

Recommendation Report for Planning Permission

REF NO: P/118/25/PL

LOCATION: 44A and 44 Pagham Road
Pagham
PO21 4NP

PROPOSAL: 1 No. 4 bed chalet bungalow and extension to existing dwelling. This application is in CIL Zone 4 and is CIL Liable as a new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks to demolish a garage and side extension of No. 44 Pagham Road, and to construct 1 No. detached, 1.5-storey dwelling alongside the installation of a dormer and porch extension, loft conversion, new access, and fenestration alterations to No. 44. The result would be two detached 1.5-storey dwellings of matching and mirrored appearance.
SITE AREA	1354sqm.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	14dph.
TOPOGRAPHY	Predominantly flat.
BOUNDARY TREATMENT	Hedgerow to front boundary, low wooden boundary fence between front garden of Nos. 44 and 42, tall wooden boundary fencing to remaining boundaries, often with hedgerow planting supplementing the fencing.
SITE CHARACTERISTICS	The site is a large, irregular shaped plot with a bungalow set to the south side of the plot that is consistent with the front building line of Pagham Road. The plot has vehicular access taken from Pagham Road on its north side, with a driveway, garage and car port. The bungalow has a small extensions on the northeast and southwest sides, and a single storey gable ended extension and conservatory to the rear. The building is of render and clay tiles with 3 No. chimneys and its street facing elevation has a uniform layout of 5 No. windows.
CHARACTER OF LOCALITY	The area is primarily residential in character, however, the site is to the edge of the settlement and beyond Pagham Road to the north and northwest is open agricultural land.

RELEVANT SITE HISTORY

P/81/16/PL	Demolition of existing dwelling & garage & erection of 2 No. detached bungalows including on-site parking & new vehicular access with retention of existing vehicular	App Cond with S106 16-09-16
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access (re-submission following P/106/15/PL).

P/106/15/PL	Demolition of existing dwelling & detached garage & erection of 2 No. detached bungalows including on-site parking & new vehicular access with retention of existing vehicular access (resubmission following P/42/15/PL).	App Cond with S106 03-12-15
P/42/15/PL	Demolition of existing dwelling & detached garage & erection of 2 No. detached bungalows including on-site parking & new vehicular access with retention of existing vehicular access.	Refused 13-08-15

P/106/15/PL & P/81/16/PL - Both of these applications granted permission for the demolition of the dwelling and construction of 2 No. bungalows in a similar format to that proposed under the current application. It is of particular note, however, that there has been material planning policy changes since the approval of these application, that they are no longer extant, and that the current proposals are materially different despite similarities in resultant layout.

REPRESENTATIONS

Pagham Parish Council - No objection.

No other representations received.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Ecologist - No objection subject to conditions:

- The site is within the Pagham Harbour Zone B, however, given the scale and nature of the development an appropriate assessment is not required.
- The BNG report and Statutory Metric shows a loss of 8.70% in habitat units and 13.73% in Hedgerow units. Provision of offsite BNG units is required.
- The BNG assessment shows that the site is developed land and vegetated garden with boundary hedging. No hedging is being removed.
- No ecological assessment of the site has been undertaken but this is acceptable as the existing house is not being demolished, and the habitats present are of low ecological value.
- Ecological enhancements such as bat and swift bricks on the dwellings and ecologically friendly planting should be secured by condition.

Natural England - Further information required:

- Due to recreational pressure impacts to European Site(s).
- Your authority has measures in place to manage these potential impacts which Natural England considers will be effective in preventing adverse impacts on the integrity of the site(s).
- Notwithstanding this, Natural England advises that these measures should be formally checked and confirmed by your authority, as the competent authority, via an appropriate assessment.
- Discretionary advice provided.

WSSC Highways - Advice:

- The proposed plans do not clearly demonstrate existing and proposed access arrangements.
- Details of access can be secured via condition, and any access works must be constructed under licence, to a specification agreed with the WSSC Area Engineer.
- Visibility at the existing access is considered sufficient for the anticipated road speeds and the proposal is not anticipated to result in a material intensification of use of the existing access.
- The plans indicate that two parking spaces will be provided for each dwelling. Three parking spaces would be required per dwelling in this location.
- The LHA would not raise any highway safety concern to overspill on-street parking in this location, however the LPA may wish to consider the amenity impacts of additional on-street parking.
- The site is located within walking distance of shops and services, including bus stops providing links to Bognor Regis and Chichester.
- Cycling is a viable option within the vicinity and conditions should secure cycle storage.
- Do 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 116), and that there are no transport grounds to resist the proposal.
- Conditions securing details of access and cycle and car parking requested.

Environmental Health - No objection:

- Conditions regarding the need for acoustic details or building services plant (air-source heat pumps etc) and electric vehicle charging requested.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built-up Area Boundary.
 Future Flood Zone 3 (2111).
 Pagham Harbour Zone B.
 2km Buffer for Site of Special Scientific Interest (Bognor Reef & Pagham Harbour).

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
ENVDM2	ENV DM2 Pagham Harbour
ENVDM5	ENV DM5 Development and biodiversity
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WM DM1	WM DM1 Waste Management

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

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 fails to consider alternative sites with no/lower flood risk and does not adequately assess or mitigate present and future flood constraints, leaving the development unsafe for its lifetime. Furthermore, the scheme would result in unacceptable overbearing and overlooking effects on neighbouring properties, and both the existing and proposed dwellings. Finally, the absence of a completed Section 106 agreement means no financial contribution has been secured to mitigate against recreational pressures on the Pagham Harbour SPA.

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 liable for Biodiversity Net Gain (BNG) and the following is a summary of the key points:

- Loss of 8.70% in habitat units.
- Loss of 13.73% in Hedgerow units.
- Provision of offsite BNG units is required.

CONCLUSIONS

PRINCIPLE

The site is in the Built-Up Area Boundary where the principle of development is supported subject to consideration against other relevant Development Plan Policies in line with Arun Local Plan (ALP) policy SD SP2.

The NPPF is an important material consideration in determining applications. As the council cannot demonstrate a 5-year HLS, para 11(d) of the NPPF and the application of the 'presumption' for sustainable development could be triggered. Paragraph 11(d) of the NPPF states 'where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.'

Paragraph 11(d)(i) of the NPPF refers to Footnote 7 which states 'The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 194) and/or designated as Sites of Special Scientific Interest;... areas at risk of flooding...'

Paragraph 194 states 'The following should be given the same protection as habitats sites:

- a) potential Special Protection Areas and possible Special Areas of Conservation;
- b) listed or proposed Ramsar sites;...'

At the time of determination, the draft S.106 agreement submitted alongside the application which sought to secure financial contributions to mitigate against recreational pressures on the Paghams Harbour SPA had not been completed. As such, the proposals would result in harm to the Paghams Harbour SPA in conflict with ALP policies ENV SP1, ENV DM1, and ENV DM2.

The proposal has been supported by a Flood Risk Assessment but it does not sufficiently address the flood risk context of the site, and therefore, does not demonstrate that the development would be safe for its lifetime in conflict with NPPF paragraph 170. Additionally, no Sequential has been provided, as required by NPPF paragraph 173-175 and associated NPPG.

The relevant Flood Risk and Habitats Sites policies of the NPPF provide strong reasons for refusing the development within the context of Paragraph 11(d). Therefore, for the reasons outlined above and

discussed below, the presumption in favour of sustainable development does not apply and the 'tilted balance (11(d)(ii))' is not applicable to this proposal as it is foreclosed by 11(d)(i).

CHARACTER & DESIGN

The proposals include two primary components, these being the proposed alterations to the existing dwelling and the proposed dwelling. The proposals would result in two detached 1.5-storey dwellings of matching but mirrored appearance.

The proposed dwelling would maintain the building line of the existing dwelling and the street, and the scale and bulk of both units would remain commensurate to their respective plots and in keeping with the varied but predominantly 1 and 1.5-storey dwellings that front Pagham Road in the more immediate vicinity.

There is a varied material palette along Pagham Road. Limited details regarding the materiality of the proposals have been provided, noting facing brickwork and plain tiles to match within the application form. The existing dwelling features white render, so it is unclear what facing brickwork would be matched, and the visual appearance of the materials overall is unclear. Nonetheless, subject to conditions, these details could be sufficiently controlled.

The proposals include front porches, rooflights, modest rear dormers, and single storey rear extensions. All of which can be seen within the locality and would not result in any harm to the visual amenities or character of the area.

The proposed dwelling is to be 1m from the southwest site boundary and approx. 2m from the existing dwelling as a result. While dwellings along Pagham Road tend to have greater separation between them, this separation would not be significantly harmful to the visual amenities of the area given the proposal would result in the units reading as a distinct visual pair.

The proposal would introduce a new access to the front of No. 44 and reuse the existing access point for the new dwelling. Limited details of the proposed driveways and access arrangements have been provided. Pagham Road features a variety of front gardens/driveways, all of which access onto Pagham Road from the frontage. To ensure the front driveways/gardens were designed appropriately, conditions could have been attached requiring details of the proposed hard and soft landscaping to the front of the plots, alongside details of the access arrangements as requested by WSCC Highways.

The submitted BNG assessment has assumed (but doesn't confirm) that the front amenity spaces would be entirely hardstanding, and it notes a net loss of 13.73% of hedgerow units. The proposals seek partial removal of the front hedgerow serving the current site to enable vehicular access. Specific details of the hard and soft landscaping and boundary treatments on site could have been secured by way of condition and reflected harmoniously in the finalised statutory biodiversity net gain details. The partial removal of the front hedgerow for access is acceptable.

As this application is recommended for refusal, the applicant is advised that it should provide more thorough details of the front amenity space/driveways on the plans should a further submission be sought.

The proposals do not provide sufficient parking for the intensity of development. Each unit is to have 4 No. bedrooms and would require three parking spaces as a result. The proposals are in shortfall of two parking spaces, and as such, are likely to require the parking of two cars on the adjacent streets. Dwellings along Pagham Road are predominantly set back with generous plots, allowing for necessary parking provisions to be accounted for on site. There is a notable lack of persistent on-street parking as a result, and the proposals would be in conflict with this character as a result.

While the proposals, subject to conditions, are predominantly in accordance with ALP policies D SP1 and D DM1, they are in conflict with these policies due to the requirement for on-street parking which is incongruous with the prevailing character of the area.

QUALITY OF ACCOMODATION

Both the existing and proposed dwellings would be altered and constructed to include 4 No. bedrooms per dwelling with double-beds, assumed to be 4 No. bedroom 8-bedspace units. Under the nationally described space standards, each unit would require 124sqm of internal floor area. Each unit has approx. 170sqm and the internal dimensions of each bedroom exceed the relevant widths and areas.

The proposal complies with ALP policy D DM2.

Section H.04 of the Arun Design Guide identifies minimum rear amenity space depth requirements, and minimum spatial measurements for new dwellings and their relationship to other buildings. This section states a minimum 10.5m rear garden depth is required for new dwellings, with smaller quantities being possible where justified provided adequate daylight and privacy remain. Both of the units have rear amenity spaces of sufficient depth and functionality for the occupants.

The first-floor bedrooms of the existing dwelling and the first-floor bedroom to the southeast side of the proposed dwelling do not benefit from sufficient outlook and light accessibility as they feature side windows only and are, or would be, met by neighbouring built form in close proximity. These windows, for the reasons outlined in the neighbouring residential amenity below, would need to be, but could not be, conditioned to be obscure glazed and non-opening without being unacceptably detrimental to the amenity of occupiers. Furthermore, the limited outlook of these rooms would not provide any meaningful contribution to amenity and with the exception of that to the northeast elevation of the proposed dwelling, would have limited light accessibility due to the proximity and alignment of neighbouring built form.

The proposals include 2 No. parking space, which would be a shortfall of 1 No. parking space per dwelling in accordance with the Arun Parking Standards. It would not be reasonable nor desirable, and it would be disruptive to vehicular movements, for occupiers to park along Pagham Road (Class C), and other nearby roads are private and/or not in view from the site. This shortfall in parking provisions and resultant need to park two vehicles offsite would afford be harmful to the amenity of the occupiers.

The proposal is in conflict with ALP policy QE SP1.

NEIGHBOURING RESIDENTIAL AMENITY

Sections J.02 & H.04 of the Arun Design Guide identify minimum separation distances between dwellings so as to ensure adequate external space standards are met and preserve the residential amenity of neighbouring residents.

The existing dwelling would remain in the same location and would not increase, in terms of scale and bulk, in any substantial way that would be to the detriment of the immediate neighbouring properties, existing and proposed. Therefore, there would be no significantly adverse impacts by way of overbearing or overshadowing on neighbouring properties. The introduction of rooflights and a rear dormer would introduce new first-floor viewpoints, which, would allow peripheral and high-level views toward the rear amenity spaces of the neighbour to the southwest and the proposed dwelling. However, the views would be long, oblique views which would not be unexpected in an urban area. There would be no significantly adverse overlooking impacts on neighbouring properties from the front and rear first-floor openings to be introduced on the existing dwelling.

As outlined previously, the proposed dwelling is to be situated 1m from the southwest site boundary and

approx. 2m from the existing dwelling as a result. The openings proposed to the northeast elevation of the existing dwelling, and the southwest elevation of the proposed dwelling would, consequently, be met by the neighbouring elevation in very close proximity. The outlook and light accessibility of these openings would be very limited. At ground floor, these openings serve either non-habitable spaces, are the access door, or are supplemented by sufficient unobstructed windows on the rear elevation. They would also be met by the existing tall wooden fencing to the boundary. The first-floor openings, however, would be approx. 2m from each other, directly aligned, and serve habitable rooms. This would result in unacceptable inter-overlooking if the windows were not conditioned to be obscured and non-opening, and to condition the windows, accordingly, would be unacceptably detrimental to the amenity of their respective occupiers due to the lack of alternative openings serving these rooms.

The first-floor side window proposed on the southwest elevation of the existing dwelling would have limited separation to the neighbouring dwellings and provide oblique views over and toward the rear amenity space of the neighbour to the south. It is the sole window serving this bedroom and would be the primary focus of any outlook as a result. In contrast to the rear dormer, the oblique views this window would offer would be toward and over the area and the neighbours garden that is closer to the rear elevation of the dwelling (the patio area). While views would be partly obscured, they would be focussed closer to the rear elevation where privacy has greater value. There would also be close, downward views into the windows at ground floor of the neighbouring dwelling which would be unduly oppressive.

The proposed first-floor side window on the northeast elevation of the proposed dwelling would also have direct, elevated, and obstructed views into and over the private rear amenity space of No. 2 Sea Way. As outlined above, conditions cannot be applied to these windows without unacceptable impacts to the amenity of the occupiers.

The spatial relationship of the proposed dwelling to No. 2 Sea Way is non-standard owing to the orientation and plot layout of No. 2. Under applications P/106/15/PL & P/81/16/PL, a bungalow of similar footprint and comparable location (not including the proposed rear extension component), was found to have an acceptable spatial relationship to No. 2 Sea Way. The current proposals are materially different in that they are of 1.5-storeys, and the proposed dwelling includes a single storey gable ended rear component. This component would virtually meet the northeast site boundary shared with No. 2. Owing to its proximity, height, and relationship with neighbouring ground-floor windows at No. 2 Sea Way, would have an unacceptably adverse overbearing impact on the residential amenity of No. 2. It is suggested, that should a revised scheme be sought, that this component is omitted to remove these harms.

Overall, the alterations to the existing dwelling would not result in any unacceptable overbearing or overshadowing impacts on neighbouring properties. The proposed dwelling however, by virtue of its rear extension component and its proximity to the shared, northeast boundary and No. 2 Sea Way, would have an unacceptable overbearing impact on No. 2 and be unacceptably detrimental to the residential amenity of its occupiers.

The proposed first-floor side windows serving bedrooms have unacceptable overlooking impacts on neighbouring properties and between the existing and proposed dwellings. Owing to the lack of alternative/additional openings serving these bedrooms, it would not be possible to condition these windows to be obscure glazed and non-opening.

The proposals would have unacceptably detrimental impacts on neighbouring residential properties and the existing and proposed dwellings in conflict with ALP policies D DM1 and QE SP1.

BIODIVERSITY AND ECOLOGY

The proposal is a residential development within Pagham Harbour Zone B where a contribution of £962 per new residential unit is required to mitigate recreational pressures within the Pagham Harbour SPA

that may arise from the construction of new residential units. In this case, the application is recommended for refusal, but it would have been necessary to secure the financial contribution via a S.106 agreement to mitigate against the potential impacts by way of recreational pressure on Pagham Harbour had the application been recommended for approval.

Arun District Council are required to carry out an Appropriate Assessment (AA) where appropriate to assess the impact of the proposal on the Pagham Harbour Special Protection Area (SPA). Given the scale of the existing building and proposals and the dense urban grain of the area, this proposal would not incur any direct harms to the SPA, and impacts would be limited to potential recreational pressures arising from the development for which the appropriate funds for recreational disturbance mitigation could have been secured by S.106 agreement. Officers and the ADC Ecologist conclude that no further Appropriate Assessment would have been required if the relevant funds had been secured.

The proposal is within the 2km Buffer for of two Sites of Special Scientific Interest (SSSI), Pagham Harbour, and Bognor Reef. Subject to the relevant funds for the mitigation of recreational pressures and given the urban grain of the area and the limited scale of development, the proposal would not have had any detrimental impact on these SSSI.

Subject to successful completion of the S.106 agreement the proposal would have been in accordance with relevant policies, but until such a time, the proposal is in conflict with ALP policies ENV SP1, ENV DM1, and ENV DM2.

The proposals do not meet any relevant exemptions and are subject to Statutory Biodiversity Net Gain, which requires a measurable 10% net gain in biodiversity. Since the existing and resultant plot(s) are and would remain entirely private residential gardens, the proposals would not be able to ensure long-term maintenance of the 10% biodiversity net gain required, and achieving it on site, is difficult due to the baseline value afforded to private residential gardens. As a result, the proposals would need to achieve a 10% net gain in biodiversity offsite by way of credits.

No definitive and detailed site plan has been provided, but the submitted BNG assessment has assumed that hardstanding would cover the full front amenity spaces, down the sides of the properties, and to an area of patio for each dwelling. A reasonable assumption but the finalised biodiversity net gain details and values would have needed to of been confirmed through the harmonious submission of hard and soft landscaping/boundary treatment and the statutory biodiversity net gain details pursuant to the discharge of relevant conditions.

ALP policy ENV DM5 requires a biodiversity net gain on site, and the Local Planning Authority would have accepted that, within this context, this could have been achieved by way of ecological enhancements such as Swift and Bat boxes integrated within the proposed development. This could also have been secured by way of condition and ensuring compliance with ALP policy ENV DM5 as a result.

TRANSPORT & PARKING

The proposal is in a sustainable transport location and WSCC Highways have raised no objections, subject to conditions, regarding the safety of the proposed access arrangements despite the limited detail provided upfront in this respect. They have identified a shortfall of parking provisions as 4-bedroom properties in this area would require 3 No. parking spaces as outlined by the WSCC Parking Standards, which is corroborated by the Arun Parking Standards. WSCC Highways have not raised this as an issue of highway safety concern but have identified that the Local Planning Authority may wish to consider this in terms of amenity. As discussed in the residential amenity section, the shortfall would be detrimental to residential amenity.

The provision of EV Charging points (1 per dwelling) and suitable secure cycle parking provisions (2 No.

cycles per dwelling) could have been secured by suitably worded conditions, as could the proposed access arrangements.

Whilst the proposal is in conflict with the Arun Parking Standards SPD, and ALP policy D DM1 as a result, the proposals would have been in accordance with ALP policy T SP1, subject to conditions. The shortfall of one parking space does not result in a reason for refusal as this could be accommodated on-street nearby.

FLOOD RISK & DRAINAGE

The site is located will be located within Flood Zone 3 in the future (2111) when accounting for climate change. The lifetime of new residential development is assumed to be 100 years in accordance with NPPG Paragraph: 006 Reference ID: 7-006-20220825.

Paragraph 11(d) of the NPPF states 'where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.'

Paragraph 11(d)(i) of the NPPF refers to Footnote 7 which states 'The policies referred to are those in this Framework (rather than those in development plans) relating to... areas at risk of flooding...'

Footnote 63 of the NPPF states 'A site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3. In Flood Zone 1, an assessment should accompany all proposals involving:... land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use...' This requirement is reiterated by ALP policy W DM2 and NPPF Paragraph 181.

No Sequential has been provided as required by NPPF paragraph 173-175, associated NPPG, and ALP policies W SP1 and W DM2. As a result, there has been no assessment of reasonably available, sequentially preferable sites at no or lower risk of flooding. The relevant Flood Risk paragraphs and policies, therefore, provide a strong reason for refusing the development in the context of Paragraph 11d of the NPPF.

The proposal has been supported by a Flood Risk Assessment (FRA) but it fails to recognise that the site will be in Flood Zone 3 in the lifetime of the development when accounting for climate change. It also fails to propose significant/meaningful flood risk mitigation measures backed by relevant predicted flood levels. It is anticipated that accounting for future Flood Zone 3 flood levels when accounting for climate change would significantly influence the development in terms of floor levels and/or sleeping accommodations but in the absence of an objective and accurate assessment of this risk coming to alternative conclusions, there is an unacceptable risk of flooding to the development and occupiers.

In respects of groundwater flooding, the FRA acknowledges this risk on site and proposes a construction method that may aid in remediating flood damages but refers the reader to the development drawings for further mitigation measure details. The drawings are absent of any such details.

The submitted FRA does not sufficiently assess, address, or subsequently mitigate, against the flood risk context of the site, and therefore, it does not demonstrate that the development would be safe for its

lifetime in conflict with NPPF paragraph 170 and ALP policy W DM2. This too, is a strong reason for refusal in the context of Paragraph 11d of the NPPF.

The proposal is not in accordance with relevant Paragraphs of the NPPF, Policies W SP1 and W DM2 of the ALP, or the NPPG.

The proposals have been accompanied by proposed Surface Water Drainage details, but these have not been supported or informed by relevant groundwater investigations to appropriately assess the likelihood of infiltration being viable on site, nor has it demonstrated how or whether the proposed alternative discharge location (minor watercourse approx. 15m north of the site) would be viable. The proposal involves the construction of 1 No. dwelling (and extensions to an existing), however, the site is not within the Lidsey Wastewater Treatment Catchment Area, and subsequently, at this time, this scale of development does not meet the Local Planning Authority's consultation requirements for the Drainage Engineers to review the scheme. Surface water drainage details would be addressed during the Building Regulations stage had the proposals been approved. It is noted that the proposals were intent on including permeable paving and soakaways in accordance with ALP policy W DM3.

ENERGY EFFICIENCY & CLIMATE CHANGE

Policy ECC SP2 of the ALP requires all new residential and commercial 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. The inclusion of energy efficient materials such as double glazing is expected, and to ensure that adequate decentralised, renewable, and low carbon energy supply systems are provided, a condition would have been attached to any approval.

Subject to the relevant condition, the proposal would have been in accordance with ALP policy ECC SP2.

WASTE COLLECTION

The proposals would have had sufficient space to accommodate bin storage facilities to the front of the site, details of which could have been secured by way of condition to ensure they align with the recommendations of Section H.07 of the Arun Design Guide and ALP policy D DM1.

Such waste facilities would have also had sufficient and convenient access to the highway for kerbside collection in accordance with policy WM DM1 of the ALP.

SUMMARY

The proposal has failed to identify and assess any reasonably available, sequentially preferable, alternative sites at no or lower risk of flooding within the lifetime of the development in conflict with NPPF paragraphs 173-175, associated NPPG, and ALP policies W SP1 and W DM2.

The proposal has failed to appropriately and fully assess and mitigate against both the present and future flood risk constraints of the site, resulting in a failure to ensure the proposals would be safe from flood risk for the lifetime of the development in conflict with NPPF paragraph 170 and ALP policy W DM2.

The proposals would result in unacceptable impacts to the residential amenity of neighbouring properties and both the occupiers of the existing and proposed dwellings by way of either overbearing or overlooking, respectively, in conflict with ALP policies D DM1 and QE SP1.

Due to the lack of a completed S.106 agreement at the time of determination, the application fails to make the required financial contribution towards the cost of mitigating against recreational pressures to

the Pagham Harbour SPA that are likely to arise as a result of the development in conflict with ALP policies ENV SP1, ENV DM1, and ENV DM2.

For the reasons outlined above, and as the presumption in favour of sustainable development is disapplied, the proposals are in conflict with relevant Development Plan policies and it is, therefore, recommended for refusal.

HUMAN RIGHTS ACT

The Council in making a decision, should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (Right to respect private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

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

RECOMMENDATION

REFUSE

- 1 The proposal has failed to identify and assess any reasonably available, sequentially preferable, alternative sites at no or lower risk of flooding within the lifetime of the development in conflict with NPPF paragraphs 173-175, associated NPPG, and ALP policies W SP1 and W DM2.
- 2 The proposal has failed to appropriately and fully assess and mitigate against both the present and future flood risk constraints of the site, resulting in a failure to ensure the proposals would be safe from flood risk for the lifetime of the development in conflict with NPPF paragraph 170 and ALP policy W DM2.
- 3 Due to the lack of a completed S.106 agreement at the time of determination, the application fails to make the required financial contribution towards the cost of mitigating against

recreational pressures to the Pagham Harbour SPA that are likely to arise as a result of the development in conflict with ALP policies ENV SP1, ENV DM1, and ENV DM2.

- 4 The proposal does not benefit from sufficient parking provisions, resulting in conflict with the Arun Parking Standards SPD and a need to park on-street within the area which is harmful to both the residential amenity of occupiers and to the character of the area in conflict with ALP policies D SP1, D DM1, and QE SP1.
- 5 The proposals would result in unacceptable impacts to the residential amenity of neighbouring properties and both the occupiers of the existing and proposed dwellings by way of either overbearing or overlooking, respectively, in conflict with ALP policies D DM1 and QE SP1.
- 6 **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.