

Recommendation Report for Planning Permission

REF NO: BN/142/21/PL

LOCATION: 1 Como
Barnham Road
Eastergate
PO20 3RT

PROPOSAL: Erection of a new two-storey building to contain 2 No 2 bedroom flats with associated parking, bin and bike stores and landscaping. This site is in CIL Zone 2 and is CIL Liable as new flats.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Planning permission is sought for the erection of a 2 storey detached property in the rear garden of Como (the property is 2 flats). The proposed property would be approximately 14m deep, 6.5m wide, would be with a separation distance of 7.5m from the existing property on site and would contain one flat on each floor. No alterations to access arrangements are proposed.
SITE AREA	0.08 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	25 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	There is a mature oak tree which would be affected by the development.
BOUNDARY TREATMENT	Dwarf timber fence on the east boundary with overgrown hedges to the rear, close boarded timber fence 1.8m high on the western boundary. 1.9m high close boarded timber fence to the front.
SITE CHARACTERISTICS	Two storey property with gabled roof siting on the plot slightly wider to the front than other plots in the neighbourhood, however narrow to the rear. Parking area to the rear of the property, landscaped front garden and rear garden with a mature oak tree and overgrown hedges on the eastern and rear boundary. Eastergate (private road) and public path to the east.
CHARACTER OF LOCALITY	Predominantly residential area on Barnham road with an Accident Repair Centre to the east, Fordingbridge Industrial Site to the north-east, Nursery to the south west and open countryside to the north.

RELEVANT SITE HISTORY

EG/50/18/HH	Demolition of double garage & erection of part one & two storey side extension.	ApproveConditionally 14-09-18
EG/53/08/	Proposed porch to front elevation	ApproveConditionally 27-10-08
EG/52/06/	Erection of new fence 1.9 metres high	Approve 05-07-06

Noted.

REPRESENTATIONS

Barnham & Eastergate Parish Council: An objection.

- The application does not align with BENDP's policies ES2, ES4, ES6, ES8, ES10, H3, H4, and H5.

7 letters of objection:

- No other properties in the road have built in the garden allowing the building line to be totally overlooked.
- No parking for visitors; adjacent road is private.
- This site is unsuitable for development for housing as it is currently a back garden.
- The proposal is not in keeping with the surrounding homes, it does not reflect the vernacular of the semi-rural location of the site.
- The threat to a mature tree is unacceptable.
- An over development and over intensification of the site.
- The height, mass, and location of the proposed building is such that it would be severely detrimental to the amenity of neighbouring properties; alien appearance.
- New building will overlook the neighbouring properties and add traffic to the already busy area.
- The rear gardens of neighbouring properties will be overlooked and potentially invade their privacy.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

- WSCC Highways raises no concerns over an unacceptable impact on highway safety.
- Other planning issues are addressed below.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

SOUTHERN WATER: The applicant has not stated details of means of disposal of foul drainage and surface water disposal from the site. A formal application for a connection to the public foul sewer to be made by the applicant is required.

NATURAL ENGLAND: The application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.

DRAINAGE ENGINEERS: The applicant has not supplied information regarding a proposed surface water drainage scheme as such they object to the application.

WSCC Highways: Proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network.

PRIVATE SECTOR HOUSING: Full comments online. Fire safety and Housing standards, including room sizes and facilities must be complied with.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

- Lidsey Treatment Catchment
- Built-Up Area
- WSCC Sharp Sand and Gravel Consultation Area

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM5	ENV DM5 Development and biodiversity
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
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES1	Applications for new development must meet the local drainage requirements
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES10	Trees and hedgerows
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES5	Quality of design
Barnham & Eastergate Neighbourhood Plan 2014	Parking and new development

POLICY GA4

Barnham & Eastergate Neighbourhood Plan 2014 Windfall sites
POLICY H2

Barnham & Eastergate Neighbourhood Plan 2014 Outdoor space
POLICY H5

Barnham & Eastergate Neighbourhood Plan 2014 Attention to detail
POLICY H6

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 Barnham & Eastergate Neighbourhood Development Plan (BENDP) are considered within this report. It is also necessary to have regard to the emerging BENDP Review Plan (BENDP2) which is currently at regulation 19 stage and the Plan will proceed to Full Council on 12th January 2022 to be 'made' therefore a material consideration in the determination of applications. Its policies are referred to where appropriate.

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 affect adversely visual and residential amenities of nearby properties. The site falls in the Lidsey Wastewater Treatment Works Catchment Area and in the Habitats Regulations Assessment Buffer. The applicant has failed to provide a Drainage Impact Assessment and there was no consideration of sustainable surface water. No ecological survey has been submitted to show potential impact of development on protected species and no Tree Protection Plan to adequately illustrate the protection of the tree on the site contrary to policies D SP1, D DM1, QE SP1, W DM1, W DM3, ENV DM3, ENV DM4 and ENV SP1 of the Arun Local Plan.

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 space standards.

PRINCIPLE

Whilst the area is suitable for residential development in principle, being in the built up area boundary, such development should comply with the policies in the development plan. Key policies are D SP1, D DM1, D DM2, ENV DM4, ENV DM5, T SP1, W DM1, W DM3 and EEC SP2 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 ENV DM5 requires new development to have a minimal impact on existing habitat. Policy ECC SP2 expects new development to be energy efficient. Policy W DM1 highlights although minor developments are unlikely to raise significant flood risk due to the cumulative impact all development within Lindsey Wastewater Treatment Works Catchment Area must be accompanied by a Drainage Impact Assessment.

NPPF at 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.

In paragraph 124 (d) NPPF states that 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 states 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. Consequently paragraph 11d) of the Framework, as directed by Footnote 8, advises that permission should be granted, unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. In situations where the presumption set out by paragraph 11d) applies, paragraph 14 of the Framework adds that the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, subject to a number of criteria being cumulatively met.

Whilst the Framework seeks to significantly boost the supply of housing, it also emphasises that the planning and development process should achieve the creation of high-quality buildings and places. In

this context, the proposed development would make a contribution towards housing supply and choice, and would to some extent support the local economy, notably as part of the construction of the development. However the support given within the Framework to delivering housing is not at the expense of ensuring that residential development is appropriately located. The proposal results in significant harm to the character of the area, its pattern of development and residential amenities of immediately adjoining properties. 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) stresses that 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 ES5 of the Barnham & Eastergate Neighbourhood Development Plan states that development will not be permitted where it would reduce the biodiversity, landscape and amenity value and character of historic rural roads. Particular attention will be given to new access points and other physical alterations to roads, and to the impacts of additional traffic.

The Arun Design Guide Supplementary Planning Document (SPD), is adopted as a material consideration in the determination of applications. Part P.O1 deals with backland development referring to the development of sites behind existing buildings, which may include rear gardens and a tandem development in which a new house is built behind an existing one and shares the same vehicular driveway. The tandem development will generally be unacceptable due to potential problems of access and privacy with the existing dwelling.

Paragraph 130 (NPPF) requires decisions to ensure developments 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.

The National Design Guide was updated on 30 January 2021. Part C1 maintains that well-designed places are:

- based on a sound understanding of the features of the site and the surrounding context, using baseline studies as a starting point for design;
- integrated into their surroundings so they relate well to them;
- influenced by and influence their context positively; and
- responsive to local history, culture and heritage.

The site is garden land to the north of 1 Como, a gabled roof 2 storey house set well back from the road, as all houses along the northern site of Barnham Road, with landscaped front garden, side access and a private road in the between proposal site and neighbouring property to the east which opens the view to the rear with a dominant feature of mature oak tree merging with crowns of large trees along public path. A new building is proposed within the narrow rear garden, 10m wide to the front and 8m to the rear, behind the existing property and would share the same vehicular driveway. The proposal property would abut western shared boundary with No18 with a separation distance of 7.5m from Como. It would be 6.5m wide and 14m deep with windowless gabled two storey projection to the front with one large window at ground and first floor level on its eastern elevation. A two storey rear projection with a large window and French doors at the first floor level and French doors with Juliette balcony and window at the first floor level would face to the north. Two separate entrances would be situated on the eastern elevation, one smaller window at the ground floor level and one large window above the entrances. Two

narrow, obscured glaze windows are proposed at each level on the western elevation.

The site is not large enough to accommodate another substantial building and the development would result in an uncomfortable relationship with the existing property at a relatively close proximity of 7.5m. The building would have a detrimental impact on the existing and surrounding properties, would detract from the pattern of surrounding development whilst paragraph 13.2.6 of the Local Plan requires respect, improvement and enhancement of the existing environment. It would be visible within street scene via Eastergate (private road) to the east of proposal plot, squeezed in the rear garden where one would expect green foliage and openness of countryside where the footpath leads.

Notwithstanding the design of the property the proposal results in a visual impression of a house squeezed onto its plot, with inadequate space forcing a variation in established design characteristics; appearing cramped and at odds with surrounding character and appearance of the area. The proposed development represents a tandem development which is generally not unacceptable as mentioned above. The development as proposed conflicts with those aspects of policies D DM1 and D SP1 of the Arun Local Plan, policy ES5 of the BENDP, relevant paragraphs of the NPPF the 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."

None of the Barnham & Eastergate 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 only problem is the position of proposed property within a proximity of rear gardens and private areas of surrounding dwellings.

The landing window at the first floor level of the eastern elevation would overlook the private area of The Mow-Hay to the east with a separation distance of 16m. The property would expose its 14m long and 7.2m high flank wall, albeit with obscured glaze windows only, within a separation distance of 1m from the shared boundary with rear garden of No 18 to the west. Due to its proximity the proposal would have an adverse impact on living conditions of residents of this property resulting in an overbearing feeling of a substantial building in close proximity and overshadowing their rear garden.

The development would have a significant impact on occupiers of nearby properties resulting in adverse harm on amenity by way of overbearing, and overlooking and would result in a disturbance of the private areas of neighbouring dwellings due to its position within a rear garden. Therefore it would not accord with policies D DM1 and QE SP1 of the Arun Local Plan and paragraph 130(f) of the NPPF.

HIGHWAYS, TRAFFIC AND PARKING

Arun Local Plan policy T SP1 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. In respect of parking, it states:

"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"

Policy T DM1 requires that development be located within easy access of established non-car transport modes/routes and also seek to contribute to the improvement of such routes & facilities.

Policy GA4 of the BENDP states that proposals will be supported only if they include the maximum level of off-street parking consistent with the most current standards.

Para 110 of the NPPF 2021 affirms "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Regard should be had to para 111 which stresses: "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."

Parking Standards Supplementary Planning Document, January 2020 states in Principle 1:

2.12 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. 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.

According to the requirement of Parking Standards 2 parking space for 2 bed flat within Parking Behaviour Zone 2 and visitor parking at a ratio of 20% of the total number of residential units will be required. As such a minimum of 4 parking spaces are required for the proposed 2 flats. The submitted plan indicates 1 parking space for each flat which would not satisfy the requirement of ADC Parking Standards.

No alterations to the access arrangements are proposed. There are currently two parking spaces on the site for existing flats 1 and 2 to the rear of the existing building. Those are proposed for the use of flats 3 and 4 and new two parking spaces are proposed for flats 1 and 2 in the area of front garden of existing property. The proposed plans demonstrate that secure and covered cycle parking will be provided.

The Local Highways Authority 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 subject to suggested conditions and informative.

Taking into consideration the above the proposal would not satisfy policy T SP1 of the Arun Local Plan, policy GA4 of the BENDP and Arun Parking Standard.

INTERNAL FLOOR SPACE STANDARDS 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.

Policy H5 of the BENDP requires proposals for new housing development should include good quality outdoor amenity space - either private gardens or a shared amenity area.

Each 2 bed flat has a gross internal floor space of approximately 65 square metres which fulfils the requirement for a 2 bed (61square metres for 2 bed/3persons).

Arun Design Guide part H.04 advises on Residential Outdoor Amenity & External Space Standard:

- All development should provide residents with access to outdoor amenity space, whether private or communal. It advises that Residential Communal Shared Spaces should be minimum 40sqm plus 10sqm for each unit. These standards are applicable in the majority of cases, but innovative approaches to more compact building layout may be supported by ADC, where appropriate.

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

The submitted drawings show an area dedicated to residential outdoor amenity; the area of approximately 50square metres is dedicated to the future occupiers of flat 3 and 60square metres to flat 4. The new parking spaces are provided for existing flats 1 and 2 in the front garden at the expense of amenity space for flat 2. Sufficient outdoor amenity space would be provided for the prospective residents of flats 3 and 4.

The development would comply with policies D DM2, the Arun Design Guide and with the NPPF (para. 130).

NATURAL ENVIRONMENT

Arun Local Plan policy ENV SP1 states that Arun District Council encourage and promote the preservation, restoration and enhancement of biodiversity and the natural environment through the development process and particularly through policies for the protection of both designated and non-designated sites.

BENDP policy ES17 states proposals for the development of sites which are located within 12km of Singleton and Cocking Tunnels SAC must evaluate whether there is potential for an adverse effect to arise to qualifying species associated with the SAC.

The site is within 12km of the Singleton and Cocking Tunnels Special Area of Conservation, in the Habitats Regulations Assessment Buffer where The Habitats Regulations require additional consideration during the planning stage to ensure that the development does not affect the reasons for designation. Planning documents should detail fully the potential impacts and how these will be avoided or reduced. Policy SD10 of the South Downs National Park Local Plan states that development proposals on greenfield sites or in close proximity to woodlands and hedgerows should ensure that key features (foraging habitat and commuting routes) are retained.

The proposal site for a new property is a garden with no areas of hardstanding. No ecological survey has

been submitted to show potential impact of development on protected species with details of measures to be incorporated into the development scheme to avoid loss of the species, contrary to the requirements of policy ENV SP1, The Habitat Regulations, policy SD10 Of the South Downs National Park LP and policy ES17 of the BENDP.

Whilst the proposal site is within 12km of the Singleton and Cocking Tunnels Special Area of Conservation the applicant fails to provide a Preliminary Ecological Appraisal Report.

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)."

Paragraph 174 of NPPF (2021) requires planning policies and decisions to contribute to and enhance the natural and local environment by: minimising impacts on biodiversity and providing net gains in biodiversity where possible. This paragraph calls for the establishment of coherent ecological networks that are more resilient to current and future pressures.

The proposal is for a new building in garden land and fails to provides details of biodiversity net gain 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.

WATER SUPPLY AND QUALITY

The site is in the Lidsey Wastewater Treatment Works Catchment Area. Policy W DM1 (ALP) states although minor developments are unlikely to raise significant flood risk, due to the cumulative impact all development within this area must also be accompanied by a Drainage Impact Assessment.

Policy ES1 of the BENDP highlights that planning permission will only be supported for new development subject to a drainage condition(s) in accordance with ADC standard conditions.

Arun District Council's Drainage Engineers objected proposed development since the applicant has not supplied any information regarding a proposed surface water drainage scheme.

As mentioned above, the application is located in the Lidsey Treatment Catchment where ADC are committed to preventing and reducing surface water runoff from entering the combined and foul sewer system through the adoption of SuDS techniques. Irrespective of the foul sewer location (within the Lidsey Treatment Catchment), WSCC SUDS Policy states that "Surface water must not be discharged into the foul sewer system." (para 5.2.6 relating to SUDS Policy1).

The applicant failed to provide a Drainage Impact Assessment contrary to requirement of policy W DM1 and there was no consideration of sustainable surface water within the proposal. The development therefore conflicts with those aspects of policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan and policy ES1 of the BENDP.

PROTECTION OF TREES

Policy ENV DM3 of the Local Plan in section 17.3.1 underlines the importance of trees as producers of oxygen and in urban settings groups of trees can contribute significantly to the successful integration of new dwellings into the landscape. The retention of mature trees can contribute to amenity and more

attractive developments as well as retaining important wildlife habitats and should be considered at the design stage of all developments.

Policy ENV DM4 of the Local Plan emphasises where there are existing trees on or adjacent to a development site, developers shall be required to provide:

- d. Land and tree surveys
- e. A tree constraints plan
- f. An arboricultural impact assessment to include a tree protection plan and arboricultural method statement.

These ensure development is planned to take a comprehensive view of tree issues at an early stage in the design process and that development works do not have a negative impact on existing trees.

The BENDP policy ES10 requires proposals which significantly affect sites with existing trees or hedgerows are encouraged to be accompanied by a survey that establishes the health and longevity of any affected trees or hedgerows and a management plan to demonstrate how they will be so maintained.

Paragraph 131 NPPF highlights the important contribution which trees make to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that appropriate measures are in place to secure the long term maintenance of newly planted trees, and that existing trees are retained wherever possible.

The ADC Tree Officer has been consulted however no response has been received.

An Arboricultural Assessment & Method Statement has not been provided by applicant in spite of fact that a mature oak tree would be very likely affected by the proposed development. There would be potential adverse impact on the tree. The applicant failed to provide 'Land and tree surveys' and 'A tree constraints plan' required by ALP policy ENV DM4 (d),(e).

Since the applicant failed to provide an Arboricultural Assessment & Method Statement the proposal would not comply with policy ENV DM4 of the Arun Local Plan, policy ES10 of the Barnham and Eastergate Neighbourhood Development Plan and NPPF's paragraph 131.

CONCLUSION

The development fails to respect the surrounding character and appearance of the area, would detract from the rhythm of an existing pattern of development and would appear visually intrusive in an established street-scene. The proposal results in significant harm to residential amenities of nearby properties and prospective residents of the proposed. The applicant has failed to provide a Drainage Impact Assessment and there has been no consideration of sustainable surface water drainage in the development, failed to provide an Arboricultural Assessment & Method Statement and a Preliminary Ecological Appraisal Report.

Overall, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits resulting from the development, when assessed against the policies in the Framework taken as a whole. The development is considered to conflict with the development plan, particularly policies D SP1, D DM1, ENV DM3, ENV DM4, T SP1, W DM3 and QE SP1 of the Arun Local Plan, policies ES1, ES10 and ES17 of the Barnham and Eastergate 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.

CIL DETAILS

This application is CIL liable as it falls within Zone 2 as flats.

RECOMMENDATION

REFUSE

- 1 The site, by virtue of its character and close proximity to neighbouring dwellings, is unsuitable to accommodate a substantial building without damaging the character of this established residential area and the residential amenities of adjoining properties by way of overbearing and overshadowing contrary to policies D SP1, D DM1 and QE SP1 of the Arun Local Plan and policy ES5 of the Barnham and Eastergate Neighbourhood Development Plan and the Arun Design Guide.
- 2 Insufficient information has been provided to enable the Local Planning Authority to consider the impact on the mature oak tree and protected species and whether the proposal results in a net gain in biodiversity. The proposal fails to accord with Arun Local Plan policies ENV DM3, ENV DM4 and ENV DM5, with policy ES10 of the Barnham and Eastergate Neighbourhood Plan and with the National Planning Policy Framework.
- 3 The site falls in the Lidsey Wastewater Treatment Works Catchment Area. The applicant has failed to provide a Drainage Impact Assessment and there has been no consideration of sustainable surface water drainage in the development. As a result the proposal would unduly prejudice drainage design not allowing for the hierarchy for sustainable drainage to be followed. Therefore the proposal would be contrary to policies W SP1, W DM1 and W DM3 of the Arun Local Plan.

- 4 **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.