

Recommendation Report for Planning Permission

REF NO: M/40/26/PL

LOCATION: Arundel Court
47 Elmer Road
Middleton-on-sea
PO22 6LB

PROPOSAL: Two storey rear extension to enlarge existing flats and additional second floor to building to create an additional 2No. 2 Bed flats giving an overall total of 6No. 2 Bed flats. 6No. parking spaces to the rear consisting of a 3 car garage block and 3 parking bays and associated hardscaping. This application is in CIL zone 4 (zero rated) as flats.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Construction of a two-storey rear extension with a maximum depth of 4.8m, together with the addition of an extra storey to the existing and proposed building. The proposal would create an additional two 2-bedroom flats, resulting in a total of six 2-bedroom flats on the site. The ridge height of the existing building would be increased by approximately 3.2m.
SITE AREA	565sqm.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	91.46 dph
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the development.
BOUNDARY TREATMENT	Fence and the elevations of other buildings.
SITE CHARACTERISTICS	Residential.
CHARACTER OF LOCALITY	Residential village centre, close to local facilities.

RELEVANT SITE HISTORY

M/35/25/PL	Additional floor to the existing building creating 2 No. additional units and rear extension to create 3 No. additional units. This application is in CIL zone 4 (zero rated).	Refused 16-09-25
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REPRESENTATIONS

Middleton Parish Council - No objection subject to a condition.
- Surface water should be kept of of the foul drain.

2 objection letters from local resident.

- The proposal will block natural light from neighbouring homes and their garden.
- Loss of privacy.
- The build will crease noise/disturbance and dust.
- Scale of development is excessive.
- Is access suitable for construction traffic.
- The oversized building is not in-keeping with local area.
- Will scaffolding overhang land.

COMMENTS ON REPRESENTATIONS RECEIVED:

None.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Private Sector Housing - Advice

- Legislative advice regarding fire safety, escape windows, emergency lighting, licensing, ventilation and general matters.

Southern Water - Advice

- Surface water should only discharge to the foul sewer network where all other drainage options have been fully explored and exhausted. This approach helps protect the environment, improve water quality, and reduce flood risk.
- Supports the separation of surface water and foul water at source.

Environmental Health - No objection.

- No other comments made.

ADC Engineers (18/08/2026) - Objection

- Site is affected by future tidal flood risk and the Local Planning Authority should consider whether the Sequential Test is required.
- The site is not at significant risk of surface water flooding, and a suitable SuDS scheme could reduce existing risk.
- Ground investigations demonstrate that infiltration drainage is not feasible due to high groundwater levels and poor infiltration rates.
- Evidence suggests part of the site may currently discharge surface water to the foul sewer; this is not an acceptable drainage solution.
- The strategy is to discharge to a highway drain, but confirmation is required from the Local Highway Authority that this connection is feasible and acceptable in principle. The proposed drainage outfall location, flow control and storage arrangements have not been fully demonstrated.
- Concerns are raised regarding the permeable paving attenuation design, as the proposed storage calculations may not accurately reflect the layout shown on the plans.
- The proposed discharge rate of 1 litre per second has not been adequately justified and may be higher than necessary.
- Further information is required regarding the modelling of surcharged conditions and the management of extreme rainfall events.

ADC Engineers (24/09/2026) - Objection

- Evidence from WSCC has been provided to demonstrate that a connection to the highway drainage network is acceptable.

The justification for departing from greenfield runoff rates remains unclear and requires further explanation.

- The assumed surcharge level is not adequately justified and is likely to underestimate flood levels during extreme storm events. A more precautionary assessment of highway drainage surcharge conditions is required.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Built-up Area Boundary

Lidsey Wastewater Treatment Catchment Area

CIL zone 4

Potential Groundwater Flooding

0.1% - 3.3% Surface Water Flood Risk (parts of site)

DEVELOPMENT PLAN POLICIES

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

SDSP2	SD SP2 Built-up Area Boundary
DSP1	D SP1 Design
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
ENVDM5	ENV DM5 Development and biodiversity
WDM3	W DM3 Sustainable Urban Drainage Systems
WDM2	W DM2 Flood Risk
WSP1	W SP1 Water
ECCSP2	ECC SP2 Energy and climate change mitigation
WMDM1	WM DM1 Waste Management

[Middleton-on-Sea Neighbourhood Plan 2024-2041](#) SUSTAINABLE DEVELOPMENT
[Policy MOS1](#)

Middleton-on-Sea Neighbourhood Plan 2024-2041 FLOODING AND DRAINAGE
Policy MOS2

Middleton-on-Sea Neighbourhood Plan 2024-2041 SUDS DESIGN AND MANAGEMENT
Policy MOS3

Middleton-on-Sea Neighbourhood Plan 2024-2041 MEETING LOCAL HOUSING NEEDS
Policy MOS5

Middleton-on-Sea Neighbourhood Plan 2024-2041 GREEN AND BLUE INFRASTRUCTURE AND
Policy MOS10 DELIVERING BIODIVERSITY NET GAIN

Middleton-on-Sea Neighbourhood Plan 2024-2041 DARK SKIES

Policy MOS13

Middleton-on-Sea Neighbourhood Plan 2024-2041 REFLECTING LOCAL CHARACTER THROUGH
Policy MOS6 HIGH QUALITY DESIGN

Middleton-on-Sea Neighbourhood Plan 2024-2041 ENCOURAGING SUSTAINABLE DESIGN IN A
Policy MOS7 CHANGING CLIMATE

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 conflicts with relevant Development Plan policies in that the proposed surface water drainage strategy may result in an increased risk of surface water flooding on and off-site.

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 is not liable for Biodiversity Net Gain (BNG) as the site is de minimis and is exempt.

CONCLUSIONS

PRINCIPLE

The site is within the Built-up Area Boundary (BUAB) where Policy SD SP2 supports development subject to consideration against other policies in the Arun Local Plan (ALP).

Middleton has a made Neighbourhood Plan (MNP). MOS1 sets out criteria to achieving sustainable development which seeks to ensure development is appropriate to surrounding scale, nature and location of an area.

The National Planning Policy Framework (NPPF) (2026) is an important material consideration in the determination of planning applications. Policy S3 of the NPPF establishes a presumption in favour of sustainable development and directs decision-makers to Policy S4 where a site is within a Built-Up Area Boundary (BUAB).

Policy S4(1) states that development proposals within a BUAB should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects when assessed against the Framework. Policy S4(2) sets out a number of adverse effects that may be taken into account, although the list is not exhaustive. For the purposes of this application, Policy S4(2)(c) is of particular relevance and will be considered within the planning balance later in this report.

The Arun Design Guide (ADG), Sections G and P in particular, is of relevance. This Guidance seeks to ensure that development:

- Reflects or improves the character of the site and the surrounding area.
- Minimises the impact on neighbouring land/residents.
- Provides appropriately sized internal space standards.
- Provides safe access on to the highway network and incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision.

The principle of additional residential development on this site is acceptable.

MNP polices of relevance to this application are: MOS2 (Flooding and Drainage), MOS3 (SuDS Design and Management), MOS5 (Meeting Local Housing Need), MOS6 (Reacting to Character through High Quality Design), MOS7 (Ensuring Sustainable Design in a Changing Climate), MOS10 (Green and Blue Infrastructure and Delivery BNG), MOS13 (Dark Skies).

CHARACTER AND APPEARANCE

The site is on Elmer Road, a main route through the village. It lies in an area containing community facilities and shops, many of which have residential accommodation above ground floor level. Directly opposite the site are the village hall, health centre and a public car park, with a recreation ground beyond. The area has a mixed character, featuring 1960s flat-roofed public buildings alongside traditional two-storey and single-storey properties. Various dormer conversions front the road, and there are examples of flat-roofed buildings with castellated features. The neighbouring property to the west is a three-storey purpose-built block of flats with a pitched roof. There is a strong building line along this section of the road, with many properties set approximately 4 metres back from the highway.

The proposal seeks to add a two-storey rear extension to the building, together with an additional floor across both the existing and proposed elements, resulting in a three-storey building overall. The roof would change from a traditional front-to-back pitched design to a hipped roof extending across the full length of the building. Despite the noticeable change in appearance, the design would be visually consistent with the neighbouring building to the west. While the scale of the addition cannot be regarded as subservient to the host building, the proposed level of internal amenity would be good. The upward extension is not wholly sympathetic to the original structure; however, the substantial alterations

proposed would allow it to be visually integrated into the building as a whole. This results in some conflict with ALP Policy D DM4. Nevertheless, the increased height is in keeping with the neighbouring building and would not demonstrably harm the character of the street scene. Policy L2(d) of the NPPF supports the use of airspace above existing buildings where development is consistent with the overall character of the street scene. Therefore, the conflict with Policy D DM4 is considered justified in this instance.

To the east, the neighbouring property comprises a single-storey commercial garage extending the full length of its plot, which is comparable in length to the application site. The extensions would not be highly visible from Elmer Road; however, they would be visible from Harefield Road. Given the appropriate design, scale and form of the extension, no harm is identified from these available views.

The development would have a density comparable to other developments in the area. The site immediately to the west has an approximate density of 115 dwellings per hectare, whilst St Nicholas Court has a density of 82 dwellings per hectare. On the opposite side of the road, Buckingham Court has a density of approximately 123 dwellings per hectare. The proposal would result in a density of 91 dwellings per hectare. In village locations, Part G of the ADG recommends a density range of 30 to 50 dwellings per hectare for flat developments. As such, the proposal exceeds this guideline. Whilst the proposal does not accord with Part G of the ADG in this respect, this does not necessarily mean the development would appear out of character with its surroundings. Accordingly, no harm is identified.

The proposal does not accord with MNP Policy MOS5 in that it will deliver 2-bedroom flats over that of the desired 2-bedroom dwellings, and it has not been designed to be suitable for an elderly generation.

The proposal would accommodate two additional dwellings, making efficient use of the site and contributing towards housing need. The upward extension would have a limited impact on the character of the area. Overall, the proposal is considered to accord with ALP Policies D DM1 and D SP1, MNP Policy MOS6, together with Part G of the ADG and the objectives of the NPPF.

RESIDENTIAL AMENITY

Policy QE SP1 of the ALP sets out criteria against which applications for new development must be assessed. It generally seeks to enhance the quality of the environment and avoid adverse impacts on neighbouring occupiers, as do ALP policies D DM4 and D DM1.

There is approximately 26m between the rear elevation of the proposed development and the side elevation of No. 1 Harefield Road. There is around 1.2m between the proposed building and the shared boundary to the west, with the elevation of 43 Grange Court a further 4.5m beyond. To the east, there is a 2.5m gap between the proposed building and the neighbouring garage. Two new openings are proposed on the eastern elevation, with other existing opening adjusted in position. The two new windows will be at second floor level. No openings are proposed on the western elevation. All other new windows face either the front or rear of the site.

Part H of the ADG sets out various criteria relating to space around buildings. It states that development should provide outdoor residential amenity space to fulfil a variety of functions and activities, side-to-front or rear-to-side elevations should be at least 14 metres apart, and that the 25/40-degree rules should be applied where necessary to protect outlook and prevent overbearing or overshadowing effects.

There is sufficient separation between elevations to prevent overlooking and overbearing effects. The rear and upwards extension do not encroach on the 45-degree line arising from Grange courts nearest windows. The proposal will not significantly impact on light reaching the nearest rear rooms of Grange Court.

Part H of the ADG also requires developments to provide access to a range of residential amenity

spaces for various uses. It stipulates that balconies should provide a minimum of 3 sqm of usable space and that communal amenity space should be provided at a rate of 40 sqm plus 10 sqm per dwelling. No private outdoor areas or balconies are proposed for the individual dwellings, meaning the development offers no private external space. The proposal fails to comply with Part H in this respect. Despite this conflict it is acknowledged that the proposal is sited opposite a large public park, the site also has easy access to the beach beyond.

The building would result in excessive overshadowing of the rear windows at Grange Court, harming the amenity of neighbouring occupiers. The proposal is contrary to ALP Policies D DM4 and D DM1 and QE SP1 and Part P of the ADG.

INTERNAL SPACE STANDARDS

The Nationally Described Space Standards sets out the required internal area of new development. The Gross Internal Areas (GIA) for 2-bedroom, 4-person dwellings should be 70sqm. All flats accord with these requirements and as such accord with ALP policy D DM2.

TRANSPORT AND PARKING

Policy T SP1 of the ALP supports the development of transport infrastructure that reduces reliance on car travel, promotes green infrastructure, protects the major road network, maintains appropriate parking standards, and requires applications to consider transport-related design.

Under the Arun Parking Standards, a development of 6 flats (including the retained units) requires a minimum of two spaces per flat, totalling 12 spaces, plus visitor parking (1 space). Only three spaces are currently proposed with another 3 garage spaces proposed. Garage space only represent 0.5 of a space thus there is an overall shortfall of 7.5 spaces. It could be conditioned that rather than garage spaces being provided, that these spaces became open fronted carports, this would then reduce the unmet demand to only 6 spaces. While there is a free public car park opposite the site, recent discussions have raised the possibility of future restrictions, such as charges or prohibitions on overnight parking. Therefore, reliance on this facility cannot guarantee long-term availability for residents. On-street parking opportunities are also limited, with approximately seven free spaces located 70m from the site entrance. All other surrounding roads are controlled by double yellow lines, meaning the development would, in practical terms, need to function as largely car-free. In this respect, the proposal encourages the use of public transport and other sustainable travel options.

Cycle parking has been provided on site. Further details can be conditioned in respect of the design of the secure compound proposed. Each flat should be provided with at least one secure and covered cycle space, meaning six spaces are required.

While the proposal does not provide adequate car parking, its restricted nature effectively results in a development which rely on other means of transportation. Secure and covered cycle parking will be essential and can be secured via condition. Overall, the proposal is considered to accord with ALP Policy T SP1.

SURFACE WATER DRAINAGE

ALP policy W DM3 states that, to improve water quality, storage, and capture, development must identify opportunities to incorporate a range of SuDS appropriate to the scale of development, and at an early stage in the design process. Policy W SP1 similarly encourages the integration of SuDS, particularly where they can mitigate flood risk.

MNP Policy MOS2 seeks to ensure that flood risk from all sources is appropriately considered and that development is safe for its lifetime without increasing flood risk elsewhere. The policy also requires surface water to be managed in accordance with the SuDS hierarchy. Policy MOS3 relates specifically to

surface water management, seeking to ensure that surface water runoff does not adversely affect neighbouring properties and that new drainage systems are effective and appropriately designed.

The NPPF F7(1) states that development should not present a risk from flooding to occupiers, users, or visitors, and should not increase flood risk elsewhere. Also where development is proposed in a location known to be at risk from any form of flooding, now or in the future, it should be refused unless and that (2)(b) development should be safe throughout its lifetime taking account of the vulnerability of its users, and (2)(e), local planning authorities should ensure that flood risk is not increased elsewhere.

NPPF Policy F8(2) states that SuDS should be designed in accordance with the National Standards for Sustainable Drainage Systems (NSfS) and its seven design standards.

Data submitted with the application indicates that groundwater monitoring recorded groundwater levels as shallow as 500mm below ground level. Infiltration testing has confirmed that, due to the presence of made ground, poor infiltration rates are experienced across the site. Existing surface water is understood to discharge below ground; however, there is no certainty regarding its ultimate destination. It is assumed that some flows may enter the foul sewer network, while a proportion may discharge overland to the highway drainage system.

It is proposed the development will discharge surface water to an existing highway drainage system. West Sussex County Council confirmed that such a connection is acceptable, noting that a proportion of surface water from the site is already expected to drain to the same location. The proposed connection is considered acceptable, particularly given the restricted discharge rate proposed could represent a betterment over the existing situation. ADC Drainage Engineers confirmed that the approach is acceptable and raise no objection, subject to conditions securing the detailed design of the drainage system, including compliance with Standard 1 of the Non-Statutory Standards for Sustainable Drainage Systems (NSfS).

As a restricted discharge rate to the highway drainage system is proposed, on-site attenuation forms a fundamental element of the drainage strategy. The NSfS states the drainage design should ensure that flooding does not occur to buildings, utility infrastructure, or access and egress routes during the 1% Annual Exceedance Probability (AEP) rainfall event. ADC Drainage Engineers have advised that the highway drainage system has likely not been designed to accommodate a 1% AEP event and is therefore likely to surcharge during such conditions. This suggests that water levels within the system could exceed the soffit level of pipes and drainage chambers, creating the potential for flooding both within the drainage network and on the site itself. Given that the design capacity of the highway drainage system is likely to be exceeded during extreme rainfall events, a precautionary approach should be adopted in the design of the proposed drainage strategy.

As a result of the potential for flooding on and off site, the Council's Drainage Engineers object to the proposal on the grounds that it fails to demonstrate compliance with Standard 3 of the NSfS. They have requested further details in relation to Standard 2, as opportunities to intercept, store and manage rainfall at source have not been fully explored within the proposed drainage design.

The proposal has not designed effectively for extreme rainfall events which may result in flooding on and off site, thus the development is not safe for its lifetime and presents a risk to occupiers and users of site. The proposal does not accord with ALP Policy W DM3, MNP policies MOS2 and MOS3 and the NPPF policies F8 and F7.

FLOOD RISK

The site is not currently at risk of flooding from fluvial or tidal sources; however, it does fall within a Future Flood Risk (FFR) zone. The Environment Agency (EA) does not hold modelled data regarding the

potential depth of flooding at the site during future flood events. Referring to Annex 3 of the NPPF, more vulnerable development is considered appropriate within Flood Zone 1.

Policy F5 of the NPPF states that the Sequential Test should be applied in areas known to be at risk now, or in the future, from any form of flooding, with the aim of directing development towards areas of lowest flood risk. The area over which the test is applied should be no greater than the anticipated catchment area for the development. In this instance, it would be appropriate to apply the search to the Middleton parish area and, given the nature of the proposal for residential flats, to sites within the Built-Up Area Boundary. It is noted that there are limited areas to the west of the site, both north and south of Middleton Road and Elmer Road, that are at a lower risk of flooding.

Despite a Sequential Test apparently being submitted as part of the Flood Risk Assessment (FRA), the test has not actually been undertaken. Instead, the statement seeks to justify the absence of a Sequential Test by referring to the site's surface water and groundwater flood risk, noting that any flood risk would be managed through the proposed surface water drainage design.

ADC's Drainage Engineers raised objections to the proposed SuDS strategy, as set out above. Furthermore, the site lies in an area identified as being at future risk of tidal flooding. The submitted assessment has not considered whether there are reasonably available alternative sites at a lower risk from all sources of flooding, including tidal flooding, nor has it demonstrated why any such sites would be unsuitable. Consequently, the Sequential Test has not been satisfied, and the proposal fails to accord with Policy F5 of the NPPF and Policy W DM2 of the Arun Local Plan in this respect.

Despite the failure to satisfy the Sequential Test, it is acknowledged that, in terms of flood risk vulnerability, the proposal would not materially increase risk when compared to the existing situation. The site currently contains two two-bedroom ground-floor apartments, and the development would retain this arrangement. Additional occupants would only be introduced at second-floor level, which is situated well above any identified flood risk. As such any harm arising from the lack of the Sequential Test is low.

WASTE

ALP Policy WM DM1 states that new residential development should be designed for kerbside collections and include communal bins for the safe storage of recycling and waste. For guidance on bin provision, reference is made to Chichester District Council's Waste Storage and Collection Guidance for New Development, which recommends that developments of 5-9 dwellings provide two 1100-litre refuse bins and two 1100-litre recycling bins. Although Arun District Council does not produce its own formal guidance, it typically provides each home with one 240-litre recycling bin and collects up to the equivalent volume in refuse.

An externally accessible storage cupboard for two 1100-litre bins has been proposed. While there is no formal local guidance, it can be demonstrated that each 1100-litre bin accommodates waste and recycling for just over four properties. This provision is therefore insufficient, and the development would require double the number of bins to meet expected needs.

The proposal does comply with Policy WM DM1 in that it is designed for kerbside collection and provides safe and secure communal storage. As such, the shortfall in bin numbers does not result in conflict with the policy.

CLIMATE CHANGE

ALP policy requires new development to incorporate energy efficiency measures that reflect current standards, use design and layout to promote energy efficiency, and include small-scale renewable energy systems. Although renewable technologies are typically addressed through Building Regulations, none have been incorporated into the current design. The building is proposed to be constructed and

adapted to modern thermal and ventilation standards, reducing the operational energy the building uses, in line with Building Regulations. Energy-efficient lighting and white goods would be installed.

It is proposed to utilise a fabric first approach for the build and as the existing building will be largely contained a good level of embodied carbon will remain captured for a longer period of time. These details could be secured by condition to ensure compliance with ALP Policy ECC SP2 and MNP MOS7.

BIODIVERSITY

ALP Policy ENV DM5 seeks to achieve a biodiversity 'net gain' and protect existing habitats on site. This can be achieved through incorporation of biodiversity elements such as green walls, bird/bat boxes or other mitigation measures into the landscape. The Environment Act requires a 'measurable 10% net gain' in biodiversity. Where the distinctiveness of the onsite habitat is either medium, high or very high, this should be achieved first by avoidance of adverse effects from the development and, if they cannot be avoided, the mitigation of those effects. All other adverse effects should be compensated through enhancement of existing onsite habitats, creation of new onsite habitats, allocation of registered offsite gains and finally the purchase of biodiversity credits.

There are no protected species or habitats on site. The site is 100% sealed surface, such that a 10% is not possible and the requirement of the Environment Act are not applicable. However, the requirements of the ALP policy ENV DM5 are still applicable. It is proposed to include a small area of garden, planted with native species.

The proposed native planting would accord with ALP Policy ENV DM5 and MNP MoS10, this can be secured by condition. A condition can be secured to any approval regarding external lighting to ensure compliance with MNP MOS13.

SUMMARY

As demonstrated above, the proposal does not accord with the Arun Local Plan as a whole, principally due to its conflict with Policy W DM3. Consequently, the proposal does not gain support from Policies W SP1 and SD SP2.

Benefits of the development include the provision of two additional dwellings, making a limited contribution towards local housing supply, together with temporary economic benefits during the construction phase. Given the limited number of dwellings, this benefit is afforded limited weight. The provision of additional housing in the BUAB, in a village centre location, would also help support the vitality and viability of Middleton and Elmer. Furthermore, the site is sustainably located, with good access to public transport and local services and facilities. Minor biodiversity enhancements could also be secured through the imposition of planning conditions.

However, significant harm has been identified as a result of the increased risk of flooding on and off the site arising from the surface water drainage strategy. As such, it has not been demonstrated that the development would be safe for its lifetime.

In applying the presumption in favour of sustainable development, the NPPF directs decision-makers to Policy S4 where a site is located within a BUAB. In considering Policy S4, one of the circumstances in which the benefits of development are likely to be substantially outweighed by adverse effects is set out in criterion S4(2)(c), namely where the development fails to accord with a national policy that indicates planning permission should be refused. In this case, Policy F7 of the NPPF directs that development should be refused where it is proposed in a location known to be at risk from any form of flooding, either now or in the future, unless the relevant policy requirements have been satisfied.

The proposal conflicts with the Development Plan when read as a whole and fails to accord with the

relevant provisions of the NPPF. Given the significant harm identified in respect of flood risk and drainage, it is considered that the adverse impacts of the proposal would substantially outweigh its moderate benefits. Accordingly, the application is recommended for refusal for the reasons set out below.

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.

RECOMMENDATION

REFUSE

- 1 The applicant has failed to provide sufficient information to determine that the development can sustainably drain surface water. It has not been demonstrated that the development can be adequately drained without flooding of the system, and would not increase flood risk on site or elsewhere leading to a development which has not proven it can be safe for its lifetime in conflict with Arun Local Plan Policy W DM3, it does not gain the support of Arun Local Plan Policy W SP1, Middleton Neighbourhood Plan polices MOS2 and MOS3 and the relevant parts of the NPPF and NPPG.
- 2 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 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 provide pre-application advice in respect of any future application for a revised development.