impact on the highway and is in accordance with Policy T SP1 of the ALP and the Arun Parking Standards.

FLOOD RISK & DRAINAGE

Policy ECC SP1 of the ALP supports development that is located appropriately and designed to adapt to

impacts arising from climate change such as increased risk of flooding. Policy W DM2 of the ALP states that development will only be permitted where it appropriately addresses the sequential and exceptions tests with respects to flooding and is supported by an appropriate Flood Risk Assessment (FRA) and mitigation.

The site is wholly within relevant Flood Zones. The access and driveway are within present day Flood Zones 2 & 3, by 2061 the proposed dwelling is within Future Flood Risk Zone 3, and the whole site is within Future Flood Risk Zone 3 by 2111.

Paragraph: 006 Reference ID: 7-006-20220825 of the NPPG 'Flood risk and coastal change' is clear that residential dwellings should be assumed to have a lifetime of at least 100 years. As such, the access is in an area of flood risk at present, and the dwelling is predicted to be within Flood Zone 3 well within its 100-year lifetime.

Paragraphs 170, 173, 174 & 175 of the NPPF make it clear that where development proposals are considered in areas at risk of flooding either now or in the future, the proposals should utilise the Sequential Test to assess other 'reasonably available' sites that are in areas at the lowest or lower risk of flooding than the proposal site. This is to steer development away from flood risk areas to more appropriate sites. They also clarify, however, that where the Site-Specific Flood Risk Assessment as required by footnote 63 of the NPPF, identifies that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future, the Sequential Test is not necessary, but this is not applicable in this case.

Guidance on how to undertake the Sequential Test for Flood Risk is laid out from Paragraph: 023 Reference ID: 7-023-20220825 to Paragraph: 029 Reference ID: 7-029-20220825 of the NPPG.

Provided the Sequential Test is satisfied, the Exception Test needs to be applied where appropriate. The Exception Test is required where 'More Vulnerable' (Residential developments) are proposed within Flood Zone 3a as set out in 'Annex 3: Flood risk vulnerability classification' and 'Table 2' within Paragraph: 079 Reference ID: 7-079-20220825 of the NPPG.

Paragraph 177 of the NPPF states that the need for the exception test will depend on the potential vulnerability of the site and of the development proposed. As the proposed development is a 'More Vulnerable' use, and the amenity space and access are directly linked to the proposed dwelling, the full site constitutes 'More Vulnerable' Development. As such, the development site is 'More Vulnerable' and partly located within Flood Zone 3a (present day). The Exception Test is required.

Paragraphs 178 & 179 of the NPPF state that 'The application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage'. To pass the exception test it should be demonstrated that the development would provide wider sustainability benefits to the community that outweigh the flood risk, and that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Paragraph 181 of the NPPF identifies additional requirements for development proposals that have satisfied the Sequential and Exception Tests but elaborating on these at this stage is immaterial because no Sequential Test has been supplied for consideration. The applicant should be aware that should any future submission or appeal be produced following this determination, that both the Exception Test and Paragraph 181 of the NPPF would be applicable to the proposal if the Sequential Test was passed, and that the means of addressing these requirements should be informed by an appropriate Site-Specific Flood Risk Assessment.

The application has been supported by a Site-Specific Flood Risk Assessment that seeks to conclude that the proposed occupiers would be safe for the developments lifetime. However, the Environment Agency have provided 2 No. Objections to the submitted Flood Risk Assessment, concluding that it has not provided sufficient freeboard above the 0.5% event design flood level whilst also accounting for climate change. They note that latest guidance requires 600mm freeboard to be provided, and that the supplied FRA states that only 20mm has been provided for the new dwelling. Consequently, the development proposes inadequate finished floor levels including freeboard.

The proposal has not been supported by a Sequential or Exception Test as require by the NPPF and Policy W DM2 of the ALP, nor has the development been supported by an adequate Flood Risk Assessment that concludes the proposal would be sufficiently resilient to relevant flood levels. The proposal is in conflict with Policy W DM2 of the ALP, and Paragraphs 170, 173 - 175, 177 - 179, and 181 of the NPPF.

to reiterate a section of relevance to the applicant set out within the design section, it is understood that in order to satisfy the relevant flood risk mitigation requirements, any future iteration of the proposal may require finished floor levels that are approx. 0.5m greater than proposed. Should any future design incorporate such higher floor levels, the proposal should include street elevations to understand how the design would relate to its neighbouring units, particularly No. 7 as this may have significant knock-on impacts to the height of fenestrations etc.

ECOLOGY & BIODIVERSITY

The site is within the 2km Buffer for a Site of Special Scientific Interest (SSSI) (Climping Beach). Given the limited scale of the development, dense urban grain of the locality, and the already developed nature of the site, the proposal would have no impact on the SSSI in accordance with Policies ENV SP1 & ENV DM1 of the ALP.

The proposal is a for a 'self-build' dwelling and is exempt from statutory biodiversity net gain. Nonetheless, Policy ENV DM5 of the ALP still requires the proposal to achieve a biodiversity net gain. There are no Tree Preservation Orders on site, nor is the site within a Conservation Area.

The site is a private residential garden in which it is understood that there have been recent planting clearances. Whilst regrettable, such planting loss cannot be controlled by the Local Planning Authority (LPA). The proposal has been supported by an ecological enhancement statement that identifies the need to remove a section of hedgerow to the front of the site but also includes various ecological enhancements and planting that is inclusive of 2 No. trees. The removal of part of the hedgerow, being within a private residential plot, would not require planning permission, and in any case, subject to appropriate condition securing the proposed planting and ecological enhancements, the LPA would be satisfied that the proposal would achieve a biodiversity net gain over the current baseline.

The proposal is in accordance with Policies ENV DM4 & ENV DM5 of the ALP.

ENERGY EFFICIENCY

Policy ECC SP2 of the ALP requires all new residential development to be energy efficient and to demonstrate how they will achieve energy efficiency measures that reflect the current standards, use design and layout to promote energy efficiency, and incorporate decentralised, renewable, and low carbon energy supply systems such as solar panels or air source heat pumps. Suitable energy efficiency measures such as Air Source Heat Pumps or Solar Panels would have been secured by a condition had this application been approved.

Subject to the relevant condition, the proposal would have been compliant with policy ECC SP2 of the

ALP.

WASTE

The proposal could comfortably facilitate waste bin collection at the access and specific details of bin storage could have been secured by way of condition in line with Policy WM DM1 of the ALP.

SUMMARY

The site is within areas at risk of flooding both now and in the future. No Sequential or Exception Test was provided in support of the application, and no sufficient Site-Specific Flood Risk Assessment was provided to demonstrate that the development would be safe for its lifetime. As such, the proposal is in conflict with Policy W DM2 of the Arun Local Plan, and Paragraphs 170, 173 - 175, 177 - 179, and 181 of the NPPF.

Despite The Council's current shortfall of 5-year Housing Land Supply, the reasons outlined above form strong reasons for refusal and the proposed development should, therefore, not be permitted in line with Paragraph 11(d)(i) and footnote 7 of the NPPF.

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.

CIL DETAILS

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

RECOMMENDATION

REFUSE

1 The proposal has not been supported by Sequential or Exception Tests for flood risk and as

such, it has not provided sufficient evidence to confirm that there are no alternative sites appropriate for the development in areas at lower risk of flooding, nor has it identified wider sustainability benefits to outweigh the flood risk. The proposal is therefore, in conflict with Policy W DM2 of the Arun Local Plan, and Paragraphs 170, 173 - 175, and 177 - 179 of the NPPF.

- 2 The application has not been supported by an adequate Site-Specific Flood Risk Assessment that demonstrates that the development would be safe for its lifetime whilst taking account of the impacts of climate change in conflict with Policy W DM2 of the Arun Local Plan and Paragraphs 170, 178(b) & 179 of the NPPF.
- 3 **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 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.