

Recommendation Report for Planning Permission

REF NO: BE/163/21/PL

LOCATION: 22 Osprey Gardens
Bersted
PO22 9QG

PROPOSAL: Erection of 1 No. dwelling. This site is in CIL Zone 4 and is CIL Liable as a new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Planning permission is sought for the erection of a new 2 storey dwelling attached to the western wall of the semi-detached host property within its garden area. New vehicle access is proposed.
	Whilst the dwelling would have the same height as host property, it would be almost 1.5m wider than any dwelling in the vicinity. The existing access to the garage to the rear would be blocked by the proposed dwelling and two parking spaces are shown within former front garden.
SITE AREA	180 square metres
RESIDENTIAL DEVELOPMENT DENSITY (NET)	56 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	There are small trees on the site which will be affected by the proposed development.
BOUNDARY TREATMENT	Open to the front, iron cast gate with a brick wall 1.5m high on the western side, low brick wall with trellis on the top on the western boundary. Brick wall combined with timber parts approximately 1.6m high on the rear boundary.
SITE CHARACTERISTICS	Two storey semi-detached dwelling with gabled roof with single storey flat roofed rear extension siting in a slightly wider but shallower rear garden and deeper landscaped front garden with a hardstanding access to the garage situated in the western corner of the site with an outbuilding on its eastern side.
CHARACTER OF LOCALITY	Residential area with a specific pattern of development comprising 3 terraces of eight in three rows with gardens to the rear and wide open spaces in the between terraces to the west of the site and 2 storey semi-detached dwellings of a uniform appearance with fairly comparable sized front and rear gardens. All dwellings are well set back, open fronted with on-site parking available for 1 or 2 vehicles. Shearwater Park immediate to the rear of these semi-detached properties

underlines the openness of the area followed by another large play park on the other side of Berghestede Road.

There is no relevant planning history.

REPRESENTATIONS

Bersted Parish Council: Objection.

- Overdevelopment of the site contrary to ALP policy D SP1.
- The application does not provide enough parking spaces for new development or the existing contrary to BNDP's policy HDQ8 which requires 2 spaces per dwelling.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and addressed below.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Engineers Comments Regarding Surface Water Drainage:

Due to the scale, location and type of application no conditions requested. Any alterations to surface waterdrainage must be designed and constructed in accordance with Building Regulations. The applicant should be aware that our mapping shows a foul sewer running north-south under the proposed dwelling.

ENVIRONMENTAL HEALTH: No objection subject to suggested conditions.

NATURAL ENGLAND: Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance. Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s).

WSCC: Does not consider 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 (para 111), and there are no transport grounds to resist the proposal.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The s106 has not been signed so this will form a reason for refusal.

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary;
Pagham Harbour Access Management Zone B.

DEVELOPMENT PLAN POLICIES

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

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)
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitagation
ENVDM2	ENV DM2 Pagham Harbour
ENVDM5	ENV DM5 Development and biodiversity
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WMDM1	WM DM1 Waste Management
WDM3	W DM3 Sustainable Urban Drainage Systems

Bersted Neighbourhood Plan 2014 Policy ES1	Design of new development
Bersted Neighbourhood Plan 2014 Policy ES2	Surface water management
Bersted Neighbourhood Plan 2014 Policy HDQ6	Outdoor space
Bersted Neighbourhood Plan 2014 Policy HDQ7	Attention to detail
Bersted Neighbourhood Plan 2014 Policy HDQ8	Car parking

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
NPPDG	National Design Guide

SUPPLEMENTARY POLICY GUIDANCE:

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 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 relevant policies of the Bersted Neighbourhood Development Plan have been taken into account in determining this application: ES1 Design of new development, ES2 Surface water management, HDQ6 Outdoor Space, HDQ7 Attention to detail and HDQ8 Car parking.

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 not considered to comply with relevant development plan policies in that it would have a materially adverse effect on the visual amenities of the local area and the local pattern of development, would provide an insufficient parking spaces for the host and proposed dwelling and would result in an inadequate garden size for No 22 Osprey Gardens contrary to policies D SP1, D DM1, T SP1 and ENV DM2 of the Arun Local Plan and policies ES1, HDQ6, HDQ8 of the BNDP.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

KEY ISSUES

The key issues are principle, design and visual amenity, residential amenity, highways/traffic and impact on Pagham Harbour.

PRINCIPLE

Whilst the area is suitable for residential development in principle, being in the built up area, such development should comply with the policies in the development plan. The key policies are D SP1, D DM1, D DM2, ENV DM2, T SP1, W DM1 and EEC DM1 of the Arun Local Plan.

Policy D SP1 of the Arun Local Plan requires development to make efficient use of land reflecting the characteristics of the site and local area and policy D DM1 states that a high standard of architectural principles should be demonstrate and new development should have a minimal impact to users and occupiers of nearby properties and land. Policy D DM2 expects internal spaces to meet the requirements of Nationally Described Space Standard. Policy W DM1, Policy ECC SP2 expects all new development to be energy efficient.

NPPF paragraph 119 highlights that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Paragraph 124(d) NPPF states planning policies and decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an area's prevailing character and setting (including residential gardens).

Paragraph 157 NPPF signifies in determining planning applications, local planning authorities should expect new development to comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable.

The Council acknowledges it cannot demonstrate a five-year supply of deliverable housing sites. The proposal would deliver 1 new dwelling in a sustainable location, which would make only a minimal contribution to the shortfall in housing supply.

The proposal results in significant harm to the established pattern and open character of the area and

residential amenities. The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. The failure of the proposal to do this is in direct contradiction of paragraph 124 of the NPPF and consequently the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when considered against the policies in the Framework as a whole.

DESIGN AND VISUAL AMENITY:

Policy D SP1 of the Arun Local Plan stresses that successful development should respond to local distinctive pattern of development. Paragraph 13.2.9 of the Local Plan (Design) continues stating new development should ensure that height and massing does not interrupt or debase the rhythm of existing building/roof line or detract from the local and wider area's character. Policy D DM1 (7) expects all development will incorporate existing and new tree planting as an integral part of the proposal.

Policies ES1 and HDQ5 of the Bersted Neighbourhood Development Plan require new development to be of a high quality and to reflect the character of the location.

The Arun Design Guide Supplementary Planning Document (SPD), a material consideration in the determination of applications, was adopted 25th January 2021. Part P.O1 deals with infill development and requires development to respond positively to the character, appearance and layout of surrounding buildings to provide high quality development which enhances amenity for surrounding and new residents.

Paragraph 130 of NPPF emphasises that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- 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 do not undermine the quality of life or community cohesion and resilience.

The National Design Guide comprises a material planning consideration for decision taking. Criterion C1 requires developments to understand and relate well to the site, its local and wider context; including the existing built development, layout, form and scale. Criterion I1 requires development to respond to existing local character and identity including the characteristics of existing built form and the elements of a place or local places that make it distinctive. Criterion B2 requires development to be of an appropriate building type and form, having regard to the height of buildings around them, the relationship with the street width, and the sense of enclosure that results.

The host property which is identical with its counterpart would be extended to the western side. The proposed dwelling would act like an end terrace, would have the height of the host property but would be considerably wider than any other semi-detached dwelling in the cul-de-sac which is approximately 5.2m whilst the proposed would be 6.6m wide and would be a bulky addition to the existing pair of semi-detached houses. It would fill the gap which is slightly wider due to the change of the pattern from the pair of semi-detached dwelling with an equal spaces between and three rows of terraces of eight with narrow private gardens and a large open grassed area separating the front elevations of terraces resulting in an undisturbed pattern.

Spacing should be respected together with the character of the area. Approved new development in Finch Gardens, highlighted by the applicant, is a part of an entirely different area with a rather random pattern. Each case should be judged on its own merits. Residential development in the area of Shearwater Park and the play park is characterised by spaces between properties for a purpose to

demonstrate the openness. The development would create an inappropriate addition with no relationship to the existing development, and fails to respond to locally distinctive patterns of development.

The submitted drawings are inaccurate, the existing property is presented as the narrowest one form the rest of semi-detached properties in the cul-de-sac and due to the unequal division of the existing site the proposal would disrupt the general pattern of front and rear gardens to detriment of the street scene and area. The host property would be squeezed between its counterpart and new larger addition with rather awkward entrance from cul-de-sac.

The proposed dwelling results in a visual impression of a dwelling which fills the slightly wider gap regardless of the reason why the gap was created, leaving an inadequate space for the host dwelling and forcing a variation in established design characteristics; would appear cramped and at odds with surrounding character and appearance of the area. The cumulative impact of the proposed alterations to the front garden would be detrimental to the character of the area. It would conflict with those aspects of Policies D DM1 and D SP1 of the Arun Local Plan, Policy ES1 and HDQ5 of the Bersted Neighbourhood Development Plan, relevant paragraphs of NPPF and Arun Design Guide (SPD) and the National Design Guide.

NOISE & RESIDENTIAL AMENITY:

Arun Local Plan 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."

Policy QE SP1 states: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity, the natural environment or upon leisure and recreational activities enjoyed by residents and visitors to the District."

Policy QE DM1 seeks to protect against the impacts of new noise generating development. It states that: "Developers proposing new noise generating development must seek advice from an early stage to determine the level of noise assessment required." It also emphasises that noise sensitive development will not be permitted if its users would be affected by noise by proposed noise generating uses.

None of the Bersted NDP policies refer to residential amenity issues. One of the 'core planning principles' of the NPPF is to 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, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience (paragraph 130 f).

It is not considered a residential use would be a noise generating form of development especially in an area of mixed use development. The residential use would have similar characteristics to other residential properties in the locality.

The proposed dwelling would be of the same depth and height as the host property as such it would not have an significant impact to users and occupiers of nearby property in terms of loss of sunlight, privacy and outlook. There is an open area of park to the rear and a reasonable separation distance from the flank wall of the terrace to the west with no habitable windows.

The development would not have a significant adverse impact to users and occupiers of nearby properties. Therefore, it would not accord with policies D DM1 and QE SP1 of the Arun Local Plan, Arun

Design Guide and para 130 of the NPPF.

HIGHWAYS, TRAFFIC AND PARKING

Arun Local Plan Policy T SP1 requires appropriate levels of car parking and seeks to ensure 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.

Regard should be had to paragraph 111 of the NPPF 2021 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."

The Bersted Neighbourhood Development Plan Policy GA3 states traffic calming and shared space proposals for development which would enable or assist with traffic calming or provision of shared space features will be supported. Policy HDQ8 of the BNDP requires proposals for development to have a minimum rate of two spaces per dwelling.

Arun District Council adopted a Parking Standards SPD (Jan 2020). ADC Parking Standards in Principle 1 2.12 stresses that parking provision should be sufficient to accommodate demand whilst exploiting the potential for sustainable travel, minimizing adverse effects on road safety and avoiding increased on-street parking demand. Principle 2.13 advises: 'If parking could reasonably be expected to take place in existing streets, then it will be necessary to demonstrate through a parking capacity survey that there is sufficient capacity to accommodate the expected parking demand.'

For a 2-3 bed property in Parking Behaviour Zone 4 a minimum of 2 car parking spaces on site are required. In addition to the above, visitor parking will be required to be provided at a ratio of 20% of the total number of residential units. In the interests of sustainability and as result of the Government's 'Road to Zero' strategy for at least 50% of new car sales to be ultra-low emission by 2030, electric vehicle (EV) charging points should be provided for all new homes.

The site plan shows 2 parking spaces and the applicant in their Design and Access Statement affirms development would provide a new parking space for the existing property, however both proposed parking spaces are shown in a redline of the proposal property. Regardless of above, two parking spaces are proposed for two 3 bed properties whilst a minimum 4 are required according to ADC Parking Standards. In total, there is no increase of the parking spaces by this proposal since there is an existing garage on the site the access to it would be blocked by the proposed dwelling. Therefore according to requirements of ADC Parking Standards, Principle 2.13 it will be necessary to demonstrate through a parking capacity survey that there is sufficient capacity to accommodate the expected parking demand. No parking capacity survey has been provided by the applicant to demonstrate a sufficient capacity of on street parking within the area.

The plan demonstrate that the dropped curb will be widened to provide a parking space for both the existing and proposed dwelling. No details of the access width have been provided however this can be secured by condition. The plans do not demonstrate whether the garage is to be demolished or retained (for the purpose of parking bicycles).

WSCC does 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 National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal subject to suggested conditions.

The parking allocation would fail to comply with T SP1 of the Arun Local Plan and the requirement of the BNDP policy HDQ8 and ADC Parking Standards.

INTERNAL & EXTERNAL SPACE STANDARDS:

Policy D DM2 states: "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 necessary to assess the proposal against internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if the building is suitable for residential use.

The two storey, 3 bed dwelling with a Gross Internal Area (GIA) of approximately 94sqm satisfies the minimal internal space standards in the Technical Housing Standards Nationally Described Space Standards (2015) which is 93sqm for a two storey 3 bed 5 persons home. However one of the bedrooms would have a floor area of 5.75sqm whilst minimum of 7.5sqm for single bedroom is required by the Nationally Described Space Standards.

Policy D DM1 refers to the need for compliance with the Arun Design Guide. This replaces policy D DM3 "External Space Standards" which was deleted at the request of the Local Plan Inspector. The Arun Design Guide stresses the design of new homes should provide clear delineation of public and private spaces; incorporating a 'public front' and private 'back' to the rear of the site, providing private gardens. Section H.04 deals with Residential Outdoor Amenity: 'Amenity spaces should be of an appropriate size and shape to be usable and enjoyable. Private rear gardens should have a minimum depth of 10.5m.

Bersted Neighbourhood Development Plan policy HDQ6 states that a private outdoor garden amenity space of appropriate quality must be provided for all new dwellings.

Regard should be had to para 130 of the NPPF 2021 which requires development has a high standard of amenity for existing and future users.

In respect of external standards, plans show the provision of insufficient rear garden space for each dwelling (existing and proposed). The private garden for the proposed dwelling would be 59sqm, at the expense of an existing with 40sqm only. Therefore the proposal would not satisfy the requirement of Arun Design Guide and comply with policies D DM1 & D DM2 and with the guidance in the NPPF (para. 130).

BIODIVERSITY:

Policy ENV DM5 of the Local Plan requires development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. They shall incorporate elements of biodiversity including green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitats (whether designated or not)."

The documents do not show any indicative landscaping, The proposal is for a new dwelling within an existing garden and the applicant fails to provide details of biodiversity net gain and protect the habitats on site therefore not in accordance with the ALP policy ENV DM5. However this does not result in a reason for refusal as biodiversity net gain can be conditioned.

IMPACT ON THE PAGHAM HARBOUR SPECIAL PROTECTION AREA:

ALP Policy ENV DM2 requires new residential developments within a 400m to 5km distance ('Zone B') of Pagham Harbour make a financial contribution towards the provision of accessible natural open green

spaces to serve the area. A contribution of £1,275 per new residential unit was agreed by the Councils Cabinet on 20 July 2015. The Councils Cabinet subsequently approved a reduction in the tariff from £1,275 to £871 as of the 10th April 2017.

NPPF, paragraph 174 a) stresses that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status).

The site lies in designated Zone B and this application results in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance.

According to Natural England's advice, an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended), PART 6, Chapter 2 should be carried out. It should be considered whether the development, notwithstanding financial measures, is likely to have a significant effect on the Pagham Harbour Special Protection Area.

The application for the erection of a new dwelling results in recreational disturbance only to Pagham Harbour. Having considered mitigation and avoidance measures to be provided in-perpetuity through the contribution to the Joint Pagham mitigation scheme, Arun District Council conclude that with mitigation the plan or project will not have an Adverse Effect on the Integrity of the European protected site(s).

On the basis of a net gain of 1 unit, the applicant has agreed to the £871 contribution but this has not been secured by the agreed Section 106 agreement therefore there is conflict with policy ENV DM2 of the Arun Local Plan. It is noted that a signed s106 has been submitted but it is not possible for the Council to seal it before 12th January when a decision needs to be made in accordance with Government performance targets.

SUMMARY

The development fails to respect the surrounding character and appearance of the area, would detract from the existing pattern of development and would result in an inadequate living conditions for existing and future occupiers therefore the adverse impact of the proposal would significantly and demonstrably outweigh the benefits when considered against the policies in the Framework as a whole in accordance with para 11 d of the NPPF. The development conflicts with the development plan, particularly policies D SP1, D DM1, T SP1 and ENV DM2 of the Arun Local Plan, policies ES1, HDQ5, HDQ6 and HDQ8 of the Bersted Neighbourhood Development Plan, the Arun Design Guide, The National Design Guide and relevant paragraphs of NPPF and consequently is recommended for refusal.

HUMAN RIGHTS ACT

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

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

general interest and the recommendation for refusal is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

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

SECTION 106 DETAILS

The decision would be granted with a S106 legal agreement relating to a contribution of £871 towards the cost of delivering measures to avoid or mitigate to an acceptable level, the harm caused to Pagham Harbour by the Development. No signed s106 exists.

CIL DETAILS

This application is CIL Liable therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply)

RECOMMENDATION

REFUSE

- 1 The development results in an intensification of use of the site and a cramped appearance adversely affecting the character of the building occupying the site and the character and appearance of the area, detracting from the existing pattern of development contrary to Policies D SP1 and D DM1 of the Arun Local Plan, policy ES1 of the Bersted Neighbourhood Development Plan, the Arun Design Guide, the National Design Guide and relevant paragraphs of the NPPF.
- 2 In order to facilitate the development the rear garden of 22 Osprey Gardens would be significantly reduced resulting in an inadequate garden size for No 22 harming the living conditions of the occupiers, contrary to policy D DM1 of the Arun Local Plan, HDQ6 of the Bersted Neighbourhood Development Plan, the Arun Design Guide and paragraph 130(f) of the National Planning Policy Framework.
- 3 Insufficient information has been provided to demonstrate that there is a sufficient capacity to accommodate the expected parking demand in existing streets without causing harm to the amenity of neighbouring properties by way of increased conflict/competition for existing spaces and the need for residents to park further away from their dwelling. It is therefore contrary to policies T SP1 (d) and QE SP1 of the Arun Local Plan.
- 4 In the absence of a signed s106 agreement relating to the recreational impact of the development on Pagham Harbour the development would fail to appropriately address the impact caused contrary to ENV DM2 of the Arun Local Plan causing harm to the importance and habitat of the area.
- 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 with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.