

Recommendation Report for Planning Permission

REF NO: P/124/25/PL

LOCATION: Land to East of Commonmead Barn
Pagham Road
Pagham
PO21 3PY

PROPOSAL: 2 No single storey detached dwellings (with accommodation in the roof space) along with associated car and cycle parking (resubmission following P/9/24/PL). This application is a Departure from the Development Plan and is in CIL Zone 5 and is CIL Liable as new dwellings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks to construct 2 No. single storey detached dwellings with accommodation in the roof space along with associated car and cycle parking.
SITE AREA	2178 sqm
RESIDENTIAL DEVELOPMENT DENSITY (NET)	9.2 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	There are no trees in the central parts of site, trees and hedging are found to the boundaries of site. In particular immediately adjacent to the northern boundary there is a mature tree line.
BOUNDARY TREATMENT	Predominantly thick conifer hedging 4-5m in height.
SITE CHARACTERISTICS	The site comprises open grassland formerly used for agriculture, though this use appears to have ceased some time ago due to its separation from larger farmland areas. Recently, planning permission was granted for storage containers in the south-west corner for vehicle and boat storage, repair, and agricultural purposes.
CHARACTER OF LOCALITY	Semi-rural location with a single access drive. New-build residential estate under construction to the east of Pagham Road.

RELEVANT SITE HISTORY

P/9/24/PL	Construction of 3 No. two storey dwellings along with associated car and cycle parking. This application is a Departure from the Development plan, may affect the setting of a Listed Building, is in CIL Zone 5 and CIL liable as new dwellings.	Refused 04-04-24
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P/9/24/PL - This application was a previous iteration of the scheme for 3 No. two-storey dwellings. It was refused on surface water drainage grounds, appealed, and dismissed on surface water drainage and heritage grounds.

REPRESENTATIONS

Pagham Parish Council - No objection.

3 letters of objection:

- Concerns regarding onsite treatment of effluent and its discharge to the watercourse.
- Identifying the culvert on site as a flood prevention measure serving the pond to the northeast.
- Concerns that use of the culvert increases flood risk on site and elsewhere.
- Watercourse downstream is owned by the neighbours.
- Concerns regarding potential pollution of the watercourse downstream.
- Noting Ordinary Watercourse Consent will not be granted by the owners.
- Noting the Ecological Impact Assessment does not address the foul water discharge.
- Concerns the increase of impermeable areas will increase flood risk and noting current wet conditions.
- Reference to restrictive covenants.
- Identifying the site is within countryside.
- Concerns regarding the loss of agricultural land.
- Concerns the proposal urbanises the site.
- Concerns regarding property values.
- Concerns regarding noise from the residential use.
- Concerns regarding local infrastructure capacity and 300 new homes adjacent.
- Concerns regarding the Listed Building adjacent.
- Concerns regarding the Pagham Harbour reserve.

Applicant response to representations:

- The foul water discharge scheme adheres to the general binding rules set out by the Environment Agency for small discharge to surface water.
- All treated water will flow in the other direction from the neighbour's pond.
- The culvert is the responsibility of the applicant as landowner.
- Rookery Farmhouse is the Riparian owner of the watercourse which runs through their land. West Sussex County Council have confirmed that any connecting structure to a culverted ordinary watercourse will require ordinary watercourse approval from WSCC and not the neighbouring property or Southern Water.
- The water from the pond flows from within the curtilage of Rookery Farmhouse, through the application site via culvert, and to another watercourse within the applicant's ownership.
- The UNDA Flood Risk Assessment is based on up-to-date NPPF and EA Guidance with allowances for climate change.
- The surface water drainage strategy ensures there will be no increase in flood risk from the development on site or elsewhere.
- Consider the proposals to be a sympathetic scheme which is reflective of the existing rural pattern of development in the immediate area.
- Consider that the proposals would not result in any harmful impact on the residential amenity of neighbouring properties.
- The Council has accepted that there is no immediate prospect of agricultural use taking place on this limited and segregated parcel of land.
- Financial contributions secured through Community Infrastructure (CIL) would fund local services and facilities.

- The proposal would be seen in the context of the existing and emerging pattern of development in the area.
- The application is accompanied by a detailed Heritage Statement which concludes that the proposals would not have any impact on the heritage significance of Rookery Farmhouse nor would they impact negatively on the positive contributing elements of setting.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. All relevant planning matters are considered below. For clarity, property values and covenants are not material planning considerations and cannot influence the determination of this application.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC Highways:

- 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.
- Conditions for cycle and car parking suggested.

Environmental Health - No objection:

- Unexpected contamination, building services and plant, and EV charging point conditions suggested.

Ecology - No objection:

- Provision of offsite credits required.
- The EIA has assessed impacts of this proposal on protected species and identified no impacts. No further surveys are required.
- The EIA recommends ecological enhancements which should be secured by condition.

Natural England - Further information required:

- This development is within the zone of influence for recreational pressure impacts to one or more European Sites (Pagham Harbour).
- Recreational pressures, when considered either alone or in combination with other developments, will have a likely significant effect on the qualifying features of the European Site.

Southern Water:

- Suggesting consultation with Portsmouth Water as they are the water supplier for this area.
- General advice relating to SUDS, Southern Water Assets and planting.
- Suggesting the Lead Local Flood Authority and Council's technical staff should comment on the adequacy of the surface water discharge proposals.
- Applicant should comply with surface water hierarchy reflected in part H3 of the Building Regulations.
- Condition requiring approval of surface water run off disposal in accordance with Part H3 of Building Regulations hierarchy as well as acceptable discharge points, rates and volumes requested.
- Condition requiring approval of landscaping details in consultation with Southern Water requested.
- Advising that the Environment Agency should be consulted regarding the proposed effluent disposals.

Drainage Engineers - Objection:

- Objections relating to National Standards for SUDS (NSfS) 1, 2, 3, 5, 6, and 7.
- Infiltration drainage is unviable due to peak groundwater levels being within 1m from the base of proposed infiltration features. The runoff destination is, in part, not in accordance with the requirements

of the NSfS.

- The 3m easement between the culverted watercourse and the buildings is not shown and may conflict.
- The future year flood level at the site is not known, but due to the position on the edge of the extreme future flood zone, the risk of internal flooding to the dwellings will be low and we do not object on flood risk grounds.
- The report notes connection to the exiting culverted ordinary watercourse at a peak rate of 2l/s. This peak outflow rate is arbitrary and not restricted to greenfield runoff rates in conflict with the NSfS.
- A drained areas plan should be provided.
- Urban creep allowance is incorporated into the model simulations.
- Infrastructure within the permeable paving storage may reduce available capacity and any significant chambers and utilities margin should be removed from the plan area / volume calculation.
- The mitigation provided by the bioretention installations and permeable paving (including when lined) is sufficient to mitigate the risk of pollution.
- There is no proposition or assessment of amenity/multifunctionality within the SUDS proposals. While opportunities may be limited, this aspect should be considered and incorporated where feasible. If no feasible option exists, a departure from the NSfS should be requested.
- No mitigation or design is proposed for biodiversity, and no assessment of this aspect within the SuDS is provided. While opportunities may be limited, this aspect should be considered and incorporated where feasible. If no feasible option exists, a departure from the NSfS should be requested.
- An outline Management and Maintenance Plan should be provided within the planning application, incorporating information on ownership and management responsibilities for shared infrastructure.
- This is not a holding objection or a request for further information. The imposition of conditions at this stage rather than overcoming the objection could result in conditions that cannot be discharged which may make the permission invalid or that condition could be deemed to be unreasonable.

Conservation Officer:

- The proposal will not impact the setting of Nyetimber Windmill and will not harm its significance.
- The development will cause less than substantial harm (on the lower end of the scale) to the setting of Rookery Farmhouse.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. For clarity, the proposals do not meet the consultation thresholds/requirements for the Environment Agency nor Portsmouth Water to be consulted on this application. Further, matters of compliance with Building Regulations are dealt with under their own legislation.

POLICY CONTEXT

Designation applicable to site:

Outside the Built-up Area Boundary.

Potential susceptibility to Groundwater Flooding ($\geq 75\%$).

Pagham Harbour Zone B.

500m Buffer for a safeguarded waste site (Sefton Farm).

Settlement Gap (Bognor Regis - Chichester).

2km Buffer for Site of Special Scientific Interest (Bognor Reef).

CIL Charging Zone 5.

DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
DSP1	D SP1 Design

LANDM1	LAN DM1 Protection of landscape character
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
ENVSP1	ENV SP1 Natural Environment
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVDM2	ENV DM2 Pagham Harbour
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HERSP1	HER SP1 The Historic Environment
HERDM1	HER DM1 Listed Buildings
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development
WSP1	W SP1 Water
WDM3	W DM3 Sustainable Urban Drainage Systems

West Sussex Waste Local Plan 2014:

West Sussex Waste W2 Safeguarding Waste Management Sites

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

PDS	Pagham Parish Council's Village Design Statement by PaghamPC
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 is considered to comply with relevant Development Plan policies in that it would represent an acceptable design of development with acceptable provisions and amenity for residents and neighbours.

The proposal is in conflict with relevant Development Plan policies in that it has not been adequately demonstrated that there are no reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding, nor has it been supported by an adequate surface water drainage design that demonstrates it would not increase flood risk on-site or elsewhere.

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.

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:
"In considering whether to grant Listed Building Consent for any works, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

The proposal conflicts with these criteria in that it would result in less than substantial harm (on the lower of the scale) to the setting of a Grade II Listed Building.

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 26.84% in habitat units.
- Loss of 55.56% in Hedgerow units.
- Provision of offsite BNG units is required.

CONCLUSIONS

PRINCIPLE

The Development Plan currently comprises the Arun Local Plan (ALP) and the West Sussex Waste and Minerals Plans. Pagham has no made Neighbourhood Plan.

Arun Local Plan (ALP) policy C SP1 states that in locations outside the Built-up Areas Boundary (BUAB), development will only be permitted for a defined list of countryside uses. This proposal does not accord with any of the criteria.

The provisions of ALP policy C SP1 therefore, preclude residential development on the application site. The principle of development on the site is contrary to the development plan, however, given the Council's lack of a 5-year housing supply this policy is afforded reduced weight as it is considered out of date.

The NPPF is a material consideration in determining applications as is the Council's lack of a 5-year HLS. The NPPF sets out a presumption in favour of sustainable development (Para 11(d)) which for decisions, means, 11(d) 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.

Footnote 7 to i) includes in a list of protected areas as "areas at risk of flooding".

The application falls to be determined in the context of 11d(i) of the NPPF whereby the presumption in favour of sustainable development is not applied due to concerns of flood risk as outlined within the report below.

DEVELOPMENT WITHIN THE SETTLEMENT GAP

ALP policy SD SP3 seeks to prevent development in the defined gaps between settlements, in this instance the Bognor Regis/Chichester gap. Development will only be permitted where it does not undermine the physical or visual separation of settlements, the integrity of the gap and cannot be located elsewhere.

The development will not visually or physically undermine the integrity of the gap as when compared to the recently approved developments, which are a material consideration in this instance, 2 No. additional dwellings will have limited impact. This impact would be further reduced given it is surrounded by other proposed and existing development, and mature boundary planting. The development will not undermine the separation of the settlement as there would remain significant levels of open space to the north and north-west of site.

The proposal is in accordance with ALP policy SD SP3.

CHARACTER AND APPEARANCE

The proposal is for 2 No. 1.5-storey dwellings with gable-ended pitched roofs and offset eaves heights. They would be constructed of flint with brick quoins to ground floor, decorative string courses, timber cladding to the gable ends, and would feature exposed rafters, flat porch canopies, and clay/slate tiles to the roofs. The intended design character of the proposals is to draw from and assimilate the design of Commonmead Barn adjacent, a converted barn, to achieve a more organic design and help the proposals sit more comfortably within the semi-rural agricultural context of the area. The offset orientation of the plots also appears to be a slight design choice that seeks to give a sense of a more informal layout to the development, a feature typical of more rural settlements.

Windows have been identified as being of the same style as Commonmead Barn, but no description of the materials/finishes are given. Additionally, reference to different colour palettes for the two dwellings is given and identified as something that will be established at a later date to give differentiation between the dwellings. It is unclear what the differing colour palette would refer to except for the roof materials, but in any event conditions would have been attached to give further control and assurance over the quality and aesthetic of the finalised details. The Conservation Officer has made it clear that the quality and nature of these materials are essential to achieve the intended 'barn-conversion' design proposed.

As such, the use of traditional flints (not flint blocks), timber windows, and handmade clay tiles for example, will likely be required to achieve a successful design.

The dwelling designs and layout are acceptable and would be served by a straight access drive from the existing vehicular access point, which is logical. Separate cycle shelters and ASHP enclosures are proposed adjacent to the sides of each plot and to the rear of their proposed parking, alongside low, post and rail fencing, which are all acceptable.

Each plot benefits from generous rear and side amenity spaces, resulting in an acceptable overall density of the development.

As the site is well screened by mature planting, and situated between existing and proposed built development, there would be no unacceptable impacts on the wider landscape character.

The proposal is in accordance with ALP policies D SP1, LAN DM1, and D DM1.

RESIDENTIAL AMENITY

Each unit benefits from internal floor areas and room dimensions that exceed the minimum requirements for 2-storey, 3-bedroom units. Each bedroom is served by a window and rooflights, and overall, each unit would provide ample residential amenity from its internal spaces.

Both plots benefit from generous rear gardens. With both having depths above the 10.5m minimum outlined in Section H.04 of the Arun Design Guide (ADG), dependant on where this is measured, and both also have significant width. The rear/side amenity spaces would provide sufficient opportunity for enjoyment by the intended occupiers. The proposed street scenes, however, identify the use of low, post and rail fencing. Whilst this is fitting for the character of the area, it may not provide sufficient privacy between the units. It is expected that taller, close boarded fencing may be preferred between the gardens by future residents. In any event, the street scenes are indicative only, and the detail of the fencing is otherwise unspecified at this time. A condition would have been attached to secure finalised details of the boundary fencing to plots 1 and 2 outlined on the proposed block plan (PL 103).

The proposed ridge height of the dwellings is approx. 7.1m, and each unit is a minimum of 7m from the eastern boundary of the site, beyond which resides the closest residential properties. Given the modest height of the properties, the retreat of the roof forms at first floor, the near equivalent distance to the eastern site boundary, and the substantial, mature planting to nearly the full perimeter of the site, there would be no unacceptable impacts on neighbouring residential properties by way of overbearing, overshadowing, or overlooking.

There would be some impact on neighbouring residential amenity by virtue of the residential use of the properties and associated residential activity in closer proximity than at present, but such activity is inevitable, and the proposed units are not unduly large or so close such as to warrant particular concern.

The proposal is in accordance with ALP policies D DM2 and QE SP1.

HERITAGE

The site is located immediately to the south of a Grade II Listed Building and as such, it will impact its setting.

ALP policy HER DM1 relates to Listed Buildings and states that proposals must preserve and if possible, enhance, the historic character, qualities and special interest of the building, and not be detrimental to the historic integrity of the building's exterior or interior and, where possible, enhance the setting of the building. ALP policy HER SP1 requires designated heritage assets and their settings to be conserved

and enhanced in a manner appropriate to their significance.

Chapter 16 of the NPPF relates to the identification and assessment of the significance of the heritage assets and potential impacts developments may have on the significance and/or their setting. It sets out the procedures for considering harms developments may have on the significance/setting of heritage assets.

Paragraph 200 of the NPPF requires the applicant to describe the significance of the Heritage asset affected by development. A Heritage Report has been provided. It demonstrates that Rookery Farmhouse and its grounds, situated to the northwest and sharing the northern boundary with site, is a Grade II Listed Building. There are historical links between the application site and the farmhouse, and the report goes on to identify that due to the planting situated between the application site and the farmhouse, there is limited visibility between the two, and thus, the sites now act as two separate entities. Nyetimber Windmill is another Grade II Listed Building located 200m to the south of site. There is limited inter-visibility between the structures and as such, the report concludes that the proposed development would not impact the windmill.

Para 201 requires the Local Planning Authority to identify and assess the significance of any asset affected by development. The farmhouse is an 18th Century multi-yard farmstead which is of vernacular, architectural, and historical significance. There is a continued relationship between the farmhouse and the remaining farmland to the north and west, however, due to the subdivision of the land and ancillary farm buildings to the south forming standalone converted dwellings, the significance has lessened. Nonetheless, the buildings to the south and southeast (the other historic farm buildings) form part of the historic farmstead and are non-designated heritage assets. The setting of the farmhouse consists of its garden, the collection of buildings to the east and south and their gardens, as well as the immediate field to the north and west of the farmhouse.

There are limited views of the application site from the farmhouse, its drive, and from the field to the north. The views from these positions are limited due to the presence of established trees, and the more recent installation of close boarded fencing (since the previous application). The proposal also includes the planting of native hedging to the northern boundary. Views of the application site are limited and those of the development itself would be of the upper parts of the dwellings as they crest the newly installed fencing/proposed planting and between the trees. Being a deciduous tree line means there will be times when intervisibility is greater. The application site contextually, and historically, forms part of the setting of the listed building and, therefore, makes some contribution to the setting of the listed building. Although the Heritage Report claims that the tree line to the northern boundary of the site provides a physical and visual barrier to development, views are possible through the tree line and these would be greater during the winter. The result would be that the upper levels of the development could potentially be seen in the context of the principal elevation of the listed building. This would contrast the existing situation where the site is undeveloped, and the principal elevation of the listed building is the dominant feature in this view.

There has been significant development surrounding the windmill since the 1980, as such its setting and the significance of such is greatly reduced from how it was once experienced within the landscape. It does still form a local landmark as the top of the mill is still visible from surrounding areas but the mill is now best appreciated from within its own site and as such, the development will not impact the setting nor the significance of this asset.

Whilst the proposal is in conflict with ALP policies HER DM1 and HER SP1 in that it would result in less than substantial harm to the setting of a listed building (on the lower end of the scale), these harms are outweighed by the public benefit of providing 2 No. additional houses in this location given the acute shortfall in the Council's 5-year HLS. This is in accordance with Paragraph 215 of the NPPF, and the

harms are not such that they warrant reason for refusal.

TREES

Policy ENV DM4 relates to the protection of trees. Informed by appropriate surveys, new development should be designed to have a comprehensive approach to trees, ensuring negative impacts are negated.

An Arboricultural Impact Assessment, tree schedule, and method statement have all been submitted with the application. The supporting information confirms that the trees and perimeter hedgerows are to be retained. One ornamental hedgerow would be removed, and some limited pruning is required to facilitate the development. Native hedge planting is proposed to the northern boundary to double as screening and compensatory planting.

Tree protection fencing is proposed during the construction of the development. The ADC Tree Officer has been unable to comment on the current application. They were, however, able to comment on the previous application and found no arboricultural grounds to resist the proposal. The submitted details are comparable to those received previously, and officers have not identified any significant concerns with the current information provided. All trees and perimeter hedgerows are proposed for retention, and measures for their protection have been identified.

Conditions would have been attached to secure the undertaking of the development in accordance with the relevant arboricultural information.

As such, the proposal is in accordance with ALP policy ENV DM4.

PARKING

The Arun Parking Standards SPD sets out guidance on parking provisions, and Part I of the ADG states that parking spaces should measure 2.5m by 5m. For a 3-bedroom property in Parking Behaviour Zone 2, 2 No. car parking spaces and 2 No. cycle parking spaces are required. The site plan shows 2 No. parking spaces that are 2.5m by 5m, and a cycle store for each property. Subject to the cycle stores being sufficient for 2 No. bicycles, this meets the minimum requirements and is in accordance with ALP policy T SP1.

The SPD also requires EV charging points to be provided for any new dwelling with a driveway/garage. These would have been secured by way of condition.

A vehicular turning point on site is also provided to aid with manoeuvrability on site.

2 No. additional households using the shared access lane is not expected to materially alter the existing access arrangements. As the lane is narrow, vehicle speeds are not anticipated to be excessive and as such, there is no concern over safety issues arising should pedestrians/vehicles meet. It is also noted that WSCC Highways have raised no objection on highways safety grounds.

The proposal is in accordance with ALP policy T SP1 and the Arun Parking Standards.

DRAINAGE and FLOODING

The recent update to Environment Agency (EA) mapping identifies this site as falling within Flood Zone 2 and 3 during the 2075-2125 cohort when accounting for climate change and is at potential risk of groundwater flooding according to the ADC Strategic Flood Risk Assessment. The site is otherwise in Flood Zone 1 at present and has no other known sources of flood risk.

The submitted Flood Risk Assessment (Produced by UNDA, and Dated: 18th November 2025), provides an informed assessment of both on-site and off-site flood risk. It is advised that the EA's recently updated

flood mapping does not provide location specific data on how the flood extents have been calculated, but updated tidal flood data for the Arun to East Head area that was produced in 2022 by JBA Consulting, was provided by the EA to inform the Flood Risk Assessment produced by UNDA. The Arun to East Head modelling accounts for climate change, is location specific for this area, and accounts for both the higher and upper end allowances. This recent and location specific modelling which has shown that the site would remain outside of the relevant flood extents by a significant margin in 2121. The report identifies that there would not likely be a significant difference between 2121 and 2125, and it is therefore, concluded within the report by UNDA that the site would remain outside of the relevant flood zones for the development's lifetime.

The latest EA flood maps (NaFRA2) are more up-to-date than the 2022 modelling utilised within the report, but the report gives rise to uncertainty that the NaFRA2 mapping is as accurate as the Arun to East Head modelling. The EA were contacted on the 19th of November 2025 and a response was requested in relation to the difference between the modelled mapping used by UNDA and the NaFRA2 mapping, but at the time of this determination, no response has been provided. As the proposals fall below the statutory consultation threshold for an EA consultation, they are not formally consulted under this application.

While the submitted FRA provides a convincing argument that the site would not be within the relevant flood zones up to 2121 and by extrapolation, 2025, ALP policy W DM2 is clear that development in areas at risk from flooding as identified on the latest Environment Agency flood risk maps will only be permitted where various criteria have been satisfied. This criteria includes, amongst other things, producing and meeting the requirements of the Sequential Test in accordance with the National Planning Policy Guidance, and producing a site-specific Flood Risk Assessment that demonstrates the development will be safe, including access and egress, without increasing flood risk elsewhere and reduce flood risk overall.

In the absence of confirmation from the EA that alternative modelling (such as that provided) should be used in favour of the new NaFRA2 flood maps for the application of relevant flood risk policies, the LPA must default to considering the mapping referred to by policy. This being the updated EA mapping (NaFRA2).

On this basis, while the Site-Specific Flood Risk Assessment does convey that the site would be safe from flooding for its lifetime, and infers that the site does not require a Sequential Test due to its absence from any relevant flood zones, it does so on the assumption that the modelling used is the appropriate mapping for which to plan and design the development rather than the latest EA flood maps. Without supporting data such as predicted flood levels for the future flood zones identified by the EA, it is also unclear that the proposed flood resilience measures would be sufficient to mitigate against flood risk in the future and ensure the development is safe for its lifetime. The Local Planning Authority must determine the application in line with the updated EA maps, which show the development as being within future flood zones, and on this basis, the proposal has not met relevant criteria within ALP policy W DM2 and the NPPF.

The applicant has submitted a surface water drainage design in support of the proposal. It has been reviewed by the Council's Drainage Engineers and they have resolved to object on a number of grounds. It is of note, that the applicant sought to provide an updated/revised drainage design, report, and details in response to an update to the Council's surface water drainage checklist that occurred shortly after the applications submission. This amended information came in following the completion of the Engineers' review, and whilst the pro-active approach to pre-empting concerns and revising the details is appreciated, preliminary checks saw that fundamental concerns identified within the original drainage design persisted with the proposed drainage scheme on the updated scheme. As such, the Local Planning Authority did not accept the further information for review and re-consultation and have

proceeded to determine on the basis of the original information submitted.

The proposed drainage scheme sought to make use of a mix of discharge to an on-site culvert and infiltration through permeable paving and bio-retention features. Winter Groundwater Monitoring confirmed peak groundwater levels at 1.02mBGL which, when accounting for a 1m freeboard as required by the National Flood Standards, effectively rules out infiltration methods on site. This includes the use of features such as permeable paving as part of the drainage strategy, as such, the paving should be tanked and accounted for within the drainage strategy. The proposed drainage strategy also includes a discharge rate of 2l/s which is unjustified, arbitrary, and significantly greater than greenfield runoff rates. Furthermore, multiple objections remain in respects of failure to account for achieving other national standards for SUDS, including, Amenity, Biodiversity, and Construction, operation, maintenance, decommissioning and structural integrity.

Overall, the surface water drainage strategy fails to adhere to the National Standards for SUDS and does not confirm that the proposed dwellings are deliverable without increasing flood risk on-site or elsewhere. The proposal, therefore, conflicts with ALP policies W SP1 and W DM3 and the NPPF.

The proposal has not been supported by a Sequential Test to confirm that there are no reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding, nor by a sufficient surface water drainage design to confirm flood risk will not be increased on-site or elsewhere. These harms constitute a strong reason for refusal and disapply the presumption in favour of sustainable development as set out by Paragraph 11d(i) of the NPPF.

ECOLOGY AND BIODIVERSITY NET GAIN

The application site has limited ecological value, and the proposal would involve the removal of an ornamental hedgerow that extends into the centre of the site, and some limited pruning of the southern hedgerow. To compensate for this, the proposal seeks to plant a native hedgerow to the northern boundary of the site. This is acceptable.

The development is subject to the requirements of statutory biodiversity net gain (BNG), and therefore, needs to achieve a net gain in biodiversity of 10%. The proposals would not be able to achieve this on site due to the nature of the plots and their extent. Private gardens cannot contribute beyond a set value to the on-site biodiversity calculation, and as such, offsite gains sufficient to provide a 10% BNG is required through the acquisition of offsite credits. Whilst it is preferable for gains to be secured on site, given the limited ecological value of the site at present, its constraints, and the nature and scale of the development, offsite credits are acceptable and would have been secured by way of condition.

The Preliminary Ecological Appraisal (PEA), which has assessed potential impacts on protected species at the site, has been reviewed by the ADC ecologist and no concerns regarding its conclusions have been raised. These conclusions being that the proposal will not impact any protected species. The PEA does set out recommendations for ecological enhancements, and these would have been secured by way of condition.

The proposal does not achieve a biodiversity net gain on site which is in conflict with ALP policy ENV DM5, but it is material that the proposal will achieve a biodiversity net gain offsite and overall, and the ecological enhancements on site, in addition to the new native hedgerow, will work to enhance the ecological viability of the site. The limited ecological value of the site at present is acknowledged, and the harm due to lack of an onsite biodiversity net gain overall is given limited weight.

The application site is within 2km of the Bognor Reef Site of Special Scientific Interest (SSSI). Given the limited scale and nature of the proposals, it would have no impact on the integrity of the SSSI in accordance with ALP policy ENV SP1 and ENV DM1.

ENERGY EFFICIENCY

Policy ECC SP2 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. It is acknowledged that Air Source Heat Pumps appear to be the preferred method in this case, but to ensure that adequate decentralised, renewable, and low carbon energy supply systems are secured, a condition to this effect would likely be attached to any positive decision.

The proposal is in accordance with ALP policy ECC SP2.

PAGHAM HARBOUR SPA/RAMSAR

ALP policy ENV DM2 requires residential developments in a 400m to 5km distance ('Zone B') of Pagham Harbour to make a financial contribution towards the mitigation of impacts to Pagham Harbour by way of resultant recreational pressures. A contribution of £962 per new unit is required. The site lies in the designated Zone B and the proposal results in a net increase of 2 No. dwellings. Therefore, a contribution of £1924 is required. This has been secured by way of a signed and completed S106 Unilateral Undertaking. Therefore, the proposal is in accordance with ALP policy ENV DM2.

WASTE SITE

Policy W2 of the West Sussex Waste Local Plan (WSWLP) seeks to prevent developments that would prejudice existing waste management sites or infrastructure that make an important contribution to the transfer of waste unless certain criteria are met.

The application site is within the outskirts of a 500m buffer zone from an existing safeguarded waste site (Seftor Farm), an on-farm anaerobic digestion plant. The proposal is for 2 No. additional residential dwellings amongst a cluster of existing residential properties. Given the intervening distance and the scale of the development, the proposal would not result in any disruption of the continued use of the site.

The proposal is in accordance with WSWLP policy W2.

SUMMARY

The proposal is situated within Future Flood Zones 2 and 3 within the 2070-2125 cohort when accounting for climate change and has not been supported by a Sequential Test to confirm that there are no reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. This is contrary to ALP policy W DM2 and Paragraphs 170, 173 and 174 of the NPPF. This conflict constitutes a strong reason for refusal and disapply the presumption in favour of sustainable development as set out by Paragraph 11d(i) of the NPPF.

Additionally, the proposed surface water drainage strategy fails to adhere to the National Standards for SUDS and does not confirm that the proposed dwellings are deliverable without increasing flood risk on-site or elsewhere. The proposal, therefore, conflicts with policies W SP1 and W DM3 of the Arun Local Plan and Paragraphs 181, 182, and 187 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.

SECTION 106 DETAILS

A financial contribution of £1924 is required to mitigate against the potential harms of recreational pressures arising from the development. This has been secured by way of S.106 agreement.

CIL DETAILS

This application is 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 a Sequential Test to confirm that there are no reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding in conflict with Arun Local Plan policy W DM2 and Paragraphs 170, 173, and 174 of the NPPF.
- 2 The proposed surface water drainage strategy fails to adhere to the National Standards for SUDS and does not confirm that the proposed dwellings are deliverable without increasing flood risk on-site or elsewhere. The proposal, therefore, conflicts with policies W SP1 and W DM3 of the Arun Local Plan and Paragraphs 181, 182, and 187 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. It has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. The Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.