

Recommendation Report for Planning Permission

REF NO: P/46/22/PL

LOCATION: 12 East Front Road
Pagham
PO21 4SU

PROPOSAL: Demolition and erection of 1 No dwelling with detached garage, hardstanding and landscaping. This application is in CIL Zone 4 and is CIL Liable as new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to demolish and erect 1No. dwelling and a detached garage in replacement of existing.
BOUNDARY TREATMENT	The site is open to the front to enable vehicular access. There is a fence and hedging to a height of 1.7m with the property stepped up behind.
SITE CHARACTERISTICS	The site is occupied by a chalet bungalow with a detached garage to the front boundary. The rear elevation fronts Pagham beach.
CHARACTER OF LOCALITY	The area is predominately residential.

None.

REPRESENTATIONS

Pagham Parish Council provided no objection.

1 letter of no objection received from nearby occupier

- The two windows and door facing my property would be looking directly towards the bedrooms, the building lines are very close as we have a path of less than 1m to that side of the property.
- Our property is registered as and has been run as a holiday let business. Demolition and building work would be noisy and therefore we would request that this work only permitted outside of the holiday season.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and addressed in the conclusion.

The proposal has a reduced number of windows than on the existing dwelling.

It would not be reasonable to restrict works on site to only half of the year.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

WSSC HIGHWAYS

The plans demonstrate parking provision for at least 2 vehicles on the retained hardstanding area and 1 vehicle parking space within the detached garage. There does not appear to be sufficient space on site for vehicles to turn and exit the site in a forward gear. However, the LHA anticipate that vehicles will be able to exit onto the publicly maintained highway in a forward gear and would not raise a highway safety concern to a lack of turn on site.

The plans do not demonstrate any secure and covered cycle storage to encourage sustainable methods of transport. Details of this can be secured via condition. The LHA does not consider that this proposal would have an unacceptable impact on highway. Apply conditions relating to electric vehicle charging and cycle spaces.

ENVIRONMENT AGENCY

Object. The FRA does not comply with the requirements for site-specific flood risk assessments.

A revised FRA was submitted. Additional comments received 25.5.22

The development will only meet the National Planning Policy Framework's requirements if planning conditions are included relating to level of finished floor.

DRAINAGE ENGINEER

Due to the scale, location, and type of application we have no conditions to request. Any alterations to surface water drainage must be designed and constructed in accordance with Building Regulations.

COASTAL ENGINEER

Objects. When assessing the proposal against the interim framework this application will fall into category 2 in which development is not permitted. Full comments are available to view online.

PARKS AND LANDSCAPE

Recommend no landscape objection to the proposals within this application P/46/22/PL.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built up area boundary

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
WDM4	W DM4 Coastal Protection
ECCSP1	ECC SP1 Adapting to Climate Change
WDM2	W DM2 Flood Risk
DDM2	D DM2 Internal space standards
ENVDM2	ENV DM2 Pagham Harbour
HERDM4	HER DM4 Areas of Character
TSP1	T SP1 Transport and Development
DSP1	D SP1 Design

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.

Pagham does not have a made Neighbourhood Plan.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal conflicts with relevant Development Plan policies in that the development would be in a location which is at severe risk of coastal flooding, contrary to policy ECC SP1 and W DM4 of the Arun Local Plan and relevant paragraphs of the NPPF.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that it would not have a materially adverse impact on the residential amenities of nearby properties nor would it have a significant adverse impact upon the established character of the surrounding area.

(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

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS**PRINCIPLE**

The site lies in the built-up area boundary where development is acceptable in principle as per policy SD SP2 of the Arun Local Plan (ALP) provided it is in accordance with other policies of the ALP covering such issues as flood risk, character/design, parking, residential amenity, and space standards.

Pagham does not have a made Neighbourhood Plan but does have a Parish Design Statement with the property located within the 'Beach Estate'.

DESIGN AND VISUAL AMENITY

The proposal seeks to demolish an existing dwelling and construct a replacement.

The street scene is comprised of dwellings that are mixed in character and appearance although are predominately single storey in nature.

The footprint of the dwelling largely replaces existing although it will increase in depth to the front. The ridge height will also slightly increase by 1m, with a steeper roof pitch. However, it does not result in the dwelling appearing unduly dominant in size upon the street scene and remains in keeping with surrounding properties retaining 18m to the front boundary. It also matches in height to the property at No.8.

The property is white rendered and the appearance will feature a more contemporary design with the use of grey metal cladding to the roof and gable end. There are a variety of materials in the vicinity and a condition will be included for full materials details to be submitted to ensure it is acceptable.

A mezzanine is proposed which result in a balcony to the rear. This element is partially visible from the beach although there are examples of similar designs in the vicinity.

The replacement garage is in the same location as the existing to the front boundary. There are examples of other garages in a similar position and its siting is not out of character. It is slightly larger than existing and will have a flat roof although the scale and design are comparable in size to other garages within the street scene. Existing hardstanding will be retained either side which will enable additional parking spaces on site.

The Arun Design Guide states ' New development must ensure that the existing character and sense of place of an area is respected and enhanced. This can allow for new design forms but only where these take cues from well-designed elements of the existing area. New development should generally reflect the scale of existing buildings and should avoid overshadowing of neighbouring properties.' The proposal complies with this statement.

With the dwelling largely replacing the existing in terms of it scale and design, it will not result in adverse harm upon the character or appearance of the area and accords with D DM1 and D DM4 of the Arun Local Plan and the Arun Design Guide.

RESIDENTIAL AMENITY

The dwelling will increase in depth to the front elevation between 1.4m and 3.7m. This meets in line with No.14 to the east and does not intersect a 45-degree angle from either neighbouring dwelling. As such the front addition will not result in adverse overbearing or overshadowing.

Whilst the height does increase by around 1m, this will not result in adverse harm upon amenity. This is due to the eave's height remaining largely as existing and the increase would be through the centre of the site, sloping away from the site boundaries. The distances to existing site boundaries and adjacent properties have been retained.

A mezzanine level is proposed which would result in accommodation and a balcony at first floor level. This has a depth of approximately 1.7m however is retained in the roof of the dwelling and therefore only direct views south would be achievable with the roof serving as a screen to the side elevations. It would therefore not give rise to adverse overlooking.

The proposal will have 2 windows and a door to the east and 2 windows to the west. This has fewer side facing windows than existing which reduces views available upon amenity. Being at single storey level it would not result in adverse views additional to which are already achieved.

Due to the design and siting, the replacement dwelling would not result in adverse harm upon amenity in accordance with D DM1 and D DM4 of the Arun Local Plan.

SPACE STANDARDS

In accordance with Policy D DM2 (Internal space standards), the proposed replacement dwelling would have an internal size of 193sqm. This exceeds the nationally described space standards guidance and is of an acceptable size.

H.04 of the Arun Design Guide SPD provides guidance for residential amenity spaces. It is noted that amenity spaces should be of an appropriate size and shape to be usable and enjoyable. Private rear gardens should have a minimum depth of 10.5 metres, and balconies a minimum of 3sqm of usable space.

The amenity space provided is small however this is same size as the provision that is provided at the existing property. A private balcony will also be constructed to the rear which provides an additional 7.5 sqm and is a slight increase in amenity space than compared to the existing dwelling.

PARKING

Policy T SP1 of the ALP supports development which incorporates appropriate levels of parking in line with the West Sussex County Council guidance on parking provision.

Arun District Council has adopted its own Parking Standards SPD (Jan 2020).

Regard should also be had to para 111 of the NPPF which states: "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".

The site falls in Parking Zone 2 and a 3-bed property within this location should provide 2 parking spaces. The site provides sufficient space for the parking of 2 vehicles and the proposed garage exceeds the minimum internal specifications of 3 x 6m.

WSCC Highways raise no objections. A condition will be included for inclusion of an electric car charger point and for details of cycle storage to support sustainable transport methods.

FLOOD RISK

W DM2 of the Arun Local Plan states development in areas at risk from flooding (as identified by the EA) will only be permitted following compliance with listed criteria. As per national guidance, residential development in Flood Zone 3 is appropriate subject to a sequential assessment (which seeks to steer new development to Flood Zone 2) and the exception test.

However, as this is an existing dwelling which is still capable of occupation, it is not necessary to require a sequential assessment to demonstrate that a safer site exists or to apply the exceptions.

According to Environment Agency Flood Risk Map the entire site is in flood zone 3. The application is supported by a full Flood Risk Assessment detailing flood resilient measures that ensures the occupants of the building would not be put at unacceptable risk of flooding. This was assessed by the Environmental Agency.

The Environment Agency is of an opinion that the development will only meet the NPPF's requirements if a planning condition is included relating to finished floor levels and this will be included.

Therefore, the proposal would comply with W DM2 and the National Planning Policy Framework.

COASTAL PROTECTION

Policy ECC SP1 of the Local Plan states the Council will support development which is located and appropriately designed to adapt to impacts arising from climate change such as the increased probability of tidal and fluvial flooding; water stress; health impacts as a result of extreme temperatures and a decline in the quality of habitats and richness of biodiversity. To achieve this, development must be designed to take account of, among other things, location.

On the 6th of October 2021, The Planning Policy Committee agreed a new interim framework for assessing planning applications at Pagham while the implications of Coastal Change Management Area (CCMA) are explored.

The development has been assessed against the interim framework and this application falls into category 2 which is where there is a significantly raised level of risk now or in predictions covering the ensuing 5 years and development is not permitted.

A Coastal Change Management Area has not been declared for this part of the coastline, but the issues above highlight Pagham as a dynamic area that leads to questions over the appropriateness of the development, at this time. Therefore, all development should be considered with this in mind. There can be no guarantee that homes situated next to the sea are 100% safe.

Given the proximity to the coastline and the extensive work Arun District Council has carried out to prevent the loss of homes and ensuing flooding at this location, the coastal engineer has objected to the proposal, with the development falling within category 2 which restricts development. As such, the proposal conflicts with the interim framework and ECC SP1 and W DM4 of the Arun Local Plan.

AREA OF CHARACTER

The property falls within an Area of Character. The listing notes ' Pagham Beach Estate derives from the distinctive scale and height of the residential buildings (single storey, majority with no accommodation in the roofs)," mixed quality of design'. 'The retention of buildings and other features such as boundary walls, hedges, trees, railings, open spaces, etc. which make positive contributions to the special character of the areas'.

The development comprises a new dwelling and detached garage which would result in a similar relationship to the neighbouring development as an existing albeit with an updated design therefore the proposed development would not significantly alter the character of the area in accordance with Policy HER DM4 of the Arun Local Plan.

PAGHAM HARBOUR

The development of a replacement dwelling with the same number of bedrooms as the existing, would not result in an increase in residential accommodation and therefore no further recreational pressure on the adjacent SPA or Pagham Harbour would be incurred.

CLIMATE CHANGE:

ALP policy ECC SP2 requires residential development be energy efficient and incorporates decentralised, renewable, and low carbon energy supply systems. The application states that:

- where possible, all materials from the demolition of the existing bungalow & garage will be reused. Salvaged timber will be re-used to build the new structural frame and rubble will be used for the new foundations and floor slab.
- the bungalow will be a timber framed construction with straw bale infill and a natural clay and lime render to the outside and inside. The entrance will be clad in reclaimed timber.
- straw bales are an incredibly sustainable construction material with excellent insulation properties providing high carbon savings. Both the straw bales and additional timber will be locally sourced to reduce embodied carbon.
- all other insulation materials used (for example for the roof and internal walls) will be natural material.
- solar panels on the roof will generate electricity both for use by the buildings and to contribute to the national grid; and
- efficient water and heating technologies will be used throughout.

As there are no details of the technologies or precise materials, a condition would be necessary to secure compliance with the policy. A condition would be required to ensure an electric car charge point is provided at the property.

SUMMARY

The relevant policies of the development plan are up-to-date. Arun can not demonstrate a 5 year housing land supply but as this is for a replacement dwelling land supply is not an issue. The harm in approving the development is outweighed by the benefits.

Whilst the replacement dwelling is acceptable having regard to local character, visual and residential amenity, it conflicts with ECC SP1 and W DM4 of the Arun Local Plan and it is recommended that the application is refused for the following reason:

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership,

pregnancy and maternity, race, religion or belief, sex or sexual orientation).

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

RECOMMENDATION

REFUSE

- 1 The proposal results in a development that is in a location at severe risk of coastal erosion which would fail to take account of the significant risk of tidal flooding; contrary to the Policy ECC SP1 and W DM4 of the Arun Local Plan and relevant paragraphs of the National Planning Policy Framework.
- 2 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. 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.