



Pagham Parish Council considered this application at a meeting of its Planning Committee held on 18th May 2020.

P/116/19/OUT – Land adjacent to Sefter School House Sefter Road Pagham PO213EE – Outline application with all matters reserved, except for access, for the erection of 4No semi detached 3-bedroom houses & 2No detached 4-bedroom houses with associated access, parking & gardens. This application is a Departure from the Development Plan. The Committee are asked to consider AMENDMENTS to the application: amended plan and change of description. It was RESOLVED to OBJECT to the application as amended on the grounds set out at Appendix A

Appendix A – P/116/19/OUT as amended

Pagham Parish Council wishes to OBJECT to this application on the following grounds:

- The site lies outside of the defined built up area of Pagham and in the countryside so that the development of this site with housing is as a matter of principle in direct conflict with ALP 2018 Policies SD SP2 Built-up Area Boundary and C SP1 Countryside.
- The applicant states that the site is “vacant” but the lawful use of the land is agricultural (as defined in the act) and the site constitutes high grade agricultural land.

The applicant has provided no evidence as to why the lawful use of the site is no longer possible so that the development is as a matter of principle in direct conflict with ALP 2018 Policy SO DM1 Soils.

- The applicant has provided no evidence to demonstrate that satisfactory foul and surface water drainage can or will be provided in a manner that will safeguard water quality in the Pagham Harbour Ramsar and for the reasons given above the imposition of controlling conditions in the circumstances here are not appropriate. Therefore the proposals are as a matter of principle in conflict with ALP 2018 Policies W DM1 Water supply and quality, W DM2
- Flood risk and the applicant has failed to demonstrate that the proposals can be or will be undertaken in accordance with ALP 2018 Policy ENV DM2 Pagham Harbour.
- The site lies within the Rural Area for the purposes of the **Pagham Village Design Statement 2007** and the applicant fails to demonstrate that the development can be or will be carried out in a manner that accords with the development control criteria specified in the PVDS for the rural area.
- Pagham Parish Council is currently preparing a Neighbourhood Plan for further public consultation and this site lies within the rural area and a proposed local green space for the purposes of the emerging policies in the NP.

ACCESS

- The proposal fails to demonstrate that access can or will be achieved in accordance with ALP 2018 Policy T DM1 Sustainable Travel and Public Rights of Way or that vehicular access/egress between the site and the public highway can be achieved safely.

CONCLUSION

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."

For the foregoing reasons Pagham Parish Council conclude that the proposals do not accord with relevant policies in the development plan and the applicant has provided no evidence to suggest that there are material considerations to indicate a decision otherwise than in accordance with same.

PROCEDURAL MATTERS

CIL Charge

On 4 February 2020 ADC wrote to the applicant/agent warning that the proposed development was CIL Chargeable if determined after 1st April 2020 and suggesting that the applicant provide the relevant completed forms necessary to allow ADC to collect and distribute and spend the CIL charge at the appropriate time (Form 1: CIL Additional Information and Form 2: Assumption of Liability) The applicant/agent have not provided those forms.

Natural England Response 4 February 2020

Notwithstanding the measures in place to manage the potential impacts of this development on the coastal Special Protection Area(s) and Ramsar Site(s) from increased recreational disturbance and the agreed measures to address this issue by way of agreed financial contributions, Natural England advised that the measures to avoid or reduce the likely harmful effects from it on these areas in Pagham may need to be formally checked and confirmed by ADC, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).

No mention was made as to the known potential for impacts of further development in the parish on the water quality of the Pagham Harbour Ramsar through surface water and foul water discharges and there is no evidence that ADC has addressed these issues by way of an appropriate assessment as advised.

Environmental Impact Assessment

Pagham Parish Council questions why a full Environmental Impact Assessment has not been undertaken given the potential for damage to a site with known ecological concerns. These issues have been made known to Arun District Council on many occasions by the Parish Council, including during consultations on the Local Plan 2018 with reference to strategic allocations SD1 and SD2 and in relation to P/6/17/OUT and P/30/19/OUT.

WSCC Highways response 7 May 2020

The LHA advises that notwithstanding the additional information provided with the revised application in 17 April 2020 further information is required to address their safety and operational concerns regarding the proposed access now forming part of the application and that when and if that was provided and considered further documentation and information may be required at that date.

Drainage ADC Engineers Comments 25 February 2020

Parts of the site are within or adjoin land shown on the EA maps as being in ZONE 2 and 3. No flood risk assessment has been provided and there is no detail provided regarding the proposed drainage (surface water or foul) of the site other than by way of a vague reference to the intention to discharge surface water into a nearby water course.

The ADC Engineer suggests that pre commencement conditions requiring the submission of detailed information demonstrating that the relevant unspecified off site measures necessary to enable satisfactory discharge of foul and surface water can be achieved prior to any development starting on site.

Such conditions should only be considered appropriate where they are necessary to make the development acceptable in planning terms, there is a reasonable prospect that the works required as a result can be achieved and with the approval of the applicant. (See NPPG Use of planning conditions). Additionally in this case such matters are relevant to the issue of appropriate assessment due to the potential impact on water quality in Pagham Harbour and the precautionary principle raised by NE in their response.

There is no evidence provided that satisfactory foul and surface water drainage can be achieved for this scheme and the conditions suggested are therefore inappropriate in this case.

Access and impact on the highway

Pagham Parish Council has serious concerns about the impact of this and other planned developments at strategic sites SD1 and SD2 on the highway network. This application will only exacerbate the problems at a junction which is already dangerous. Works planned to improve the junction in connection with the development of the strategic

allocation at Pagham North will not improve the situation sufficiently to make junction of Pagham Road and Sefter Road safe.

Best wishes

Nicola

Nicola Swann
Clerk & RFO
Pagham Parish Council
