

Recommendation Report for Planning Permission

REF NO: P/79/19/PL

LOCATION: 78 Harbour Road
Pagham
PO21 4TD

PROPOSAL: Demolition of existing sheds & dwelling & erection of 1 No. dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The dwelling as proposed is single storey and would replace the existing single storey dwelling and sheds.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the development.
BOUNDARY TREATMENT	Low level post and rail fence to the front of the site. There is low hedge site along the common boundary between the application site and number 80. The hedge stops just 'shy' of the front elevation of adjoining property number 80, when it changes to an approximately 2.0 metre high fence. The screening along the common boundary of adjoining property number 76 starts to the front with a low level post and rail fence. Then the side elevation of the existing dwelling provides screening, which eventually changes to an approximately 1.5 metre high section of close boarded fencing. After the close boarded fencing the side elevation of the existing garage at number 76 offers screening. After the side elevation of the garage there is a section of close boarded fencing. There is no fencing along the rear boundary of the application site.
SITE CHARACTERISTICS	The site consist of various flat roof structures including railway carriages.
CHARACTER OF LOCALITY	The area consist of residential properties of various styles and designs.

RELEVANT SITE HISTORY

P/4/57	Residential Development	ApproveConditionally 02-10-57
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Planning history noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Pagham Parish Council

Pagham Parish Council: No objection

No neighbour comments have been received.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

Drainage Engineer: No objection:

- Surface water drainage must be designed and constructed in accordance with building regulations.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Built-up Area Boundary

Area of Special Character

Pagham Harbour Zone A

2km Buffer for SSI - Pagham Harbour

DEVELOPMENT PLAN POLICIES

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

SDSP2	SD SP2 Built-up Area Boundary
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
ENVDM4	ENV DM4 Protection of trees
TSP1	T SP1 Transport and Development

TDM1	T DM1 Sustainable Travel and Public Rights of Way
HERDM4	HER DM4 Areas of Special Character
ENVDM2	ENV DM2 Pagham Harbour

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
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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 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.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

The emerging plan (Pagham Development Management Plan 2019 - 2026) has reached Regulation 14 stage and therefore the policies within are relevant.

Policy 1 of the emerging Pagham Neighbourhood Plan is of relevance to the proposal:

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

The site lies within an Area of Character where development must be sensitive to the characteristics of the special character and within the coastal protection area. The proposal is for a replacement of a single storey sub standard dwelling with a single storey bungalow. The key policies considered are DDM1, DDM4 and HER DM4

Further, the NPPF generally seeks to promoting effective use of all land (para 117) and gives weight to proposals that develop under-utilised land (para 118(d)).

Policy 1 of the emerging Pagham Neighbourhood Plan is of relevance to the proposal and the proposal complies with this policy:

Policy 1 seeks to apply the principles of achieving sustainable development in Pagham taking local circumstances into account so as to reflect the character, needs and opportunities of the Plan area.

CHARACTER AND DESIGN

Policy D DM1 of the Arun Local Plan 2011-2031 (ALP) requires that the Council have regard to certain aspects including:

- (1) Character - "Make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features.";
- (2) Appearance/attractiveness - "Demonstrate a high standard of architectural principles, use of building materials, craftsmanship and hard and soft landscaping to reflect the local area";
- (13) Density - "The density of new housing will make efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. Proposals should take into account the density of the site and its surroundings. The density of large sites should be varied to guard against uniformity"; and
- (14) Scale - "The scale of development should keep within the general confines of the overall character of a locality unless it can be demonstrated that the contrary would bring a substantial visual improvement."

Furthermore, policy D SP1 "Design" states that all development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

The area is mixed in appearance, with varied design and scale. The dwelling sits comfortably in the street scene in terms of its scale and massing and is not considered unduly dominant upon the street scene as it would be set back marginally than that of the existing dwelling. Therefore, the proposed dwelling would be set back from the rear of the highway by a maximum of approximately 11.67 metres and a minimum of 10.2 metres. The new dwelling would have a larger footprint than those either side.

The dwelling incorporates design features which give the property a modern character. It is designed with a contemporary appearance and will be constructed out of the following external materials:

- Walls: Facing brick to damp proof course - Edenhall Paxton Iron - Grey
- Larch vertical Timber cladding to front and rear elevations (Natural as per submitted D & A)
- Self coloured render - Weber Monocouche render -Stone Grey

Roof: Powder coated steel roof cladding - Anthracite
EPDM single membrane - Black

Windows: Powder coated aluminium - Anthracite (RAL 7016)

Officers note the wide variety of materials used within the area. From an assesment of the proposed materials it is considered that they would be acceptable.

The replacement dwelling is considered to improve the appearance of the site. The new dwelling by virtue of its size, location and design is not considered to give rise to any unacceptable adverse impact on the spatial pattern or character of the area and accord with DDM1 and DDM4 of the Arun Local Plan.

AREA OF CHARACTER AND PAGHAM HARBOUR SPA.

The dwelling is located in an Area of Character. The proposal creates a dwelling individual in style with the use of materials which are not considered to be out of character in the area and Pagham Beach Estate and as a result the proposal is not considered to give rise to any harm upon the character of the area and accords with HERDM4 of the Arun Local Plan.

The property is located in Pagham Harbour Special Protection Area. The proposal seeks to replace a dwelling and would do so with a larger footprint. While the proposal would have a larger footprint it would not be such that is considered would have a detrimental impact on the Area of Character. While the proposed replacement dwelling would feature 3 bedrooms it is not considered that this would introduce a significant amount of additional residents to the area. The dwelling would only have a minimal effect on the local environment.

Part a. of policy ENV DM2 of the Arun Local Plan states that:

Within Zone A (0-400m from the boundary) as identified on the Policies Maps, development will only be permitted in exceptional circumstances where the developer is able to demonstrate there will be no detrimental effects on Pagham Harbour, including non-native species and the water environment. Regard shall also be had to tests 1-4 as set out in Policy ENV DM1 (Designated Sites of Biodiversity or Geological Importance).

The applicant has noted, in the submitted Design and Access Statement, that as part of application P/53/10/ on the adjacent site of 80 Harbour Rd, Pagham the Environment Agency required the provision of a minimum 3m buffer zone alongside the entirety of the property's wetland reach to the North West of the site. Therefore they have included a similar buffer zone on this application's site. The buffer zone (hatched in green on drawing 1553_210) will be maintained for the duration of the construction phase. The area will be fenced with Heras fencing which will prevent the area being accessed by contractors. All site access will be via Harbour Road.

The site has previously been used for residential purposes (residential dwelling) and it is noted that the dwelling is a 1 for 1 replacement. Even though the proposed dwelling has a larger footprint than that of the existing, it is considered that the proposal would be of a modest size, scale and massing. Therefore, along with the above assesment, it considered the continued use of the site for residential purposes in the form proposed, would not have an adverse effect on any Site of Biodiversity/Geological Importance, in this case the Pagham Harbour Zone A.

There is no requirement for a contribution towards the Pagham Harbour SPA in accordance with the policy adopted at Cabinet on 10th April 2017

Officers consider that the replacement dwelling would not have a detrimental impact on either the Area of

Character or the Pagham Harbour.

As such it is considered that the proposal would comply with policy HER DM4, ENV DM1 and ENV DM2 of the Arun Local Plan.

RESIDENTIAL AMENITY

Arun Local Plan 2011-2031 policy D DM1 requires that the Council have regard to certain aspects when considering new development including: (3) Impact - "Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance." None of the Arundel Neighbourhood Development Plan policies refer to residential amenity issues.

Regard should be had to paragraph 127 of the NPPF which states that:

"Planning policies and decisions should ensure that developments: (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."

Regard should also be had to paragraph 128 of the NPPF which states that:

'Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.'

The proposal includes a window in the side elevation facing adjoining property number 80. This window would serve bedroom 2. From the Officers site visit it was noted that there are 4 windows in the side elevation of number 80 that face toward the application site. There is a 2.1 metre high (measured from submitted plans) close boarded fencing to the common boundary between number 80 and the application site. The windows within the side elevation of number 80 are part screened by the aforementioned close boarded fencing. However, it is considered that some views out of bedroom 2 would still be available above the fencing. From an assessment of the initial plans Officers considered that views would be available from the window serving bedroom two through the side kitchen window of adjoining property number 80. While these views would be at an angle it is not considered that the angle would be such that would mitigate any detrimental levels of overlooking. Amended plans have been received which move the position of the window serving proposed bedroom 2 slightly further toward the en-suite bathroom serving bedroom 1. Officers consider that the proposed new position of the window increase the angle of views out toward the kitchen window at number 80, such that no detrimental levels of overlooking would occur.

The proposal includes a decking area to the rear of the site which Officers consider could increase levels of overlooking out toward the rear amenity space of the adjoining properties, over the current situation. The decking would be partially curved away from the common boundary of property number 80 and would be set in from the common boundary by a minimum of approximately 1.7 metres, increasing to over 5 metres. The decking would also be set in from the common boundary of number 76 by approximately 1.8 metres. It is noted that there is close boarded fencing to the common boundary of number 80 approximately 1.8 - 2 metres high.

Along the common boundary of number 76 is a close boarded fence with a height of approximately 1.54 metres. Some additional overlooking would toward the rear garden of adjoining property number 76 would occur as a result of the proposed decking. However, it is considered that while the side elevation of the garage would provide some screening, limited views available be over the roof of the garage. Other

views would be available over the section of post and rail fencing after the garage and would allow some views out over the rear part of the rear garden of adjoining property number 76, an area that can already be overlooked.

Therefore, while Officers consider that some extra overlooking would be available from users of the proposed rear decking element it is considered that it would not be detrimental such that it would warrant refusal.

The development is not deemed to harm neighbouring amenity by way of overshadowing, overbearing, overlooking and loss of light/sunlight. As such the proposal would comply with D DM1 and D DM4 of the Arun Local Plan.

SPACE STANDARDS

Policy D DM2 of the Arun Local Plan

states that: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance". It is therefore necessary to assess the proposal against the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) in order to determine whether the two houses are suitable for residential use.

Permission is sought for 1 single storey, 3 bedrooomed dwelling. The proposal would have:

Internal floor space of 104.7426 metres squared.

Bedrooms 1-3 would each have an internal floor space of approximately 10.0 Metres squared with a width greater than 2.15 metres squared (the minimum width required for a for a single bedroom).

Having regard to the national space standards and the above assesment, Officers note that the total internal floorspace exceeds the requirements for a 3 bedrooomed dwelling of 4, 5 and 6 bed spaces (persons). However, as the proposed dwelling would be considered to have 3 single bedrooms (based on the Officer's assesment) it would be considered to be a 3 bed space (person dwelling). This means that the dwelling would not comply with the requirement for dwellings with 3 or more bedrooms having 4, 5 or 6 bed spaces (persons) and at least 1 double bedroom. Paragraph 13.3.4 states that:

'There might be occasions where development schemes cannot comply with the all the space standards required.....Arun District Council will consider these on a case-by-case basis.'

Officers do not consider the 1 bed space (person) deficit to be so detrimental such that it would warrant refusal.

As such, the proposed dwellings would comply with policy D DM2 of the Arun Local Plan 2011-2031.

PARKING AND HIGHWAY STANDARDS

Arun Local Plan 2011-2031 Policy T SP1 seeks to ensure that development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. In respect of parking, it states that:

"The Council will support transport and development which: incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking"

In respect of highway safety, it states that:

"The Council will support transport and development which: Explains how the development has been designed to: (i) accommodate the efficient delivery of goods and supplies; (ii) give priority to pedestrian and cycle movements and have access to high quality public transport facilities; (iii) create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter."

Regard should also be had to paragraph 109 of the NPPF which states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

Regard should also be given to the Arun District Council Parking Standards Supplementary Planning Document October 2019. Whilst this document has not been formally adopted at the time of writing weight has been given to it.

Having regard to the West Sussex County Council Parking guidance 2 un-allocated and 3 allocated off-road parking spaces are required. Having regard to the Arun District Council Parking Standards Supplementary Planning Document October 2019 dwellings in Parking Zone 2 would require 2 spaces.

There are currently no off-road parking spaces and the applicant would be providing 2 spaces to serve the new dwelling. Having regard to the both the the West Sussex County Council Parking guidance and the Arun District Council Parking Standards Supplementary Planning Document October 2019, Officers consider that the proposal would be acceptable.

As such, it is considered that the Proposal would comply with Policy TSP1 of the Arun Local Plan.

FLOODING , FLOOD RISK AND DRAINAGE

The site falls within Flood Zone 1, as per the Environment Agencies flood Map for Planning, with a very low risk of flooding from rivers or the sea. The site is also at very low risk of flooding from surface water.

Permission is sought for a 1 for 1 replacement of the exiting dwelling. Officers note that the proposal would have a larger footprint, however, given the dwellings modest size and scale do not consider that it would lead to any additional; flooding or flood risk issues. The applicant has detailed a number of flood mitigation measures within their submitted Design and Access Statement:

- a. All electrical sockets / fittings to be dropped from above and located min. 450mm above FFL (as per Building Regulations Part M).
- b. Internally - gypsum plaster to be replaced with a concrete render alternative and water resistant paint on internal walls; new boiler and water storage installed above flood level;
- c. Externally - walls rendered resistant to flooding; manhole covers will be secured;
- d. Proposed floor to be of suspended concrete construction with non-perishable finish.

All new surface water drainage systems will be designed in accordance with the hierarchy specified within the Building Regulations, using sustainable urban drainage systems (SuDS) i.e.: Infiltration via soakaway. Surface water drainage systems will be designed to accommodate all storms up to the 100 year storm event, with a 40% allowance for future climate change.

The Drainage Engineer does not object and states that surface water drainage must be designed and constructed in accordance with building regulations.

As such, Officers consider that the proposal would comply with policies W DM2 and W DM3 of the Arun Local Plan.

PAGHAM NEIGHBOURHOOD DEVELOPMENT PLAN

As a result of the above assesment it is considered that the proposal would comply with policy 1 of the emerging Pagham Neighbourhood Plan.

SUMMARY

The proposed development is deemed to accord with the relevant development policies and such is recommended for approval subject to the following conditions and informatives.

HUMAN RIGHTS ACT

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) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval 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

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

1533_100A
2105_19_07_01 A
2105_19_07_02
1553_202A received 27/11/1029

1553_210A received 27/11/1029

Material Details email received 04/12/2019

Design and Access Statement - Flood Resistance and Resilience Measures

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 3 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the dwelling houses shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with policy D DM1 of the Arun Local Plan.

- 4 Before development commences the protective Heras fencing (3m buffer zone) as shown on plan ref: 1553_210 A shall be erected and shall remain in place for the duration of the construction of the dwelling hereby approved. As such, All site access shall be via Harbour Road to the front of the dwelling.

Reason: In order to protect a designated site of Biodiversity or Geographical Importance, Pagham Harbour in accordance with policies ENV DM1 and ENV DM2. This is required to be a pre-commencement condition because it is necessary to ensure that the protective Heras fencing (3m buffer zone) is implemented prior to the commencement of any building works in order to ensure the protection of the Pagham Harbour.

- 5 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 within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.