Recommendation Report for Planning Permission

REF NO: BN/152/20/PL

LOCATION: Land adjacent to 49 Warren Way
Barnham
PO22 0JX

PROPOSAL: 1 No end of terrace two storey dwelling (resubmission following BN/15/20/PL). This site in in CIL Zone 2 and is CIL Liable as new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to construct a two bed end of terrace dwelling.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the development.
BOUNDARY TREATMENT	Fencing to the rear and side of the property with Barnham Rife running to the eastern boundary.
SITE CHARACTERISTICS	The site forms garden space for a neighbouring property, which consists of a two storey dwelling.
CHARACTER OF LOCALITY	The area is predominately residential.

RELEVANT SITE HISTORY

BN/48/19/HH	Two storey side extension	ApproveConditionally 16-09-19
EG/16/19/HH	Two storey extension	Refused 25-04-19
BN/15/20/PL	Erection of 1 No.end of terrace two storey 2-bedroom dwelling.	Refused 24-06-20

An application for 1 dwelling was refused due to insufficient information relating to flooding at the site.

REPRESENTATIONS

Barnham and Eastergate Parish Council provided no objection.
- Following a previous refusal a sequential test has been provided in relation to flood concerns and addressed matters have enabled no objection response.

1 letter of objection received from nearby occupiers.
- It will cause major disruption to a quiet cul de sac including blocking of the road, noise and hazards.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Health
- Apply conditions relating to hours of construction, external lightning and contamination. As a single dwelling, EH would not insist on a construction management plan although noise and air quality mitigation should be in place to ensure local neighbours are not affected.

Environment Agency
- No objection, subject to inclusion of the conditions relating to floor levels.
- An environmental permit is also likely required due to its distance from the river bank.

WSCC Highways
- There are no apparent visibility issues at the access.
- The applicant proposes one car parking space for the proposed dwelling.
- Under Arun Parking Standards (Adopted January 2020), the LHA would anticipate that two car parking spaces would be sufficient for a dwelling of this size in this location.
- The access may result in the loss of on street parking and overspill needs to be considered.
- The applicant has demonstrated a cycle store to the rear of the dwelling.
- The LHA does not consider that this proposal would have an unacceptable impact on highway.
- Conditions should be included to ensure parking is constructed in accordance with plans submitted.

Drainage
- Apply pre commencement conditions
- Discharging these conditions will not be straightforward due to the location of the application.
- To aid the applicant we have considered the problem and suggest that if roof water is attenuated in a sealed system before being discharged to the main river at an agreed rate, and the driveway is an unlined permeable system which can overflow to the main river we may be able to recommend discharge of the conditions.
- This would require a permit from the Environment Agency to discharge into the river.
- If the applicant is happy to assume groundwater at ground level then there will be no need for winter groundwater monitoring. If the driveway is assumed to act as attenuation (with whatever infiltration possible allowed by leaving it unlined) then no infiltration testing will be required.

Southern Water
- Requires a formal application for connection to the public foul sewer to be made.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and pre commencement conditions have been agreed. It is not considered an external lightning conditions is necessary given its location next to existing dwellings.

POLICY CONTEXT

Built up area boundary
Flood Zone 3

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
ECCSP1	ECC SP1 Adapting to Climate Change
QESP1	QE SP1 Quality of the Environment
WMDM1	WM DM1 Waste Management
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk

Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES1	Applications for new development must meet the local drainage requirements
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES5	Quality of design
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES6	Contribution to local character

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020

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.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that it would not have a materially adverse impact on the residential amenities of nearby properties nor would it have a significant adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

The site is in the Built-Up Area Boundary in accordance with policy SD SP2 of the Arun Local Plan (ALP). 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. The key policies are D SP1, D DM1, D DM2, T SP1 and W DM2 of the Arun Local Plan, ES1, ES5 and ES6 of the Barnham and Eastergate Neighbourhood Plan and the Arun Design Guide.

The proposal results in the net increase in 1 dwelling, which would contribute towards the Districts housing supply, in accordance with policy H SP1 of the ALP.

DESIGN AND VISUAL AMENITY

The dwelling will be to the east of 49 and due to its siting will become the end property in a row of terraced dwellings. As a result of the position of the dwelling in the street scene, views are limited from the wider area.

The principal elevation of the dwelling will be sited in line with neighbouring properties and follow the established development line, with the development in keeping with the general pattern and scale of development in the area. The property will be constructed of red brick, which will be similar to the style and appearance of surrounding properties which ensures the property appears well integrated and does not appear as an alien addition within the street scene.

There will be small covered porch to the front. This is the same design as neighbouring dwellings and therefore it is considered to sympathetically relate to the locality with similar design characteristics.

The Arun Design Guide states an infill dwelling similar to that proposed should 'emulate the established pattern of building' and 'continue elements such as chimneys, porches and doors. The proposed has been designed to integrate with the existing dwellings and is complementary to the surrounding area with similar design features used to ensure integration with neighbouring dwellings.

Having regard to the character and layout of the area, the proposal has acceptable impact on the established layout and pattern of development, sufficiently integrating with its surroundings and the character of the street scene in accordance with D DM1 of the Arun Local Plan.

RESIDENTIAL AMENITY

Arun Local Plan 2011-2031 policy D DM1 requires 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."

The dwelling has the same footprint as the neighbouring property (49), with the bulk of the development sited between the front and rear building lines of the neighbouring dwelling. As a result of the siting, the

development does not result in adverse overbearing or overshadowing impacts upon amenity to the western elevation.

There are no dwellings to the rear or to the east and the development does not result in adverse impacts to amenity in these directions.

The dwelling will have 1 rear first floor window serving a bedroom which will provide views over the rear garden of No.49, although no direct views into the property. The relationship between the available views from the rear are the same as other nearby properties. There are no windows to the east elevation and the development is not considered to provide adverse overlooking.

By way of the design and siting, the development does not harm amenity by way of overbearing, overshadowing or overlooking in accordance with D DM1 of the Arun Local Plan.

HIGHWAY
Arun Local Plan 2011-2031 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.

The proposal allocates 1 parking space for the dwelling. The application has been assessed by WSCC Highways who consider the site is in a sustainable location and does not consider there would be an unacceptable impact on the highway.

Under Arun Parking Standards 2 spaces are sufficient for a dwelling of this size. Whilst the proposal does not comply with the standard (1 space provided) this is the same as neighbouring properties and it is not considered to result in harm upon the highway or parking in the area.

Conditions will be imposed to secure cycle storage and as such it is considered to accord with T SP1 of the Arun Local Plan.

FLOOD RISK AND DRAINAGE

W DM2 of the Arun Local Plan states development in areas at risk from flooding (as identified by the EA) will only be permitted following compliance with listed criteria. One of these criterion is the submission of a sequential test is accordance with the NPPF.

The site is in Flood Zone 3. The Environment Agency assessed the application and determined if constructed in accordance with submitted FRA the development is acceptable and not increase flood risk within the area. Arun District Engineers requested pre commencement conditions regarding drainage at the site which have been agreed. Whilst it is noted the EA has not raised concerns regarding the mitigation measures, this does not overcome the need to firstly pass the sequential and exception tests to establish whether the site proposal is acceptable in principle on flood risk grounds.

In line with both W DM2 and the NPPF more vulnerable housing proposals normally require a flood risk Sequential Test to be passed and, if this can be demonstrated first, both parts of the Exception Test.

If it is not possible for development to be located in zones with a lower risk of flooding, the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in national planning guidance.

The potential vulnerability of the site falls predominately in Flood Zone 3. The flood vulnerability classification falls in the 'more vulnerable' category which includes buildings used for dwelling houses. Following submission of the sequential test in which it was considered there were no alternatives sites available which were located in zones with a lower risk of flooding, it is necessary to apply the exception test, as set out in paragraphs 159 of the NPPF. In the exception test it requires details to be submitted that shows how flood risk will be managed on the site and show that the sustainability benefits of the development to the community outweigh the flood risk.

The proposal includes flood resilient measures that have been considered appropriate and acceptable by the EA who do not raise an objection in this location. These measures demonstrate how the proposal will ensure the management of the flood risk at the site. The property will provide a unit located to the end of a terrace, in a built up area, in a sustainable location within walking distance to the hub of the Barnham community, amenities and public transport.

Following the submission of the FRA , sequential test and exception test, it is considered the details submitted are sufficient to ensure that the development would be acceptable and not increase the flood risk at the site and give rise to sustainably benefits and as such is considered to accord with WDM2.

INTERNAL SPACE STANDARDS
Policy D DM2 of the ALP 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 therefore necessary to assess the proposal against the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) in order to determine whether the dwelling is suitable for residential use.

The dwelling has an internal layout depicting; 2 storey, 2 bedroom, 3 persons. The space standard for this provision is 70m2. The floor area measures approximately 53sqm and therefore does not comply with guidance however the size of the dwelling matches that of the size and layout of neighbouring properties and is acceptable in that the size has already been accepted as precedent in the area.
There is also sufficient external amenity space provided in accordance with the Arun Design Guide.

BIODIVERSITY NET GAIN
ALP policy ENV DM5 states: "Development schemes shall, in the first instance, seek to achieve a net gain in biodiversity and protect existing habitats on site. They shall also however incorporate elements of biodiversity including green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitats (whether designated or not)."

The applicant has advised a bird box will be constructed upon the gable wall, fronting the rife to a minimum height 3m.

A condition will be included to ensure that these measures are followed to ensure biodiversity is not adversely impacted as a result of the build.

SUMMARY
The development is deemed to comply with relevant development plan policies subject to the following conditions and informatives.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun

District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

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

- Location Plan
- Proposed Elevations - 04A
- Proposed Floor Plan - 03A
- Block and Site Plan - 05B
- DAS and Method Statement - Dec 2020
- Flood Risk Assessment - 02/04/2020
- Biodiversity statement - 12th March

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 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.

4 The development shall not proceed until details have been submitted to and approved in writing by the Local Planning Authority for any proposals: to discharge flows to watercourses; or for the culverting, diversion, infilling or obstruction of any watercourse on or adjacent to the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run-off values. No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities in respect to any watercourse or culvert on or adjacent to the site.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan. And to ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion. It is considered necessary for this to be a pre-commencement condition to protect existing watercourses prior to the construction commencing.

5 Prior to first occupation, the biodiversity enhancement measures listed within the email received 12th March 2021 must be provided and retained in perpetuity.

Reason: To enhance the environment for local wildlife and result in net biodiversity gain, in accordance with the relevant legislation and policy ENV DM5 of the Arun Local Plan.

6 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan (05B). These spaces shall thereafter be retained at all times for their designated purpose.
Reason: To provide car-parking space for the use in accordance with policy T SP1 of the Arun Local Plan.

7 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and TSP1 of the Arun Local Plan.

8 The development shall be carried out in accordance with the submitted flood risk assessment (project ref QFRA 1655, dated 02/04/2020) and the following mitigation measures it details:

*Finished floor levels shall be set no lower than those of neighbouring properties
*Flood resilient measures implemented as set out in section 6.1 of the flood risk assessment
*No sleeping accommodation shall be placed on the ground floor

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: In line with the Planning Practice Guidance of the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change and WDM2 of the Arun Local Plan to reduce the risk of flooding to the proposed development and future occupants.

9 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 DM4 of the Arun Local Plan 2011 - 2031

10 No construction/demolition activities shall take place other than between the hours of 8:00 to 18:00 Monday to Friday and 8:00 to 13:00 Saturday with no noisy work Sunday or Bank Holidays .

Reasons: To protect the amenity of local residents in accordance with Policy QESP1 of the Arun Local Plan.

11 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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

12 INFORMATIVE:
Advice to Local Planning Authority/Applicant
Environmental permit

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place on or within 8 metres of a main river. The boundary of the proposed extension will have a distance of 1.6m from a main river (Barnham Rife) with previous objections relating to uncertainties of a Flood Risk Activity Permit (FRAP) being issued. This raised concerns relating to the stability of the bank due to insufficient details of foundations under the proposed extension being supplied. Previously submitted information relating to building foundations was accepted, therefore we are able to advise further on particular information we would need for the FRAP application:

- Accurate measurements of the foundation piling that show that piling shall reach a lower level than the river bed. We must be satisfied with the bank stability and that the extension will be adequately supported should undercutting of the bank occur

- Precise Drawings/ plans of where material will be stored to ensure no pollutants enter the river
- Photos of the site before works are carried out to ensure both the river and the bank have been returned to their previous state after works are completed

For further guidance please visit https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits or contact our National Customer Contact Centre on 03702 422 549.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

13 INFORMATIVE: Informative
Vehicle Crossover - Minor Highway Works

The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted.

Additional information about the licence application process can be found at the following web page:
https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/

Online applications an be made at the link below, alternatively please call 01243 642105.
https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-application-form/