

Recommendation Report for Planning Permission

REF NO: P/6/26/PL

LOCATION: Fairhaven
Nyetimber Lane
Pagham
PO21 3JT

PROPOSAL: Construction of 3 No. detached chalet bungalows together with alterations to existing dwelling with the provision of modified access, parking & landscaping. This application is in CIL Zone 4 and is CIL Liable as new dwellings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Construction of 3 No. detached chalet bungalows together with alterations to the existing dwelling and the provision of a modified access, parking, and landscaping.
SITE AREA	0.18 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	22.2 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	14 No. Category C/U trees spread throughout the current rear garden. 3 No. Category C trees to the front boundary of the site. 1 No. Category B Beech tree adjacent to the west boundary. 1 No. Category C Sycamore tree adjacent to the east boundary. Species are mixed, comprising Hawthorn, Sycamore, Crab Apple, Cherry, Beech, Pear, and Apple.
BOUNDARY TREATMENT	Tall wooden boundary fencing to the east, west, and north boundaries, alongside hedgerow planting to the south, west, north, and the southern end of the east boundary. Access is also taken from the southern boundary.
SITE CHARACTERISTICS	Large residential plot with a two-storey dwelling and garage on the southern end. The garden is well planted and extends back a significant way relative to neighbouring plots which are more modest in size. The dwelling is a chalet-style bungalow with pebble dash render, brickwork, red clay tiles, and chimneys.
CHARACTER OF LOCALITY	Predominantly residential in character with a mix of single-storey, two-storey, and chalet-style dwellings with a varied design character and palette. Some neighbouring streets are more uniform in character such as Springfield. Those in the immediate context feature a mixed design character. Other prominent sites within the locality include Pagham Football Club to the south, Pagham Cricket Club to the southwest, and The Lion public house to the west.

REPRESENTATIONS

Pagham Parish Council - Objection:

- Emergency access concerns for plots 1 and 2.
- Overdevelopment of the site, leading to a cramped layout, especially around plots 1 and 2 near Dorney Cottage and the Lion Road property.
- Unneighbourly proximity of new dwellings to existing homes.
- Driveways on both sides of Priors Way properties could cause noise and headlight disturbance.
- Traffic and safety issues due to the site's location opposite Pagham Football Club, Cricket Club, and the Lion pub, particularly during matches when parked cars obstruct visibility.
- Uncertainty over surface water drainage arrangements.
- Insufficient recreational open space within the development.
- No need for additional housing and proposed infill is not in keeping with the village character.

41 letters of objection (these have been categorised and summarised below):

Overdevelopment and Cramped Layout

- The plot is too small for three bungalows plus the extended existing dwelling.
- Inappropriate backland development out of keeping with the low-density character of the area.
- Concerns that this would set a precedent for further garden infill.

Loss of Privacy and Overlooking

- Proposed dwellings (including dormers and altered windows) would directly overlook neighbouring gardens, homes, and private family spaces.
- Several properties would experience a significant loss of privacy, including bedrooms, lounges, and gardens.

Harm to Residential Amenity

- Increase in noise, disturbance, vehicle movements and general activity in a previously quiet, private area.
- Dust, noise, and disruption during construction.
- Overshadowing of nearby homes.
- Concerns about impact on mental health and wellbeing, especially for elderly or vulnerable residents.
- The new access road alongside boundaries would introduce noise, headlights and activity immediately beside homes.

Highway Safety, Access and Parking

- Concerns the access road is too narrow for safe two-way movement and potentially unsuitable for emergency vehicles or refuse trucks.
- Increased traffic entering an already hazardous junction at Nyetimber Lane/Lion Road.
- Existing congestion will be made worse particularly when football/cricket club parking, nursery drop-off/pick-ups are occurring.
- Concerns that insufficient on-site parking may push excess cars onto already overcrowded roads.

Boundary and Ownership Issues

- Red line boundary allegedly includes land not owned by the applicant (part of a driveway, hedges, strips of land).
- Concerns no notice was served on affected landowners.
- Long-established boundary hedge maintained by neighbours is within the red edge.
- Objection raised to any use of private driveways or alteration of existing boundaries.

Loss of Wildlife, Habitat and Green Space

- Loss of a large, mature garden containing a pond and diverse wildlife (birds, bats, amphibians, mammals, insects).
- Biodiversity assessment indicates significant habitat loss.
- The development would remove a long-standing green space valued by surrounding neighbours.
- Concerns that the cumulative local development is eroding Pagham's rural character.

Flooding, Drainage and Surface Water

- The area is noted as high risk for surface water flooding.
- Uncertainty whether the local drainage system can cope with additional hard surfaces.
- Concerns over long-term maintenance of permeable paving and the capacity of local drainage network.

Impact on Local Character and Village Identity

- Negatively affects the quiet, spacious character of Pagham. This would add to the existing impacts.
- Concerns that Pagham is already overwhelmed by new, large housing estates.
- Opinions made that the scheme prioritises profit over community wellbeing.

Health and Safety Concerns

- The large sycamore tree (T14) poses potential danger to new dwellings beneath it. Desire for the Council to claim responsibility for any damages/harm caused if it were to fall on new development.
- Risk to pedestrians from increased traffic near football club, nursery, and cricket ground.
- Concerns the access proposed is unsuitable for emergency vehicles.

Lack of Need

- With hundreds of new homes recently constructed locally, residents feel there is no identified housing need justifying back-garden development.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. All relevant planning matters are discussed within the report below.

While Pagham has been the subject of many new residential developments, the District remains in need of housing overall due to its significant shortfall in 5-year Housing Land Supply and smaller infill site such as this are a valuable form of development that helps address the overall need.

One letter of requested that should the development be approved, the Local Planning Authority accept responsibility for any damages/harms caused in the event that a neighbouring tree were to fall onto the new development. Any damage caused to neighbouring properties during construction would be the responsibility of the developer. Post-development liability would remain with the owner.

There is no obligation for a development of this size to provide on-site communal recreational space.

The red edge of the development proposal has been compared to the title plans provided. There is no clear discrepancy between the two such that there is belief that the incorrect notices have been served. Boundary disputes are not a planning matter.

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 Biodiversity Net Gain (BNG) report and Statutory Metric shows a loss of -43.44% in habitat units. Provision of offsite BNG units is, therefore, required.
- The BNG report shows an increase of 34.21% in hedgerow units. This exceeds the mandatory 10% required.
- The PEA has assessed impacts of this proposal on protected species and identified no impacts. No further surveys are required.
- The Ecological Impact Assessment by South Downs Ecology dated 15th July 2025, makes recommendations for ecological enhancements which should be secured by condition.
- Statutory BNG condition suggested.

WSCC Highways - No objection:

- Raise no highway safety or capacity concerns.
- The site lies on Nyetimber Lane, a 30mph Class B road. The existing access will be widened to 4.8m to allow two cars to pass at the access. This work requires a WSCC licence and must be built to a specification agreed with the WSCC Highway Area Engineer.
- Sufficient pedestrian and vehicle visibility has been demonstrated.
- Swept path tracking for a number of vehicle types have been provided, demonstrating that access and egress from the site can be achieved safely. This includes by refuse and emergency vehicles.
- TRICS data indicates the existing and proposed homes would generate around 18 two-way trips per day, with two trips in each peak hour. This level of traffic acceptable and not harmful to the local road network.
- The scheme provides ten parking spaces, including bays and carports, compliant with the Arun Parking Standards. The spaces are appropriately sized and laid out, and swept-path analysis confirms that vehicles can turn on site.
- The site is sustainable, with walking and cycling access to local services, amenities and public transport. Cycling is a realistic option, and secure cycle storage is proposed for the new dwellings.
- Do not 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 NPPF (paragraph 116), and that there are no transport grounds to resist the proposal.
- Conditions suggested.

Natural England - Further information required:

- The proposed development has the potential to have a harmful effect on European site(s) by way of recreational pressures.
- Your authority has measures in place to manage these potential impacts through a strategic solution which Natural England considers will be effective in preventing adverse impacts on the integrity of the site(s).
- Appropriate Assessment of these measures is suggested.
- Discretionary advice for the applicant provided.

ADC Drainage Engineers - Objection (full comments on the Arun District Council website):

- No objections subject to conditions raised to National Standards for Sustainable Drainage Systems (NSfS) standards 1 and 4-7.
- Objection to NSfS standards 2 and 3.

NSfS Standard 2

- Interception drainage is not discussed in the submitted Drainage Statement.
- The design includes lined permeable paving which serves the self-drained paved area of the driveway but the roof areas require separate interception drainage to accord with requirements within the NSfS.
- Evidence has not been provided to justify the omission of interception drainage for the proposed buildings. This omission does not comply with NSfS Standard 2.

NSfS Standard 3

The site is within flood zone 1 for rivers and seas and is not at significant risk from external surface water flooding. There is no objection due to external flood risk.

- Despite the low peak flow in the context of the public sewer network, there is a risk of rejection of connection and confirmation is required from the Sewerage Undertaker at the planning stage that capacity exists.
- The design flow restriction of 1.0 L/s is significantly higher than the greenfield runoff rate for the drained area. The applicant should therefore assess whether peak runoff can be limited to greenfield rates or as close as practicable. If this is not achievable, the NSfS advises that brownfield discharge should not exceed five times the greenfield rate for the 50% AEP and 1% AEP storms. Blockage risk is low due to the use of permeable paving.
- No downstream surcharge has been applied, but the sewer is likely to surcharge during the design storm. The designer should include an appropriate downstream surcharge based on robust assumptions of the downstream top water level.
- Exceedance flow paths should be shown on the drainage layout.
- Management of extreme rainfall is not currently in accordance with the requirements of the NSfS.

Environmental Health - No objection subject to conditions:

- Conditions related to construction hours and Electric Vehicle Charging Points requested.

Southern Water - No objection:

- Suggestion for Portsmouth Water to be contacted as the statutory undertaker for water supply.
- Advice relayed regarding restrictions to planting in proximity to sewerage assets.
- Condition requested to secure finalised landscaping details in consultation with Southern Water prior to commencement.
- Advising of the need for a S.106 application for any new connection to the public sewerage network.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

The swept path diagrams referred to by WSCC Highways include access by refuse and emergency vehicles. This confirms such vehicles can access the site and the plots appropriately. They also confirm sufficient on-site parking is to be provided for the dwellings and that there would be no likelihood of parking overspill onto the local road network. This addresses two of the concerns raised by residents and the Parish.

The further information required by Natural England pertains to the completion of the submitted draft S.106 agreement that would secure a financial contribution to mitigate against the potential recreational pressures of the development on the Pagham Harbour Special Protection Area (SPA). Subject to the completion of this S.106 agreement, the potential impacts would be acceptably mitigated.

POLICY CONTEXT

Designation applicable to site:

Built-up Area Boundary.

Partially at Low Risk of Surface Water Flooding (1 in 1000).

Potential Susceptibility to Groundwater Flood Risk $\geq 75\%$.

Pagham Harbour Zone B.

2km Buffer for Sites of Special Scientific Interest (Pagham Harbour and Bognor Reef).

DEVELOPMENT PLAN POLICIESArun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCDM1	ECC DM1 Renewable Energy
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM2	ENV DM2 Pagham Harbour
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
HSP1	HSP1 Housing allocation the housing requirement
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
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 compliant with relevant Development Plan policies in that it includes sufficient parking access related provisions, would not have an unacceptable impact on neighbouring residential amenity, provides sufficient amenity for intended occupiers, would include energy efficiency measures, and provides suitable waste management facilities.

The proposal is in conflict with relevant Development Plan policies in that it comprises an unduly cramped overdevelopment of the site that is at odds with the prevailing character of the area and its development pattern, would have a greater than minimal impact on neighbouring residential amenity, would likely result in unmitigated harms to a Special Protection Area, has not been confirmed to be safe from flood risk for its lifetime without increasing flood risk elsewhere, has not demonstrated that there are no reasonably available alternative sites at a lesser risk of flooding, has not been supported by a sufficient surface water drainage scheme, and would likely have a prejudicial impact on a neighbouring tree.

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 -43.44% in habitat units. Provision of offsite BNG units required.
- Increase of 34.21% in hedgerow units.

CONCLUSIONS

DETERMINATION PROCEDURE

NPPG Paragraph: 061 Reference ID: 14-061-20140306 advises that "It is possible for an applicant to suggest changes to an application before the local planning authority has determined the proposal. It is equally possible after the consultation period for the local planning authority to ask the applicant if it would be possible to revise the application to overcome a possible objection. It is at the discretion of the local planning authority whether to accept such changes, to determine if the changes need to be reconsulted upon, or if the proposed changes are so significant as to materially alter the proposal such that a new application should be submitted."

The Arun District Council Customer Advice Note is clear that where pre-application advice has been

sought and the advice has been followed, we will negotiate on minor amendments if required, and in the case of non-major applications, officers may seek one set of amendments to make a scheme acceptable and which would not result in the need for re-consultation and allow the application to be determined within the statutory time limits.

In this instance, while the site has been the subject of a pre-application advice application, the development was of a greater density and quantum and is not reflective of the current proposal. In any event, the Council's Customer Advice Note is clear and applicants should not expect the Local Planning Authority to invite or accept significant amendments to an application, particularly where they would result in the need for re-consultation or force the application to exceed statutory time limits.

PRINCIPLE

The site benefits from being within the Built-Up Area Boundary where the principle of development is acceptable, subject to consideration of other relevant Development Plan policies in accordance with Arun Local Plan (ALP) policy SD SP2.

Sections G, H, J, and P of the Arun Design Guide, and the Arun Parking Standards are of direct relevance.

The NPPF gives a presumption in favour of sustainable development (paragraph 11) and generally seeks to promote the effective use of land (paragraph 124). The Council currently experiences a significant shortfall of a 5-year supply of housing land where, according to paragraph 11d of the NPPF, ALP policy SD SP2 which controls Built-up Area boundaries is out of date.

Paragraph 11d 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) is triggered, which states 'the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed;
- (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 11d(i) refers to footnote 7 which includes habitats sites (including SPAs) such as Pagham Harbour, but also areas at risk of flooding. Following the conclusions outlined below in respect of recreational pressures on the Pagham Harbour Special Protection Area (SPA), and the lack of a Flood Risk Assessment to confirm the properties would be safe for their lifetime without increasing flood risk (and subsequent need for a Sequential Test), there is a strong reason to refuse the application at this time. Therefore, Para 11d(i) applies.

NPPF Paragraph 73 recognises the value of small and medium sized sites which can make an important contribution to meeting the housing requirement of an area, are essential for Small and Medium Enterprise housebuilders to deliver new homes, and are often built-out relatively quickly.

The principle of additional residential development in some form on this site is acceptable, subject to further consideration of relevant constraints.

CHARACTER AND DESIGN

The proposal has multiple components, these being the extension and alteration of the existing dwelling, widening of the existing driveway access, construction of three chalet-style bungalows within the existing rear garden of Fairhaven, alongside the construction of a vehicular access road and associated parking and landscaping.

The proposed alterations to the existing dwelling (Fairhaven) would involve the installation of a modest, flat roofed dormer extension on the east (side) roof slope, alongside the general alteration of the layout of the openings so as to convert the southern elevation, which currently fronts Nyetimber Lane, into the principal elevation with front door and porch canopy. The net result would be a more rationalised set of elevations with the southern elevation serving as the principal elevation and an overall modernisation of the building. The design of the dormer would be comparable to that found on the west elevation, albeit with north and south-facing triangular windows. No indication of materials has been provided, but a condition could have been imposed securing the use of matching materials to ensure the alterations were suitably coherent with the existing materiality of the property.

With respect to the existing dwelling (Fairhaven), the proposal would also involve the removal of the existing garage, the provision of a revised parking arrangement to the front of the dwelling (two spaces), and the construction of a 1.8m tall brick wall running between the southwest corner of the building and the west boundary of the site, in order to secure and delineate the side/rear garden space to be provided from the parking area/front garden. Bin and bicycle storage would also be provided within the proposed garden space to the north of Fairhaven.

The alterations to the existing dwelling are modest and would result in a more rationalised dwelling with a clear principal elevation and would not compromise the visual amenities or character of the area. These are in accordance with ALP policies D SP1, D DM1, and D DM4.

Section P.01 of the ADG relates to infill development and requires proposals to respond sensitively to surrounding buildings and spaces. Backland development should be subservient to existing properties and designed to maximise neighbouring outlook. This proposal constitutes Tandem Development as defined on page 221 of the ADG and, as such, the new units must remain subordinate to surrounding development, avoid overdevelopment, and provide usable private amenity space at least equivalent to the footprint of each dwelling. Section P.01 also notes that existing boundaries in tandem developments are often of poor quality and that the outlook of future residents must be considered through upgraded boundaries or screening. However, this must be done while also protecting existing amenity, particularly by avoiding overlooking of neighbouring windows and private gardens.

Section H.04 of the ADG outlines minimum separation distances between proposed dwellings. These include:

- Back-to-Back: min. 21m
- Back/Front to Side: min. 14m
- Front to Front: min. 16m
- Private Rear Garden: min. 10.5m depth
- Private Front Garden: min. 2m depth

Pg 23 of the Pagham Village Design Statement also assesses Nyetimber and Nyetimber Lane, setting out development criteria for the area. These are as follows:

- Small scale, height and design sympathetic to setting
- Retain and enhance the amenity spaces and access ways
- Respect the style and open character of the area
- Maintain open-field views and the countryside setting at Hook Lane
- Boundary treatment should not compromise open character
- Avoid inappropriate or unnecessary blocking of views or overlooking
- Avoid cramped, un-neighbourly proximity
- Exercise care to prevent loss of privacy by virtue of comparatively high-density development

The site is an existing residential plot with a large garden that runs north to south.

Plots 1 and 2 are modern takes on rectangular chalet-style bungalows with full, steep, hipped roofs, modest front and side box dormers, and side rooflights. They also feature a mix of vertical boarding and brick walls, plain tiles to the roof, and UPVC fenestrations.

Plot 3 is a chalet-style bungalow but larger in scale and bulk with a more dominant first-floor in the converted roof. It has front and rear barn-ends with pitched roofs to the side, side rooflights, a minor side dormer, separate minor hipped roof feature on west elevation, and attached car port to the east. It would consist of brickwork and horizontal boarding, plain tiles, and UPVC fenestrations.

Plots 1 and 2 would share a similar appearance and would read as a pair of dwellings within the northern end of the site, whereas plot 3 is of an independent design and lies between Fairhaven and plots 1 and 2. Detail on the proposed materials is limited but could have been secured by way of condition.

Section P.01 of the ADG suggests that Tandem Developments such as this should be subservient to the existing built form and seek to maximise the existing outlook of neighbours while responding sensitively to surrounding buildings. As the area features a diverse mix of materials and dwelling designs, the three units would respond to the surrounding buildings sensitively in terms of design. It is also evident that surrounding buildings range in scale and form. Plots 1 and 2 would be subservient to the surrounding buildings in terms of scale and form, while plot 3 would be larger and more in line with, or greater than, the size of surrounding properties. The proposed units are not at odds with the scale and form of surrounding properties, but plot 3 cannot be said to be subservient to its immediate neighbours to the west/northwest, Nos. 4 and 6 Lion Road, which are single storey only and where No. 4 is only approx. 2m away from the dwelling. Comments in respect of maximising outlook are detailed in the neighbouring residential amenity section.

The surrounding area is characterised by modest to large, detached dwellings with generous amenity spaces, many of which now contain substantial outbuildings. The proposed access and plot layout would create a form of development comparable to Priors Way to the east, where a narrow access track serves backland housing. Although Priors Way has dwellings on both sides of its access, both developments share the same backland development character and are experienced within the same immediate context, stemming off of Nyetimber Lane. There are no other similar examples in the surrounding area and while backland developments such as this are generally well-concealed from the wider public realm, development should still relate and conform to the prevailing character of the area and draw influence from similar forms within the area to ensure a sense of coherence.

There is a notable mix of dwelling sizes and development density as a whole when viewing the wider area. Indeed, there are some smaller properties to the west along Lion Road but the prevailing character here remains one comprised of individually designed 1-2-storey dwellings (including chalet-style bungalows) set within larger plots. The higher density, more uniform design of semi-detached dwellings along Warwick Close and Gloster Drive are also acknowledged. However, these represent a distinctly different character of development experienced in a separate context to the proposal site. Overall, the proposed development would be accessed from, and experienced within the context of, Nyetimber Lane, and would read as a similar, albeit more modern, form of residential backland development to that of Priors Way found immediately to the east of the site. As such, the development pattern and character that informs Priors Way should as far as practicable, inform the character and layout of the proposed development to ensure the proposal relates well to the area.

Properties along Priors Way are generally individually designed detached dwellings with larger footprints, dedicated parking, and benefit from commensurately sized plots and separation from neighbouring properties such that they maintain a sense of spaciousness. Many have short rear amenity spaces to the rear but are supplemented by larger front/side amenity spaces.

The proposed plots include shorter rear gardens ranging from (10-10.4m). Plot 1 would have the narrowest garden, but all three units would maintain sufficiently usable garden spaces that are greater in area than the footprint of their respective dwellings as advised on Pg 221 of the ADG. While they provide suitable amenity for the occupiers, the below minimum depths of the gardens must still be noted in terms of assessing development density.

A number of aspects of the proposal indicate that it represents an unduly cramped form of overdevelopment. The west elevation of Plot 1 is separated from the rear of No. 6 Lion Road by approximately 12m, which falls below the 14m minimum. Plots 1 and 2 are also very closely spaced, with only around 3m between them. This narrow gap would be further compromised by the tandem parking arrangement for Plot 2 and a carport canopy spanning between the two units above the rear bay.

Plot 2 is separated from Dormy Cottage to the east by only approx. 1.4m, and both plots 1 and 2 only have approx. 2-2.8m of front amenity space. Where plot 2 is met by the access track to the south, plot 1 is immediately met by its parking and an approx. 3.9m tall car port approx. 4.8m from the front elevation.

The separation distance between the front elevations of plot 1 and plot 3 is approx. 13.6m, below the 16m minimum, and again the front amenity space of plot 3 is limited at approx. 1.7-2.5m. When viewed from the rear of the site, Plots 1, 2, and 3 would appear excessively close to one another and to Dormy Cottage, resulting in a limited sense of spaciousness. This perception would only be exacerbated when parking areas are fully or largely occupied, leading to a development that would appear overly dense and cramped.

The rear elevations of plot 3 and Fairhaven are separated by approx. 19.8-23.5m, which lies below/above the minimum 21m advised. With consideration of the staggered and offset elevations and the separating boundary, which is to feature planting, the separation distance here remains acceptable. However, the separation distance between plot 3 and No 4 Lion Road is approx. 2m, which, again, is very close and contributes further to the development's overall lack of spaciousness and cramped character.

No distinct plot boundaries plan has been provided to calculate the exact extent of plots 1 and 2. However, including the parking bay and car port immediately to the front of plot 1, the following plot areas and densities have been calculated:

Plot 1 - 278sqm - 36dph.

Plot 2 - 300sqm - 33dph.

Plot 3 - 330sqm - 30dph.

Fairhaven - 550sqm - 18dph.

Certain plots within the immediate area such as 1a and 8 Lion Road have comparable plot areas and densities to the proposed dwellings, but as established previously, these do not represent the prevailing character of the area, which is generally informed by properties of approx. 500sqm or more with densities between 10-20dph. These lower densities are consistent with the Village status of Pagham and the recommended densities outlined within Section G.02 of the ADG (Fig. 77). Priors Way, as aforementioned, would be well-related to this proposal as a comparable form of backland residential development immediately adjacent, and its properties also conform to the suggested densities within Section G.02.

Figure 17 of the submitted Planning, Design and Access Statement clearly illustrates the 'Prevailing Character of the Pattern of Development within the Vicinity of the Application Site' which encompasses Priors Way to the east and roughly outlines the individual neighbouring residential plots. The continuation of the pattern into the application site clearly shows that the development pattern would

weigh in favour of two additional units within the rear garden of Fairhaven. While the Local Planning Authority do not speculate or comment on the suitability of two additional units within the rear garden of Fairhaven under this application, it is clear that this assessment and extrapolation of the development pattern does not support the provision of two units within the northern end of the site, but one.

It is evident that all three proposed units significantly exceed the plot densities that define the prevailing character of the area and are set out in the Arun Design Guide. The proposed development is also unduly cramped and overall, is not commensurate with the established pattern of development. As such, the scale and intensity of development would be out of keeping with the character of the surrounding area.

Overall, the proposed units have limited separation distances between themselves, and between themselves and neighbouring units such as Dormy Cottage and No. 4 Lion Road. While plots 1 and 2 are suitably subservient to surrounding development as suggested by the ADG, plot 3 is of a scale and massing that cannot be concluded as subservient. All three of the proposed plots are of a development density that is significantly greater than that which informs the prevailing character of the area and which is recommended by the ADG, and ultimately, the development comprises an overly cramped form of overdevelopment that is at odds with the prevailing character of the area, and unsympathetic to the surrounding built form.

The proposal is in conflict with the Pagham Village Design Statement, Sections H.04, G.02, and P.01 of the ADG and ALP policies D SP1 and D DM1.

NEIGHBOURING RESIDENTIAL AMENITY

Plots 1 and 2 would be subservient in scale and form to surrounding buildings, but due to their height and the limited separation distances between them and neighbouring properties mentioned above, they would still result in adverse impacts by way of overbearing and overshadowing. Within the context of planning, there is no right to a view, so where the ADG refers to maximising outlook, this must pertain to limiting overbearing impacts on existing openings.

Two neighbouring properties are of the greatest concern with respect to overbearing and overshadowing impacts, and these are Dormy Cottage and No. 4 Lion Road. With consideration of the 1.5-storey nature of plots 1 and 2, despite the slight shortfall in minimum separation distances, plots 1 and 2 are sufficiently separated from other neighbouring properties that there would be no unacceptably adverse overbearing or overshadowing impacts upon them.

The west elevation of Dormy Cottage currently features three ground-floor windows. Two of these are single panes and both serve the living room, residing either side of a fireplace/chimney with one sitting behind a boundary fence and the other looking directly into the current rear garden of Fairhaven. These windows are secondary windows serving the living room, which is also served by at least one, large, multi-paned window that faces south into the rear garden of Dormy Cottage. The third ground-floor west-facing window of Dormy Cottage serves a ground-floor bedroom on the north side of the dwelling and looks directly into the garden of Fairhaven. It too is a secondary window, consisting of three panes and is a relatively short, mid-high-level window. This bedroom is understood to also be served by a large, bay-style window on the east elevation that looks out to the driveway of Dormy Cottage.

No boundary treatment details have been provided as part of this proposal outside of the BNG details that prescribe a hedgerow to the east boundary of the site. Details would be secured by way of condition, but it must be assumed that a 1.8m boundary fence and/or planted equivalent would be installed in areas where boundary treatment is absent such as along the west elevation of Dormy Cottage. In the absence of such boundary treatment, the rear garden of plot 2 would allow direct and intimate inter-overlooking between properties which would be harmful to both sets of occupants, so such treatment must be

secured. However, the addition of boundary treatment, in conjunction with the construction of plot 2 in close proximity, would result in adverse overbearing/overshadowing impacts on the west-facing, ground-floor windows serving Dormy Cottage. Whilst these impacts would be adverse and contrary to ALP policy D DM1, they impact secondary windows only and are not significantly adverse, remaining in accordance with ALP policy QE SP1.

Owing to the height of plot 2, the proposal would also impact the first-floor west-facing window of Dormy Cottage. This window is again, a secondary window but serves a first-floor bedroom. This bedroom benefits from a wider but shorter south-facing window that looks out to the garden of Dormy Cottage. The roof slope of plot 2 would retreat away from Dormy Cottage, resulting in a lesser impact than those at ground-floor, but an impact, nonetheless. The resultant overbearing and overshadowing impacts would again, be adverse and in conflict with ALP policy D DM1, but not such that it is significantly adverse or in conflict with ALP policy QE SP1.

When assessing overlooking and inter-overlooking impacts in the context of this site, it is material that the site falls within an existing built-up residential area with a modest development density and a mix of 1, 1.5, and 2-storey dwellings. It is, and must be, accepted, that development in such a context, infill or otherwise, will result in some level of overlooking impacts on neighbouring properties. It falls to be assessed as to whether such impacts are harmful within the context of relevant supporting guidance (the ADG) and policies.

Plots 1 and 2 include ground-floor openings that would meet boundary treatment either existing or that would be secured by way of condition and would not, therefore, result in adverse overlooking impacts. They also include a number of high-level first-floor rooflights that are to serve en-suite bathrooms, dressing rooms, and bedrooms. As all such rooflights are high-level, they would not provide any readily available views of neighbouring properties and would not have any adverse impacts as a result. They do; however, each include a front dormer that requires further consideration. These are both south-facing and would look out immediately over the parking area and access, but also towards the front elevation of plot 3 and provide oblique views toward the private amenity spaces of Dormy Cottage and No. 4 Lion Road.

The views toward the garden of Dormy Cottage from plot 2 would be oblique and focussed on the side elevation of a large outbuilding, leaving the remainder of the garden largely unaffected. Views from plot 1 toward No. 4 Lion Road would be at a distance of approx. 11.5m and focussed on the northeast parcel of their amenity spaces which appears to comprise a cramped and paved area with secondary windows and washing line. It is clear that the primary private amenity space of No. 4 Lion Road is to the south of the building, given it is spacious with patio, lawn, conservatory, and outbuilding. It must also be recognised that Section H.04 of the ADG recommends a minimum 10.5m rear garden depth so that back-to-back two-storey dwellings maintain sufficient separation to mitigate overlooking impacts. Thus, it must be accepted that 10.5m separation between first-floor windows and amenity spaces is a sufficient baseline.

The front-front separation between plot 1 and plot 3 is approx. 15m, below the minimum 16m outlined in the ADG. Both properties feature first-floor windows that would serve bedrooms and the openings would be directly aligned. While the 15m separation is 1m short of the recommended 16m minimum and would result in some adverse inter-overlooking impacts in conflict with ALP policy D DM1, it would not be so harmful that this results in conflict with ALP policy QE SP1 and any future occupants of the dwellings would likely be aware of the impacts prior to purchase/occupation.

Neither the overlooking or inter-overlooking impacts associated with the first-floor dormers of plots 1 and 2 would result in unacceptable overlooking impacts on or between neighbouring properties.

Plot 3 also has a number of ground-floor openings that would either look out to the access/parking or to boundary treatment that is existing or would be secured by condition. None of these openings would harm neighbouring residential amenity.

First-floor openings of plot 3 include a side dormer serving an en-suite bathroom and front and rear windows serving bedrooms and another en-suite bathroom. The side dormer serves a non-habitable space and its window would be secured as obscure-glazing and non-opening to 1.7m by way of condition as it does not appear to be high-level. The front-facing windows would have an acceptable relationship with the front dormer of plot 1 as discussed above, and the westernmost window of the two would serve a stairwell, a non-habitable and transient space, resulting in minimal overlooking impacts. The easternmost window of the two would provide oblique views toward the garden of No. 6 Lion Road, which when following a 45-degree line taken from the window, meets the shared boundary at approx. 11m. There would evidently be some overlooking impacts from this opening on No. 6 Lion Road as a result, but as outlined above, the 11m separation would be acceptable mitigation to ensure the impacts are not adverse.

The rear-facing first-floor windows of plot 3 serve a bedroom and en-suite and maintain a separation of approx. 10m to the rear boundary, and 19.9-23.6m to the rear elevation of Fairhaven, with the 19.9m separation being offset from plot 3. It is also proposed that new planting be added along the shared boundary between the gardens. The 10m rear garden falls short of the 10.5 minimum, but equally, the primary separation between the rear elevations is in excess of the 21m minimum. This, in conjunction with the additional planting, ensures there would remain an acceptable overlooking and inter-overlooking relationship between plot 3 and Fairhaven.

Plot 3 retains sufficient separation from all neighbouring properties, with the exception of No. 4 Lion Road, such that it would not result in any adverse overbearing or overshadowing impacts on the remaining neighbouring properties. There would be an approx. 2.2m minimum separation between the west elevation of plot 3 and the southeast corner of No. 4 Lion Road, separated by the delineating boundary treatment which comprises tall hedging and potentially a boundary fence, though the fence may be buried beneath the hedging. The east elevation of No. 4 Lion Road includes three ground-floor openings which serve a hallway, kitchen, and bathroom. Those serving the hallway and bathroom are non-habitable/transient spaces with the bathroom window likely obscured, and the window serving the kitchen is a secondary window, with a glazed door and another large window on the north elevation of the kitchen. The three windows on the east elevation have limited outlook due to the height of the boundary treatment and proximity and are unlikely to get significant diffused light/direct sunlight. While plot 3 is close in proximity, it does feature a low eaves height to the west elevation, and the windows that would be impacted at No. 4 Lion Road are secondary or of limited amenity and outlook. As such, while there would be some adverse impact by way of overbearing and overshadowing on the residential amenity of No. 4 in conflict with ALP policy D DM1, it cannot be concluded to be a significantly adverse impact and is in accordance with ALP policy QE SP1.

No. 4 Lion Road also features a first-floor side window on the east elevation. It is understood that the roof space of No. 4 is non-habitable, and as such, the impacts on this window are not adverse.

Concern has been raised in respect of noise nuisance by virtue of the proposed access road running alongside the eastern boundary in close proximity to neighbouring dwellings. Whilst it is accepted that the relationship is close, and that this would be a source of noise generation for these properties, the number of trips driving along this access track will be limited and at slow speeds and for short durations. The character of the noise generated would be commensurate to a residential area and unlikely to have any significant adverse impacts on residential amenity. A Noise Impact Assessment was submitted in support of this application and Environmental Health have raised no objections or concerns in relation to potential noise nuisance.

Concern has also been raised regarding noise/pollution disturbance for neighbours during the construction. Temporary noise/disturbance during the construction phase is unavoidable and accepted, but it remains temporary in nature, and a construction hours condition would have been imposed to ensure such nuisance is not outside usual daylight hours.

The proposed alterations to Fairhaven do not add any significant bulk to the property and would have no adverse overbearing or overshadowing impacts as a result. The revised fenestration layout at ground floor would look out to existing and proposed boundary treatments, and the new first-floor windows within the side dormer serve a bathroom, would face north and south, and would not prejudice neighbouring residential properties.

The proposal would result in some unneighbourly and adverse impacts on neighbouring properties by way of overbearing and overshadowing, and some adverse inter-overlooking impacts between the proposed units. This is in conflict with ALP policy D DM1 which, amongst other things, seeks to ensure development proposals have a minimal impact on neighbouring properties, specifically by way of the aforementioned means. However, none of the impacts are such that they can be concluded as significantly adverse to the overall residential amenity of the neighbouring properties or those proposed. As such, the proposal remains compliant with ALP policy QE SP1.

QUALITY OF ACCOMMODATION

The proposed dwellings would comply with the internal area and dimensional requirements of the Nationally Described Space Standards for their respective occupancy levels and number of floors.

The existing dwelling would retain the same number of bedrooms as existing and would not materially alter in terms of the amenity afforded to the property by virtue of its internal floor area and dimensions.

The proposal is in accordance with ALP policy D DM2.

Plots 1, 2, and 3 all fall marginally short of the recommended 10.5m minimum rear garden depths set out in Section H.04 of the ADG, but each garden retains notable width and an area greater than that of their respective dwelling footprints as recommended in Section P.01 of the ADG. Each proposed rear garden, including that retained by Fairhaven, would provide functional amenity spaces with adequate light accessibility and amenity despite the marginal shortfalls.

The proposal is in accordance with ALP policy QE SP1 in this respect.

FLOOD RISK AND DRAINAGE

The Arun District Council Strategic Flood Risk Assessment (SFRA) was updated during the lifetime of this application (07/04/26) and is now a material consideration in the determination of this application. As confirmed within the updated SFRA (2026), the site is within Flood Zone 1 and not at risk of tidal or river flooding in the future when accounting for climate change.

The northern section of the plot, however, is partially at low risk of surface water flooding (1 in 1000) as outlined by the Environment Agency's Flood Map for Planning, with the extent of this risk likely to increase going forward due to climate change, although remaining within the northern section of the site. It is acknowledged that pre-application advice was given for this site in 2023 and that at the time both the EA's flood maps and Arun District Council's SFRA did not identify the site as being at risk of surface water flooding. In line with up-to-date mapping, however, it is now apparent that the site is at partial risk of surface water flooding within the north of the site following subsequent updates to the EA's relevant flood maps.

The site also has a potential low risk of groundwater flooding as outlined within the SFRA (2026).

No Flood Risk Assessment currently supports this application, but it is understood that one is to be produced imminently. That said, the application is, in any event, to be refused following the conclusions outlined in above in respect of character and design. Furthermore, the Council's procedure for accepting amendments/additional information and extensions of time is clearly outlined within the published Customer Advice Note. The Local Planning Authority has not accepted further information that would require re-consultation or for the application to be taken beyond its statutory time limits.

In the absence of a Site-Specific Flood Risk Assessment for consideration, it is not clear that plots 1 and 2 would be safe from surface water flood risk for the lifetime of the development. Additionally, with the release of Arun District Council's SFRA (2026) on 07/04/26, Table 4-2 of this document clearly outlines that where Groundwater levels are predicted to be between 0.025m and 0.5m below the ground surface, there is a risk of groundwater flooding to both surface and subsurface assets and there is the possibility of groundwater emerging at the surface locally. While this table refers to the groundwater emergence risk mapping which is not in itself confirmation that there is in fact a risk of groundwater flooding at the site-specific level, it prompts the need for on-site investigations and review of potential groundwater flood risk. The submitted drainage information that accompanies this application has confirmed that peak groundwater levels in the area reached 0.194m below ground level. This peak groundwater level suggests that there is a real risk of groundwater emergence on this site and requires further investigation by way of Site-Specific Flood Risk Assessment.

In the absence of a Site-Specific Flood Risk Assessment that confirms the development would be safe from surface water flood risk for its lifetime, NPPG Paragraph: 027 Reference ID: 7-027-20220825 and NPPF paragraph 175 confirms that a Sequential Test for Flood Risk is required to support the application. No such test has been provided.

The submitted drainage strategy has confirmed peak groundwater levels leave insufficient scope for infiltration features to account for on-site surface water drainage while maintaining sufficient, or any, freeboard between the base of such features. It goes on to identify a lack of watercourses within/adjacent to the site, and subsequently, seeks to discharge to the surface water sewer owned by Southern Water to the south of the site. This is acceptable in principle, and Southern Water have raised no objections to the application. While their consultation comments made no comment regarding the capacity of the surface water sewer and its ability to withstand the proposed capacity or flow rate from the development, the applicant was prompted separately, by Officers, to seek confirmation of this and ensure the connection to the sewer would indeed be possible. Southern Water has responded to the applicant and confirmed that 'there is currently adequate capacity in the local surface water/foul sewerage network to accommodate a surface water flow of 1 l/s for the above development at manhole reference SZ89983551 (489395, 98506)'. The manhole referenced is the one to which the proposed drainage scheme seeks to connect, and the flow rate is also as proposed.

While the final outfall location is acceptable and it has been confirmed to be viable by Southern Water, it remains that the drainage strategy proposed needs to accord with the National Standards for Sustainable Drainage Systems (NSfS). The Council's Drainage Engineers have been consulted on this application and have objected in relation to NSfS Standards 2 and 3. It is concluded that standards 1 and 4-7 have elements that will need to be addressed by way of conditions to ensure compliance with the relevant requirements of the NSfS, but that these matters could have been resolved by way of conditions.

NSfS Standard 2 is not met because while the design incorporates lined permeable paving to serve the self-draining paved area of the driveway, separate interception drainage is required for the roof areas to ensure accordance with the requirements of the NSfS. No such interception drainage has been proposed and no discussion or justification for the absence of interception drainage has been provided.

NSfS Standard 3 is not met because the design flow restriction is 1 l/s which is a significantly greater runoff rate than that of the greenfield rate (0.54 l/s). The site does not fall within the definition of 'previously developed land' otherwise known as brownfield land, and peak runoff rates should be proposed to be as close to greenfield runoff rates as practicable. It is noted that blockage risk is low due to the use of permeable paving and so the applicant should investigate restricting the peak runoff as appropriate using modern flow control devices and blockage protection for source control. There is insufficient justification for the high 1 l/s rate currently proposed.

No downstream surcharge has been applied. It is likely that the surface water sewer system would be surcharged during the design storm so the drainage design needs to account for this based upon robust assumptions of downstream top water level.

Additionally, the exceedance flow paths for the site have not been shown of the drainage layout. In the absence of this information, it is unclear how or whether exceedance flow paths may interact or disrupt the functionality of the proposed drainage system. In the absence of this information, there remains potential that exceedance flow paths could prejudice the functionality of the proposed drainage strategy.

Overall, the appropriate incorporation of interception drainage and management of extreme rainfall is not currently in accordance with the requirements of the NSfS or the SuDS Manual contrary to NPPG Paragraph: 057 Reference ID: 7-057-20220825.

There is an unacceptable risk of increased flood risk on site and/or elsewhere in conflict with ALP policy W DM3, and NPPF paragraphs 181, 182, and 187(e). It has also not been confirmed that the development would be safe from flood risk for its lifetime without increasing flood risk elsewhere, and no Sequential Test has been provided in conflict with NPPF Paragraphs 170 and 175.

ECOLOGY, BIODIVERSITY AND TREES

The site is currently a large residential garden with dwelling and parking to the front. The garden is relatively well vegetated with perimeter hedging and scrubs, 15 No. trees within the rear garden and 3 No. trees to the front of the site. Also of note is that 2 No. large trees are present off-site but within proximity of the boundary.

The 15 No. trees within the rear garden are all Category C or U trees and are a mix of Pear, Apple, and Cherry trees. Of which, 2 No. Category C Cherry trees are to be retained, with the remaining trees (13 No. trees total) to be removed to facilitate the development. The 3 No. trees to the front of the site (Category C Apple and Hawthorn) are to be retained. The site is also home to 3 No. lengths of Garden Privet hedging along the west and northern boundaries, all of which are proposed for retention. Otherwise, the site comprises modified grassland (lawn) and a small ornamental pond which is of site ecological value only.

The Statutory BNG proposals identify a loss of -43.44% in habitat units on site, for which off-site credits would need to be utilised to achieve a 10% increase in biodiversity, and increase of 34.21% in hedgerow units on site. While there is a significant number of tree removals proposed throughout the site and the loss of an ornamental pond, the trees are of no wider public amenity value, are not protected by Tree Preservation Order (TPO) or Conservation Area, would not qualify for protection by TPO, and ultimately, the site comprises a residential garden where the removals could be undertaken outside of the control of the Local Planning Authority. The loss of these features would have a localised impact on biodiversity, but by virtue of statutory Biodiversity Net Gain (BNG), the proposal would enable the compensation and minimum additional 10% net gain in biodiversity off-site that could be secured long term. In addition, as discussed below, compensatory planting would be secured by way of condition.

T04 is off-site and would not be directly impacted in any meaningful way by the development. T14, however, is located immediately adjacent to the east site boundary and is noted for retention. However, the proposed access driveway is to be installed directly over a large portion of its root network. The tree falls within a neighbouring plot and is large, with visibility, albeit limited, from the surrounding streets (Lion Road and Priors Way). It does contribute to local visual amenity, but to a limited degree. The tree has been identified as an Early-Mature Category C Sycamore tree with a 10+ year remaining lifespan. T14 is marked for retention and the Tree Retention and Protection Plan, which would have been secured by condition, identifies no-dig construction across the root network of T14 (and TL02). Subject to compliance with the Tree Retention and Protection Plan, the root networks of these trees would be protected during construction. However, there is a risk of long-term root compaction from vehicles passing over the access driveway, but also, due to the tanked nature of the permeable paving drainage strategy, where these root networks would have direct access to natural gasses and moisture, the drainage features will likely have some prejudicial impact on these trees. Those to the front of the site have smaller root networks and access to relatively large portions of otherwise undeveloped ground, so are likely to remain, but T14 appears to be restricted by a large outbuilding to its south, and the addition of the access may result in its decline. The potential prejudicial impact to T14 is in conflict with ALP policy ENV DM4.

The development is proposed to incorporate a range of ecological enhancements, including the integration of at least one bat box and one bird box per dwelling, Bee bricks, communal boundary planting to comprise native species, including fruit- or nut-producing plants to benefit birds, night-scented species such as honeysuckle within gardens to enhance bat foraging opportunities, and native trees and hedges within and between gardens to strengthen habitat connectivity across the site. As 13 No. trees are proposed for removal, an equal number of trees could be secured to be replanted on site. The finalised details of these enhancements and compensatory planting would have been secured by way of condition.

The Council's Ecologist has reviewed the application and its supporting information and has resolved to no objection subject to conditions. While ALP policy ENV DM5 seeks to ensure a biodiversity net gain on site and the proposal is likely in conflict with this requirement, with consideration of the off-site gains overall, and the status of the site as a residential garden with no guarantee that the existing biodiversity value of the site can be retained long-term, the Local Planning Authority is satisfied that this is not in itself a reason for refusal.

The site lies within Pagham Harbour Zone B, a buffer zone surrounding the Pagham harbour Special Protection Area (SPA) where new residential development is likely to give rise to recreational pressures on the SPA and requires financial contribution to mitigate against these impacts. At the time of submission, the relevant fee was £962 per dwelling. During the lifetime of the application, this fee was increased to £974 per dwelling. The application was accompanied by a draft S.106 agreement pursuant to the relevant financial contribution at the time of submission. Following review, the draft S.106 agreement was found to have a number of elements that needed to be rectified prior to its completion. It has not been possible to resolve this matter during the lifetime of the application as the application is to be refused on other matters. Should a revised application or appeal be submitted, the Local Planning Authority will review the revised S.106 agreement at that stage, but noting the increased financial contribution, the applicant should be aware they will need to amend the agreement to reflect a contribution of £974 per dwelling at that stage.

Pagham Harbour is also a Site of Special Scientific Interest (SSSI), as is Bognor Reef. The proposal involves the development of a residential garden surrounded by urban development. It would have no direct or indirect impacts on these SSSI (outside of the recreational pressures identified above), and the need for an appropriate assessment beyond that which has informed the impacts of recreational pressures on Pagham Harbour has been screened out.

In the absence of a signed and completed S.106 agreement to secure the relevant financial contribution, the likely recreational pressures to the Pagham Harbour SPA would not be sufficiently mitigated, and harm to Pagham Harbour is therefore, likely, in conflict with ALP policies ENV SP1, ENV DM1, and ENV DM2. The applicant is advised that following the signing and completion of the S.106 agreement as required, would result in the identified harms being resolved.

TRANSPORT, PARKING AND ACCESS

The site lies within Parking Zone 2 and features 4 No. 3-bedroom dwellings. Each unit requires 2 No. parking spaces that are 2.5m by 5m to comply with both the Arun Parking Standards and Section I.01 of the ADG. The Arun Parking Standards also outlines that car ports qualify as a full parking space if they are 3m by 6m and that visitor parking should be provided at a rate of 20% of the total proposed dwellings.

The proposal includes 9 No. parking spaces between the four dwellings, in excess of requirements, alongside the provision of 1 No. visitor parking bay. The requirement for this development would round up to 1 No. visitor space and so the relevant quantity has been provided. Although this parking bay falls below the suggested 2.5m width, there remains sufficient access width to account for a partial overlap without prejudicing the access.

Dedicated bicycle parking shelters have also been proposed for each unit. They are required to provide 2 No. cycle spaces per unit and appear to be sufficient to accommodate this quantity. Their provision would have been secured by way of condition.

8 No. EV chargers have also been proposed, with each unit benefitting from at least one or more charging point. These are required at a rate of one per dwelling to comply with the Arun Parking Standards and would have been secured by way of condition as such.

WSCC Highways have been consulted on this application and have raised no highways safety, capacity, or visibility concerns. Swept path assessments have been provided to demonstrate that access and on-site manoeuvring is achievable by a number of larger service vehicles, including refuse vehicles and emergency fire service vehicles.

The proposal would include the need to widen the access point at Nyetimber Lane to 4.8m. This would require relevant highways licenses but this is a separate legislative matter.

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

ENERGY EFFICIENCY

Policy ECC SP2 of the ALP 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 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 such as solar panels and air-source heat pumps, a condition would have been attached.

Subject to condition, the proposal would be in accordance with ALP policy ECC SP2.

WASTE MANAGEMENT

The proposals have dedicated space for waste storage facilities at each plot and have sufficient and convenient access to the highway for kerbside collection in accordance with ALP policy WM DM1.

SUMMARY

The conclusions outlined above regarding recreational pressures on the Pagham Harbour SPA, the absence of a Flood Risk Assessment to confirm that the properties would be safe for their lifetime, and the subsequent lack of a Sequential Test constitute conflicts with ALP policies ENV SP1, ENV DM1, ENV DM2 and W DM2, and NPPF paragraphs 170 and 175. These matters represent strong reasons to refuse the development at this time in accordance with NPPF paragraph 11(d)(i), and the tilted balance is therefore not applied.

While it is acknowledged that the identified recreational pressure impacts could be resolved through a completed Section 106 agreement under a further application or appeal, no completed Section 106 agreement is currently in place to support this application. Furthermore, the risk of flooding on site appears low, so there remains potential that a suitably detailed Flood Risk Assessment could address the flood risk concerns identified and remove the need for a Sequential Test. However, no such Flood Risk Assessment has been submitted, and consequently the potential flood risk impacts cannot be assessed or quantified with sufficient certainty at this time.

The submitted surface water drainage scheme is not in accordance with the National Standards for Sustainable Drainage Systems and there is an unacceptable risk of increased flood risk on site and/or elsewhere. This is contrary to ALP policy W DM3 and NPPF paragraphs 181, 182 and 187(e).

For the reasons outlined above, the proposal also represents an unduly cramped form of overdevelopment that is at odds with the established development pattern and prevailing character of the locality. This is in conflict with the Pagham Village Design Statement, the Arun Design Guide, and ALP policies D SP1 and D DM1.

While some harm has been identified in terms of overshadowing and overbearing impacts on neighbouring properties, and potential harm to a neighbouring tree, contrary to ALP policies D DM1 and ENV DM4, these impacts are not considered, for the reasons set out within this report, to be of such severity that they would independently justify refusal when assessed in the overall planning balance.

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 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 represents an unduly cramped form of overdevelopment that is at odds with the established development pattern and prevailing character of the locality. This is in conflict with Arun Local Plan policies D SP1 and D DM1, NPPF para 139, the Arun Design Guide and the Pagham Village Design Statement.
- 2 In the absence of a completed S.106 agreement to secure the relevant financial contribution, the proposal would give rise to unmitigated and therefore, unacceptable recreational pressures on the Pagham Harbour Special Protection Area in conflict with Arun Local Plan policies ENV SP1, ENV DM1 and ENV DM2.
- 3 In the absence of a Site-Specific Flood Risk Assessment, the overall on-site flood risk has not been suitably assessed, and the proposed dwellings cannot be confirmed to be safe from flood risk for their lifetime without increasing flood risk elsewhere in conflict with Arun Local Plan policy W DM2 and NPPF paragraph 170. Consequently, the proposal also requires a Sequential Test in accordance with NPPG Paragraph: 027 Reference ID: 7-027-20220825 which has not been supplied and is therefore, in conflict with NPPF paragraphs 170 and 175.
- 4 The submitted surface water drainage scheme is not in accordance with the National Standards for Sustainable Drainage Systems and there is an unacceptable risk of increased flood risk on site and/or elsewhere in conflict with Arun Local Plan policy W DM3 and NPPF paragraphs 181, 182 and 187(e).
- 5 **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.