

Recommendation Report for Permission in Principle

REF NO: P/60/26/PIP

LOCATION: Land at corner of Hook Lane and Pagham Road
Pagham
PO21 3PB

PROPOSAL: Application for planning in principle for the erection of a minimum net gain of 1 No dwelling and a maximum net gain of 6 No dwellings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application is for planning in principle for the erection of a minimum of 1 x dwelling and a maximum of 6 x dwellings. The application is accompanied by a site plan. This indicates the positions of 6 residential units (1 x 4 bed unit, 2 x 3 bed units and 3 x 2 bed units) 13 parking spaces, access, and landscaping. All of the details shown on the site plan are indicative and the important details are the location of the site and the number of dwellings (up to 6).
SITE AREA	0.4 ha
RESIDENTIAL DEVELOPMENT DENSITY	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The site is bounded by a hedge to the south on Hook Lane. To the west of the site, is a hedge interspersed with semi mature trees. The north east boundary of the site is open and is neighboured by a care home which is part of the wider strategic allocation.
SITE CHARACTERISTICS	The subject site is triangular in shape and is bounded by Hook Lane to the south and Pagham Road to the west. To the north east of the site is the wider strategic allocation where there will be a care home. The wider area is suburban with detached residential properties to the south beyond Hook Lane. To the west of the site beyond Pagham Road is a field.

RELEVANT SITE HISTORY

P/143/25/AOO	Application to approve details required under the S106 dated 02/09/2019 in relation to P/30/19/OUT, relating to Schedule 1, Part 5, Clause 5.1 and 5.2 (on site provision of public open space).	Refused 19-05-26
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P/69/25/NMA	Non-material amendment following the grant of P/141/22/RES to Condition 1 (Plans) to amend: 1) Substation at the vehicular entrance road updated with the actual size required for a brick enclosure to house a 400 kV substation (brick enclosure details previously submitted and approved via application reference number P/86/24/DOC), Substation access required in front of the doors, 2mt from the footpath; 2) New Fire Hydrant location added; 3) Maintenance Store adjacent the car park omitted; 4) Footpaths and resident's patios rationalised; 5) External Refuse Store with sedum roof is proposed at the south gable wall; 6) Locations and number of roof dormers re-arranged due to internal layout alterations; 7) Locations and number of rooflights re-arranged due to internal layout alterations; 8) Minor changes to fenestration at first floor level due to buildability/ headroom issues.	Approve 03-07-25
P/77/23/NMA	Non-material amendment following grant of P/141/22/RES for amendment to revision numbers of drawings relating to conditions 1 and 3.	Approve 06-07-23
P/141/22/RES	Reserved matters application following P/30/19/OUT (providing details of layout, scale, appearance and landscaping) in relation to the provision of an 80-bed care home.	ApproveConditionally 10-03-23
P/57/20/DOC	Approval of details reserved by condition imposed under ref P/30/19/OUT relating to Condition No 6 - design code masterplan.	DOC Approved 09-10-20
P/30/19/OUT	Outline application with some matters reserved for the construction of up to 300 No. new homes, a care home of up to 80 beds, D1 uses of up to 4,000 sqm including a 2 form entry primary school, the formation of new means of access onto Hook Lane & Pagham Road, new pedestrian & cycle links, laying out of open space, new strategic landscaping, habitat creation, drainage features & associated ground works & infrastructure. This application may affect the setting of a listed building (resubmission following P/6/17/OUT).	App Cond with S106 02-09-19

The subject site is located in the south west corner of a strategic allocation (Pagham North (SD2)) for

300 residential units, a care home and a primary school which is being undergoing development. The subject site is referred to as 'Hook Meadow' in the landscape typologies of the outline permission (Ref:P/30/19/OUT) and the approved details of Condition 6 of the Design Code (Ref:P/57/20/DOC). The subject site is located outside of the red line, but within the blue line (indicating ownership) of the reserved matters application (Ref:P/134/16/OUT).

REPRESENTATIONS

Pagham Parish Council

Objection:

- Overdevelopment of this site- 6 homes would be at a greater density than the rest of the site
- Combined with the impact of the Care Home, having units in this open space would negatively impact the street scene.
- Development would result in loss of green space and residential amenity space for the residents of the care home.
- The single track access road into the site is very narrow and would not be suitable for 6 properties. There are also concerns over emergency service access.

Environmental Health

No objection in principle:

If not resolved during the planning process a forthcoming planning application would be subject to the imposition of following conditions:

- Transportation Noise Mitigation
- Air Quality Assessment
- Preliminary Risk Assessment
- Noise mitigation on adjacent care home
- EV Charging

Ecology

No objection in principle:

Protection of boundary trees and hedges would be important in a forthcoming application

Natural England

No objection in principle.

- The development site is within Zone B of Pagham Harbour designation where new residential development would increase recreational pressure on this protected European habitat site.
- Any net increase in housing units will likely cause significant harm to these protected habitats, either on its own or combined with other projects.
- An "Appropriate Assessment" to verify and secure mitigations would be required

WSCC (Strategic/Highways/Infrastructure)- No response received

Engineers (Drainage)- No response received

COMMENTS ON REPRESENTATIONS RECEIVED:

These comments are noted. As this is a Permission in Principle (PIP) application, it is not possible to assess technical matters such as amenity impact, ecology/wildlife, trees, surface/foul drainage or highway safety/capacity and it is not possible to impose conditions.

For environmental health matters relating to noise, an assessment on whether the impact on future

residents would be acceptable or could be resolved by way of condition is outside the scope of a PIP application.

In relation to the site being within Zone B of Pagham Harbour, this does not impact on whether the principle of residential development in this location would be acceptable.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Designation applicable to site:
Strategic Housing Site Allocations- Pagham North (SD2)
Built-Up Area Boundary
Pagham Harbour Zone B
Flood Zone 1- but prone to surface water flooding

DEVELOPMENT PLAN POLICIES

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

HSP2	H SP2 Strategic Site Allocations
SDSP1A	SD SP1a Strategic Approach
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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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."

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.

CONCLUSIONS

INTRODUCTION:

This is a Permission in Principle (PIP) application, and the LPA can only assess whether the site is suitable in principle. The National Planning Practice Guidance (NPPG) states at paragraph 012 (Reference ID_ 58-012-20180615) that: "The scope of permission in principle is limited to location, land use and the amount of development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage." There is no further guidance on which issues are relevant or not to the principle.

The NPPG confirms at paragraph 020 (Reference ID: 58-020-20180615) that conditions cannot be imposed. The following report solely analyses the proposal in terms of location, land use, and amount in respect of the principle of development.

LOCATION/LAND USE:

This section covers the location/use of the site with reference to it being in a strategic site designation which is the only matter on whether the principle of residential development in this location would be acceptable.

Policy H SP2 of the Local Plan states that development proposals within strategic site allocations must be comprehensively planned and have regard to a masterplan endorsed by the Council. The subject site is within the settlement boundary due to it being located within the strategic allocation of Pagham North. This is a strategic site for approximately 800 units under policy H SP2a of the Local Plan.

Outline planning permission was given for the strategic allocation in September 2019 for 300 units, a care home and a primary school (Ref: P/30/19/OUT). Permission was given for the approval of details of the design code masterplan under condition 6 of this outline permission in 2020 (Ref: P/57/20/DOC). In these approved applications, the subject site was shown as open space known as 'Hook Meadow'. The purpose of this open space was to provide an attractive outlook for the proposed care home to the north-east, to provide informal recreation space and to ensure that development would be set back from the junction of Hook Lane and Pagham Road.

Irrespective of the number of units, on whether there would be 1 or 6 units; residential development in this location would fail to have regard to the approved design code masterplan of the scheme. It would

also lead to the loss of attractive outlook for the care home to the northeast, as outlined in the approved masterplan. In addition, due to this site being located on the busy junction of Hook Lane and Pagham Road, this triangle of land was intentionally left open from development to act as a buffer for the wider strategic development. Residential development in this location would lead to the loss of this important buffer and would fail to have regard to the masterplan of the scheme.

Accordingly, the loss of this open space, outlook for the care home and to act as a buffer on this busy road junction would fail to have regard to the overall design code and masterplan of the Pagham North strategic allocation and fail to be in accordance with Policy H SP2 of the Arun Local Plan.

The development is wholly within Pagham Harbour Zone B (0-5km) Buffer of the Pagham Harbour, as per Arun Local Plan Policy ENV DM2. As a result, the council would be required to undertake an Appropriate Assessment and consider the impact pathways for any further development in relation to Open Space.

The applicants have not provided any assessment or details of mitigation concerning the impacts of the proposed development in combination with other developments. Therefore, the council has not undertaken an appropriate assessment.

Given that the application site forms part of the open space calculations secured as mitigation for approval of P/30/19/OUT. The application would result in the loss of mitigation deemed necessary to make that development (P/30/19/OUT) acceptable in planning terms. Therefore, the development as proposed would result in adverse impacts on the integrity of the Pagham Harbour contrary to policy ENV DM2.

SUMMARY:

The NPPF presumption in favour of sustainable development states at paragraph 11 (d) that where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date (including for applications involving the provision of housing where a 5-year HLS cannot be demonstrated), planning permission should be granted unless (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.

While no other unacceptable harms impacting the principle of development have been identified, the proposal conflicts with Policy H SP2 of the Local Plan because it fails to have regard to the Pagham North Strategic Allocation Design Code Masterplan. Consequently, this is an inappropriate location for residential development, as it would cause unacceptable harm to the allocation's approved overall layout and design.

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 Residential development of 1-6 units in this location would be unacceptable because it would fail to have regard to the overall design code and masterplan of the Pagham North strategic allocation. This is due to the purpose the site will serve in providing open space for recreation, outlook for a care home and acting as a buffer on the Hook Lane and Pagham Road junction. It would therefore be contrary to Policy H SP2 of the Local Plan.
- 2 The applicant has failed to provide adequate evidence to demonstrate that the proposal would not result in a significantly adverse impact upon Pagham Harbour SPA contrary to Policy ENV DM2 of the Arun Local Plan.
- 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 determining the application within a timely manner, clearly setting out the reason for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.