

REPORT UPDATE

Application No: BN/150/20/PL

Reason for the Update / Changes

Reason for Updates:

Further representations received.

The Barnham & Eastergate Parish Council resolved to reconfirm their previous objection response to the above application as detailed below.

The objections relate to the potential flooding and drainage risks and issues with the proposed development. Those concerns remain with this revised application and the Committee would wish to see substantial evidence that appropriate mitigation of the potential flooding risk to neighbouring properties is fully designed, included and then implemented should the application be approved.

2 further letters of objection received:

- Previous comments to this application still apply. It was also note that the largest of the proposed dwellings has now been reduced in size, but this does not materially affect the premise that there should not be permission given at all in the first place.
- The detached 4 bed property may be slightly reduced in overall footprint and that some of the Velux roof windows have been abandoned. However the fact remains that the property is still aligned out of kilter with the house and bungalows on either side.
- There will soon be massive housing developments in the Barnham area, why squeeze 3 in here when it is obviously causing such distress to residents?

There are no changes to recommendation or conditions

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.

Recommendation Report for Planning Permission

REF NO: BN/150/20/PL

LOCATION: Land at Chantry Mead &
Rear of 14 -18 Downview Road
Barnham
PO22 0EG

PROPOSAL: 3 No dwellings including access, landscaping & associated works (resubmission following BN/51/20/PL). This site is in CIL Zone 2 and is CIL Liable as new dwellings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This is a resubmission of a refused application for 4 new dwellings. This application is for 3 dwellings in the same area.

Plots 1 & 2 would be developed the same way as proposed in BN/51/20/PL: link-detached 2-storey 3 bed houses of brick and light render elevations and orange/brown clay tile roofs. Plots 3 & 4 would become a single plot (plot 3) and would be occupied by 1 detached 4 bed dwelling instead of the previously proposed 2 smaller dwellings. The house would be an L-shaped, one and half storey dwelling with the first floor partly accommodated in a hipped roof with 4 gabled dormers and 2 single roof-lights. Upper walls would be covered with weatherboarding and lower walls would be rendered, grey slate tile roof.

The proposals include a cul-de-sac access off Chantry Mead, driveways and attached garages for car/cycle and bin storage, and soft landscaping. Each property has a private garden. The proposal includes visitor parking.

SITE AREA	0.17ha
RESIDENTIAL DEVELOPMENT DENSITY (NET)	18 dwellings/hectare
TOPOGRAPHY	Predominantly flat.
TREES	Mainly trees of low (garden trees) to moderate (larger trees) quality, but some of which provide visual amenity value and contribute to the verdant character of the area.
BOUNDARY TREATMENT	Trees, hedgerow, shrubs, timber fence panels.
SITE CHARACTERISTICS	The site consists of garden land to the rear of 14 and 15 Downview Road and vacant land to the rear of 8, 9, 10 and 11 Chantry Mead. The land is grassed with scattered trees, hedgerows and shrubs and garden structure/s (e.g. summerhouse). The site is enclosed by fencing and hedgerows.
CHARACTER OF LOCALITY	An established residential area characterised by dwellings of different types and designs set in predominantly spacious plots. Properties are set back from the road behind front gardens which provide off road parking. This, together with mature trees and small grass verges, gives the area a pleasant verdant appearance. Murrell Gardens and Chantry Mead have been planned as comprehensive developments with dwellings fronting a single access road, successfully integrating into this established residential area.

RELEVANT SITE HISTORY

BN/51/20/PL	4 No dwellings including access, landscaping & associated works.	Refused 27-07-20
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BN/51/20/PL was refused for the following reasons:

By reason of the siting, size and orientation of the dwellings on Plots 3 & 4, the proposals appears cramped within the plot, represent overdevelopment of the site, and would fail to reflect the established general pattern and layout of development in the area. The proposals results in harm to the immediate street scene and visual amenity of the area, in conflict with the NPPF, Arun Local Plan policies D SP1 and D DM1 and policies ES5, ES6 and H4 of the Barnham & Eastergate Neighbourhood Plan. The adverse visual impacts would significantly and demonstrably outweigh any benefits of the proposal.

By reason of the siting, scale and close proximity to neighbouring plots, the dwellings on Plots 3 & 4 result in an unneighbourly relationship and a harmful enclosing, overshadowing and overlooking impact to neighbouring occupants. The proposals would fail to protect the residential amenity of neighbouring occupants, in conflict with the NPPF and Arun Local Plan policies D DM1 and QE SP1. The adverse amenity impacts would significantly and demonstrably outweigh any benefits of the proposal.

REPRESENTATIONS

Barnham and Eastergate Parish: An objection.

- Potential flooding and drainage risks and issues with the development; policies ES1, H7.
- Previous application was not refused on these grounds, but only on grounds of density of property - number of houses has been reduced, but concerns remain over the potential flood risk of additional properties being built in this area so close to the proposed A29 realignment and Strategic Site development of 600 homes and on existing properties.
- ADC Drainage Engineers are expected to analyse this application with the utmost care.

25 letters of objection:

- The village is to be bombarded with thousands of dwellings and against this backdrop three further dwellings causing so much upset is both unnecessary and unkind.
- There is no need to squeeze 3 more houses in spoiling area.
- Three more houses in addition to the thousands already proposed are simply not required to be packed into a tiny plot carved out by garden grabbing.
- The land in this area has flooding issues with an underground river under the garden of No 21 and more building would enhance the chance of further problems.
- Nothing has changed other than there is to be 1 less dwelling. Would be sorely affected; loss of privacy and outlook.
- The proximity of the proposed houses will dwarf the adjacent bungalows in Downview Road.
- Note in the the Arun Design Guide, the front to front distances of the new properties to existing.
- Parking, congestion and pedestrian safety (there are no pavements here) will be further compromised.
- Chantry Mead, Downview Road, Murrell Gardens and Ewens Gardens, existing and fully completed developments will be affected.
- The character of the local area will be compromised.
- There will be inevitable destruction of wildlife, flora and fauna, removal of mature trees and shrubs.
- An inadequate assessment of increased flood risks to all the local properties.
- The new buildings would lead to privacy issues with overlooking into existing properties and gardens.
- The special character of this area derives from the, mainly, large dwellings standing in substantial gardens and grounds set back from the roadway.
- The access is in completely the wrong place, disregarding the privacy of existing dwellings.
- No examples of houses being built in back gardens in this area; it would create a precedent.
- The water table will change with 3 more properties being built in such a confined area.
- There are a considerable number of mature trees within the area
- The tarmac roadway of Downview Road, and the block roadway of Chantry Mead were not built to withstand the wear and tear of heavy builder's lorries.

- Developer/new homeowners would have to contribute to maintenance costs for road, green spaces and SUDs on Chantry Mead which is a private road.
- Feels like a repeated proposal of the one that has already been declined.
- The application of a homeowner in Downview Road to build in the back garden property was refused and dismissed at appeal as it would have set a precedent.
- When Chantry was developed an Engineers report stated that " peak ground water levels were found to be very close to the surface, therefore ground infiltration was not feasible ".
- Making the small road more crowded.
- Would lead housing sprawl and would fail to reflect the established pattern and layout of the area.
- Allowing more houses and to reduce the current compromised surface drainage area, will inevitably lead to more severe and more frequent flooding.
- The view from the new build will be straight into the gardens and main living areas of the adjoining properties (bungalows in Downview Road and houses in Chantry Mead), loss of privacy.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. Potential flooding/drainage risks are discussed in the Drainage Engineers comments.

- Land ownership, covenants and access consents for private roads are a legal/civil matters not a material planning consideration as well as contribution to maintenance cost road, SUDs and green spaces.
- Loss of view is not a material planning consideration, although sense of enclosure/loss of outlook or overbearing is.

Other planning issues will be discussed in the Conclusions section.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

DRAINAGE ENGINEERS - No objection, subject to condition/informative requiring infiltration rates for drainage structures to be based on winter testing and requiring that full details of the surface water drainage scheme be submitted.

Comments in respect to surface water drainage are unchanged from BN/51/20/PL. Given site is in the Lidsey Waste Water Treatment Catchment Area, surface water drainage design will need to be considered carefully. The drainage design could be very challenging, but is dependent on the results of further testing/monitoring during peak winter groundwater levels. Whatever the outcome, a sustainable drainage system must be designed and employed.

SOUTHERN WATER: No objection.

Request informative regarding application to be submitted to SW for connection to public sewer.

ADC GREENSPACE:

Overdevelopment of garden plots. Site would need to be significantly cleared of trees and vegetation which would result in considerable biodiversity net loss. The proposals would need to demonstrate compliance with Arun's Design Guide 2021 and that biodiversity net gain could be achieved on completion of the proposals. The potential impact of the proposals would be significant on the street scene in this location with both the access and the general pattern of existing adjacent dwellings.

No landscape objection to the proposals subject to confirmation that the concerns raised could be mitigated with implementation of a robust landscape scheme.

CDC ECOLOGY: No objection.

Request imposition of conditions including external lighting scheme to protect bats, protection for badgers, wild nesting birds, and securing net biodiversity gains as set out in the Ecological Impact Assessment (Feb 2021) submitted and which should be incorporated into any Landscaping Scheme.

WSCC, HIGHWAYS: No objection.

Request conditions on cycle parking, parking/turning provision and Electric Vehicle Charging Spaces.

The site and access is on a private road; any parking provisions on site are to be considered an amenity issue and therefore, to be considered by the Local Planning Authority. The Local Highway Authority (LHA) do not anticipate that the proposals would generate a highways safety or result in 'severe' cumulative impacts on the operation of highway network.

ADC ENVIRONMENTAL HEALTH: No objection in principle, subject to suggested conditions.

ADC TREES OFFICER: No comments provided.

Previous comments (BN/51/20/PL) apply. The loss of these low and moderate quality trees will be detrimental to the verdant character of the area as viewed from surrounding residential properties. None of the trees are obviously worthy of a Tree Preservation Order, and if retained trees (as shown on the TRPP) are afforded adequate respect and protection during development, then no significant loss of public/visual amenity will be incurred. No objection, subject to conditions, requiring protective fencing and ground protection measures are installed adequately prior to commencement of development, and for development to be undertaken in strict accordance with the Arboricultural Impact Assessment (AIA) and Arboricultural Method Statement (AMS) submitted.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and addressed in 'Conclusions' section of report.

POLICY CONTEXT

Designation applicable to site:

Built-up Area Boundary;
Barnham & Eastergate Neighbourhood Plan Area;
Lidsey Waste Water Treatment Catchment Area;
Minerals Consultation Area (Sharp Sand and Gravel);
Area of Character.

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
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
HSP1	HSP1 Housing allocation the housing requirement

TDM1	T DM1 Sustainable Travel and Public Rights of Way
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

<u>Barnham & Eastergate Neighbourhood Plan 2014</u> <u>POLICY ES1</u>	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 POLICY ES6	Contribution to local character
Barnham & Eastergate Neighbourhood Plan 2014 POLICY GA4	Parking and new development
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H2	Windfall sites
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H4	Integration of new housing into surroundings
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H5	Outdoor space
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H6	Attention to detail

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD8	Areas of Special Character

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.

Barnham and Eastergate has a made Neighbourhood Plan and the relevant policies are considered in this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 70(2) of Town and Country Planning Act 1990 (as amended) provides that

(2) In dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post-examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

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 complies with relevant Development Plan policies in that it would not result in harm to the visual amenities and character of the locality or to neighbouring residential amenity. in compliance with Local Plan policies D SP1, D DM1 and QE SP1, and Neighbourhood Plan policies ES5 and H4.

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, backland development, design and visual amenity, impact on street scene, residential amenity, space standards, highways/traffic, biodiversity and flooding and drainage.

PRINCIPLE:

The site is in the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan provided it is in accordance with other policies of the Local Plan covering such issues as, character of area and pattern of development, residential amenity, noise, highway safety & parking and space standards and drainage.

Regard should be had to policy SD SP1 of the Arun Local Plan which states "When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF)." Para 118 (d) of the NPPF states that planning policies and decisions should "promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.

The site is in sustainable development and accords with the provisions of the development plan as a whole.

CHARACTER AND DESIGN:

Policy D DM1 of the Arun Local Plan requires 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.";

(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."

Policy D SP1 "Design" requires all development proposals 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.

Policy ES5 of the Barnham and Eastergate Neighbourhood Development Plan affirms that new development will only be permitted where they conserve and enhance landscape character by demonstrating they are informed by landscape character, reflecting the context and type of landscape in which the development is located; integrate with the local landscape and built environment. Policy H4 requires proposals for residential development to integrate into its surroundings and is well connected to the village.

Arun Design Guide Supplementary Planning Document (SPD), a material consideration in the determination of applications, was adopted 25th January 2021. Part P, page 126 deals with Infill Development and stresses that while infill schemes present a valuable opportunity to increase the efficiency of land use in existing urban and rural areas and provide new housing, this should not lead to overdevelopment and over-intensification of building plots - for example by building in the gardens or curtilage of existing dwellings or on communal open spaces, where this would lead to an unacceptable loss of outdoor amenity space, access or drainage facilities.

Paragraph 124 of the NPPF observes that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

Paragraph 127 of the NPPF states "Planning policies and decisions should ensure that developments: (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)."

Although the Framework does not prevent development on garden land in principle, it does require new developments to respond to local character and history and to reflect the identity of local surroundings.

The National Design Guide was published on 01-10-19. Part C1 states 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 area is characterised by linear residential development on this side of Downview Road, and small cul-de-sac development on Chantry Mead (and Murrell Gardens beyond). The site and immediate area are not in an Area of Character, however further to the south is the Barnham Road & Downview Road Area of Character. There is some degree of irregularity in terms of plot sizes/shapes and division of the garden areas in this immediate area of Downview Road and Chantry Mead. However, there is general uniformity to this continuous run of properties on Downview Road and a relatively uniform pattern of development (with Chantry Mead/Murrell Gardens forming small self-contained cul-de-sacs behind Downview Road). It is accepted Plots 1 and 2 are acceptably positioned having a frontage to Chantry Mead which retains the established linear form of development in the locality and has previously been accepted. Plots 1 and 2 did not form part of the reason for refusal.

EG/108/17/OUT for the sub-division of the plot at 10 Downview Road and a dwelling on its rear garden land was refused and dismissed at appeal, in part due to this type of backland development not being characteristic of this part of Downview Road and that the development would harm the established pattern of development. The Inspector noted that there is a 'spacious and linear arrangement which defines this area' and that the proposal would 'poorly relate to the established pattern of development in the area' and cause 'unacceptable harm to the character and appearance of the area'.

It is important that applications for backland development are determined with consistency and in the wider public interest which the planning system primarily serves. Over time the occupancy of property changes and the general level of the quality of living environments must be an important consideration.

The subdivided vacant land to the rear of 8-11 Chantry Mead would be occupied by one substantial dwelling instead of previously proposed two of almost identical appearance as those on the plots 1&2 which results in better integration in respect of retaining a spacious form of development. An L- shape one and half storey detached dwelling with the second floor partly within a half hipped roof with 4 gabled dormers and roof-lights would be sitting on land behind 2 storey 5 bed dwellings facing to Chantry Mead and bungalows facing Downview Road. The proposed chalet style detached type of dwelling would reflect the proportions of dwellings in Chantry Mead, but the overall plot size would be larger. Since its original submission the design of this dwelling has been amended to reduce its bulk by removing the east facing gable dormer and reducing the number of rooflights from 4 pairs to 1 pair and 2 single roof lights and decreasing the dwelling footprint by reducing the length of the dwelling by 2m and width by 1.5m. This has acceptably reduced its scale, bulk and visual prominence. In this location, the deep and verdant gardens provide a sylvan backdrop to the houses on these streets, and contribute significantly to the spacious character and verdant appearance of the area. The new dwellings would be visible from the street and although their positioning in a back garden location would be at odds with the existing urban grain this cluster of built development within a swathe of garden land would not harmfully erode the predominantly open and natural appearance of the site. Trees would be retained to site boundaries and the overall space around the dwellings would not detract from the spacious character of the area.

Plot sizes vary in this locality and the properties to the north-west of plot 3 facing to Chantry Mead and a pair of semi detached bungalow to the south-east facing to Downview Road are provided with shallow gardens. The position of the dwelling would create a cluster of buildings partially disrupting the linear arrangement which defines this area but plot sizes are comparable. Murrell Gardens and Chantry Mead have been planned as comprehensive residential developments with dwellings fronting a single access road, successfully integrating into this established residential area. Whilst the pattern of development would be at odds it would not be sufficient justification for refusal of the proposal.

The development would not result in significant harm to the street scene and visual amenity of the area, in compliance with the NPPF, ALP policies D SP1 and D DM1 and policies ES5 and H4 of the B&ENP.

RESIDENTIAL AMENITY:

The Arun Local Plan policy D DM1 requires the Council have regard to certain aspects when considering development including having minimal impact to users and occupiers of nearby property and land. 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". Para 127 of the NPPF which states that developments should provide a high standard of residential amenity for existing and future users.

Arun Design Guide in part H deals with Residential Amenity and particularly with separation distances between dwellings. For the purposes of privacy and to avoid overlooking, the minimum back-to-back dimension should be 21m, provided by rear gardens of minimum 10.5m. The depth of the rear garden to plot 3 accords with guidance being 11.5m.

Plot 3, with a main elevation of proposed dwelling faces to the flank wall of proposal properties at plots 1&2 and their rear gardens. A gap of 14.5m is provided between the front elevation of the dwelling and the side rear garden boundary. The depth of the rear garden to plot 3 is 11.5m to the side of the garden to the rear. 2 storey substantial dwellings facing to Chantry Lane would have their rear elevations within 15m from the proposed dwelling, but there are no windows at first floor level proposed in either side elevation. The guidance within Part H of the Design Guide refers to back to side relationships of dwellings being 14m. This distance is met. In addition PD rights to add windows have been removed by condition. In this respect there would be no materially adverse overlooking effects resulting. For Plots 1 and 2 there is a 34m back to back distance between the rear of properties to the east and the rear of these plots which exceeds the separation distances in the Design Guide.

The impact of the development on existing residential properties would come from two main sources, the first being the new dwellings themselves and the second from the use of the access to the new dwellings, having an impact on both the existing houses and also their gardens. However the use of the access was previously considered acceptable and did not form a reason for refusal. It also now serves one unit less so activity levels would be lower.

Given the reduction in number of units the distances between the existing and proposed development are improved. The new property at plot 3 is larger and although the depths of the rear gardens of the neighbouring bungalows are limited and there would be a degree of enclosure, overbearing and overshadowing on these neighbouring properties and their gardens, exacerbated by the fact that nos.16 and 17 are only single storey bungalows, the reduced scale of proposed development and its proximity to existing buildings would not result in an overly oppressive environment.

The development would have an impact on occupiers of existing nearby properties but this would not result in material harm upon amenity by way of adverse overbearing, overlooking and overshadowing of their gardens. Therefore it would accord with policies D DM1 and QE SP1 of the Arun Local Plan and Para 127 of the NPPF.

INTERNAL & EXTERNAL STANDARDS:

It is necessary to assess the proposal against the internal space standards as set out in the Government's new Technical Housing Standards (Nationally Described Space Standard). Proposed two

storey, 3 bedroom dwellings (plot 1&2), with a Gross Internal Area (GIA) of approximately 145sqm. would exceed the minimal internal space standards set out in the Technical Housing Standards - Nationally Described Space Standards (2015) which is 84-102 sqm for a 2-storey 3 bedroom home. Plot 3 would provide 2-storey 4 bedroom dwelling with a GIA of approximately 230sqm. This would exceed considerably the national internal space standards of 97-124sqm. The proposals would therefore accord with ALP policy D DM2 ,which requires internal spaces to be of an appropriate size and that the national standards provide guidance.

Policy D DM1 refers to the need for compliance with the Arun Design Guide. This is to replace policy D DM3 "External Space Standards" which was deleted at the request of the Local Plan Inspector. However, Design Guide was published and the Part H.04 deals with Residential Outdoor Amenity & External Space Standard states: 'Amenity spaces should be of an appropriate size and shape to be usable and enjoyable. Private rear gardens should have a minimum depth of 10.5 metres.

Regard should be had to para 127 of the NPPF which requires that new development has a high standard of amenity for existing and future users.

Policy H5 of the B&ENP states that proposals for new housing development should include good quality outdoor amenity space and that this should be commensurate to the size and type of dwelling and the character of the area.

The proposal provides a rear garden space with a depth of 12.2m to plot 3 and 12m to plots 2 and 3 at their deepest points and which would satisfy the requirement of 10.5m in Arun Design Guide and complies with policies D DM1 & D DM2 of the Arun Local Plan, policy H5 of the Barnham and Eastergate Neighbourhood Development Plan and with the guidance in the NPPF (para. 127).

HIGHWAYS, TRAFFIC AND PARKING

Arun Local Plan 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. Policy T DM1 requires that new development be located within easy access of established non-car transport modes/routes.

The BENDP policy GA4 requires provision of the maximum level of off-street parking consistent with the current standards under the Local Plan.

Arun District Council's Parking Standards Supplementary Planning Document (January 2020) outlines the approach to parking at new developments. The site provides car and cycle parking in line with ADC SPD Jan 2020. This indicates 2 car parking spaces, and 1 cycle space per 3 bed dwellings and 3 car parking spaces for 4 bed dwelling. This equates to a total of 7 car parking spaces and 3 cycle spaces. Each property has an integral garage with internal dimensions of 3m by 6m which meets the minimum size requirements within the Parking Standards, but the site plan indicates that these will be used for bin and cycle storage so they have not been included within the parking calculations.

The proposal also includes an electric vehicle charging point for each dwelling in accordance with Arun Parking Standards.

WSCC Highways does not consider this proposal has 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 109). No objection, subject to suggested conditions.

The development complies with policy TSP1 of the Arun Local Plan, policy GA4 of the Barnham and Eastergate Neighbourhood Development Plan and Arun District Council's Parking Standards.

WATER SUPPLY AND QUALITY

The site falls 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 Barnham and Eastergate Neighbourhood Development Plan requires all development proposals on undeveloped land (i.e. greenfield) must demonstrate that there will be no net increase in surface water run-off from the application site as a result of the development.

The site is in Flood Zone 1 (low risk of flooding) but is in the Lidsey Waste Water Treatment Catchment Area, where surface water drainage is an issue and SUDs must be carefully considered and designed. A Foul and Surface Water Drainage Statement has been supplied. The Council's Drainage Engineers have been consulted. They acknowledge that, given the ground conditions in the area (including at Chantry Mead) during peak winter levels, the drainage design for this site could be very challenging, however they raise no objection, subject to a condition and informative requiring infiltration rates for drainage structures to be based on winter testing and requiring that full details of the surface water drainage scheme be submitted to and approved by the LPA prior to commencement of development.

In the event of the Council being minded to grant permission, this condition and informative would be applied, to ensure the development would be adequately drained and would not increase flood risk on site or elsewhere, in accordance with the NPPF, ALP policies W DM1, W DM2, W DM3 and B&ENP policy ES1.

TREES:

Policy ENV DM4 of the Arun Development Plan stresses that where planning permission is granted in an instance a new development would result in the removal of one or more trees, conditions shall be used to ensure that for any trees which are removed as part of development, at least an adequate number of a similar species and age are planted on the proposal development site.

The site contains trees of low (garden trees) to moderate (larger trees) quality, some of which provide visual amenity value and contribute to the verdant character of the area. An Arboricultural Impact Assessment and Arboricultural Method Statement plus Tree Retention and Protection Plan (TRPP) have been supplied. The Council's Trees Officer was consulted on the previous application and raised no objection. He noted the majority of the tree stock will be removed to accommodate development. The loss of these low and moderate quality trees will be detrimental to the verdant character of the area as viewed from the surrounding residential properties. With so few trees remaining across the site, there are few opportunities for conflict between trees and any construction. Those trees to be retained appear to have been afforded sufficient room to allow future growth without constraint. None are worthy of a Tree Preservation Order (TPO). If retained trees (as shown on the TRPP) are afforded adequate respect and protection during development of the site, then no significant loss of public/visual amenity will be incurred.

The proposal would result in the loss of 14 trees, therefore the above condition required by policy ENV DM4 and the requested conditions in respect of tree protection have been imposed to ensure the development adequately protected trees and local visual amenity, in accordance with policy ENV DM4 of the ALP and ES10 of the B&ENP.

ECOLOGY

An Ecological Impact Assessment (Feb 2021) was submitted. The Council's Ecologist raised no objection, subject to conditions including external lighting scheme to protect bats, protection for badgers, wild nesting birds, and securing net biodiversity gains as set out in the EIA submitted. These conditions have been imposed to ensure the development would adequately protect local wildlife and protected species and enhance biodiversity, in accordance with the Environment Bill, NPPF and policy ENV DM5 of the ALP.

MINERALS

The site is in a Mineral Consultation Area for Sharp Sand & Gravel. The County's Minerals and Waste Team raise no objection, based on the fact that they would not expect to be consulted on non-mineral (in this case residential) development with a site area less than 0.5h or for a development of less than 10 dwellings. Significant levels of mineral sterilisation would not occur for a site or development of this size, and an assessment regarding prior extraction, as set out in Minerals Local Plan policy M9, is not required in this case.

SUMMARY

The proposal would make a modest contribution to housing stock in the area, would represent sustainable development within the Built-Up Area Boundary and there are no significant objections to the design of the proposed dwellings. As such, the proposals would benefit from the presumption in favour of sustainable development, and comply with policies within the Development Plan and the NPPF.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

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

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:

Elevations North, East 1008 Rev01
 Elevations South, West 1007 Rev01
 Floor Plans P3 1006 Rev02
 Site Plan 1003 Rev 02
 Context Plan 1002 Rev 03
 Block Plan 1001 Rev02

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 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed buildings have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the buildings.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy D DM1 of the Arun Local Plan.

- 4 No windows other than those shown on the plans hereby approved shall be constructed in the roofs or in the first floor elevations of the dwellings without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policy D DM1 of the Arun Local Plan.

- 5 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 District Local Plan.

- 6 Prior to the installation of any new boundary treatment/s for the new dwellings, detailed drawings showing the proposed location, height, materials and finishes of these boundary treatments must be submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in strict accordance with the details thereby approved.

Reason: In the interests of amenity in accordance with policy D DM1 of the Arun Local Plan and policies ES5 and H4 of the Barnham & Eastergate Neighbourhood Plan.

- 7 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy D DM1 of the Arun Local Plan.

- 8 If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol / diesel / solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise expressly agreed in writing with the Local Planning Authority) shall be carried out until it has been fully investigated using suitably qualified independent consultant(s). The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of Arun Local Plan.

- 9 No demolition/construction activities shall take place other than from 08:00 hours until 18:00 hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no noisy work on Sunday or Bank/Public Holidays. In addition to these hours of working, the Local Planning Authority may approve in writing a schedule of activities where it is necessary to conduct works outside the hours specified in this condition.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of Arun Local Plan.

- 10 No part of the development shall be first occupied until the car parking and vehicle turning areas have been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking spaces on-site for occupants and visitors of the development in the interests of the safe and effective operation of the highways in compliance with policies T SP1 and T DM1 of the Arun Local Plan.

- 11 No part of the development shall be first occupied until cycle parking spaces have been provided in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide alternative travel options to the use of the car in accordance with current

sustainable transport policies including policies T SP1 and T DM1 of the Arun Local Plan.

- 12 No part of the development shall be first occupied until electric vehicle charging points have been provided in accordance with the site plan. These charge points shall thereafter be permanently retained and maintained in good working condition.

Reason: New petrol, diesel and hybrid cars/vans will not be sold beyond 2035, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c), T SP1 and ECC SP2 of the Arun Local Plan.

- 13 Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st October. If works are required within this time an ecologist will need to check the site before any works take place (within 24 hours of any work).

Reason: To protect local wildlife and protected species, in accordance with the relevant legislation and policy ENV DM5 of the Arun Local Plan.

- 14 No part of the development shall be first occupied until the biodiversity enhancements set out in the Ecological Impact Assessment (Feb 2021) submitted have been implemented and shall include:

- Any trees removed should be replaced at a ratio of 2:1
- Wildflower meadow planting used
- Filling any gaps in tree lines or hedgerows with native species
- Bat bricks / tiles are integrated into the buildings onsite facing south/south westerly positioned 3-5m above ground.
- Bird box to be installed on the buildings / and or trees within the garden of the properties
- Grassland areas managed to benefit reptiles.
- Log piles onsite
- Gaps are included at the bottom of the fences to allow movement of small mammals across the site
- A hedgehog nesting box included on the site

These measures shall remain on site in perpetuity.

Reason: To enhance biodiversity and result in Biodiversity Net Gain in accordance with the Environment Bill, National Planning Policy Framework and policies ENV DM4 and ENV DM5 of the Arun Local Plan.

- 15 As a precaution any trenches on site during construction must be covered overnight, and/or a means of escape made available and any hazardous chemicals must be suitably stored away so animals (such as badgers) cannot access them.

Reason: To ensure the protection of wildlife and protected species from development, in accordance with the relevant legislation and policy ENV DM5 of the Arun Local Plan.

- 16 All activity at the site is to be carried out in strict accordance with: Arboricultural Impact Assessment & Method Statement, Lizard Landscape and Design Ltd., Ref. LLD2187-ARB-REP-001, Rev 00, 3rd February 2021. If there is deemed to be a need for any Utility Service Route connections to bisect retained tree Root Protection Areas/Zones, then prior to their installation a Method Statement prepared by an Arboricultural Expert must be submitted that stipulates how this can be achieved without adverse impact on tree roots. Written approval and confirmation of acceptance of this Methodology must be issued before any works are commenced out on site.

Reason: To ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area, in accordance with BS5837 and policy ENV DM4 of the Arun Local Plan.

- 17 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources (as described in the glossary at Annex 2 of the National Planning Policy Framework) unless it can be demonstrated that a fabric-first approach would achieve an equivalent energy saving. Details and a timetable of how this is to be achieved for each phase or sub phase of development, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority before any development begins. The development shall be implemented in accordance with the approved details and timetable and retained as operational thereafter.

Reason: In order to secure a reduction in the use of energy at the site in accordance with national planning policy and policy ECC SP2 of the Arun Local Plan. This is required to be a pre-commencement condition because the approved measures may need to be built into the fabric of the buildings.

- 18 Before the site is occupied or any machinery is introduced to the site or demolition work or construction work or alterations to existing ground levels takes place a PRE-COMMENCEMENT Site Meeting is to take place between the Planning Authority's Tree Officer and the Arboricultural Expert representing the site owner(s)
- at this meeting all protective fencing and ground protection measures will be inspected to verify they are 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown on the Tree Retention and Protection Plan, LLD2187-ARB-DWG-001, Rev 00.

Reason: To ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area, in accordance with BS5837 and policy ENV DM4 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to secure the tree protection measures in place prior to commencing any works on site.

- 19 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 20 Prior to the commencement of construction works details of a proposed foul drainage system shall be submitted to and approved in writing by the Local Planning Authority (including details

of its siting, design and subsequent management / maintenance) and no dwelling shall be occupied until works for the disposal of sewage have been fully implemented in accordance with the approved details.

Reason: To ensure that the proposed development has a satisfactory means of disposing of foul sewerage in accordance with policies W DM1 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to secure the details of the foul water drainage system prior to commencing any building works.

- 21 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.
- 22 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers.
- Supplementary guidance notes regarding surface water drainage are located here <https://www.arun.gov.uk/surfacewater> on Arun District Councils website. A surface water drainage checklist is available here <https://www.arun.gov.uk/drainagechecklist> on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.
- 23 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.