

Recommendation Report for Planning Permission

REF NO: BN/15/20/PL

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

PROPOSAL: Erection of 1 No. end of terrace two storey 2-bedroom dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to construct a two bed end of terrace dwelling to be added to the existing dwelling.
TOPOGRAPHY	Predominantly flat.
TREES	None of 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 is occupied by two storey terraced dwellings.
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

Relevant planning history noted. A two storey side extension was approved in September 2019.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Barnham & Eastergate Parish Council

Objection

- Major flood risk due to the proximity to Barnham Rife in conflict with policies ES1 and ES2 of the Barnham and Eastergate Neighbourhood Plan.

No representation received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. These will be addressed in the report below.

CONSULTATIONS

Engineering Services Manager
Engineers (Drainage)
Southern Water Planning
WSCC Strategic Planning
Environmental Health
Environment Agency
Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Environment Agency:

5/3/20 - Objection. The submitted FRA does not comply with the site specific flood risk requirements. Following their comments, a revised FRA was submitted, additional comments from EA received.

4/5/20 - Remove objection subject to development being carried out in accordance with revised FRA.

ADC Engineers (Drainage)

26/3/20- Site lies in Flood Zone 3 and in Lidsey Catchment Treatment Area. Circa SuDs Manual states sustainable drainage features should not be located within a Flood Zone. It is not known how the development will be drained and we object.

12/5/20 - On the basis of EA removing their objection we remove ours. Apply standard conditions. If the roof is attenuated before being discharged at an agreed rate, we may be able to recommend discharge of the conditions and is a possible route and shows the objection can be overcome. Alternative solutions may necessitate further investigation as per conditions.

Environmental Health:

Apply conditions relating to a scheme for provision of charging of electric vehicles, submission of a Construction Management Plan, hours of working and contamination of land

Southern Water:

Apply standard informative.

WSCC Highways :

No apparent visibility issues. The applicant proposed 1 parking space. Under Arun Parking standards the LHA would anticipate 2 spaces. Overspill would be accommodated on street, the access works may result in the loss of on street parking. The planning authority may wish to consider potential amenity issues that may arise from the loss of 1-2 spaces and a small increase in demand. Due to the small scale of the proposal, the anticipated provision of active EV spaces would be 1 space. The dwelling should provide cycle provision. The LHA does not consider the proposal would have an unacceptable impact on

the highway - conditions should be applied.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. These are addressed elsewhere in report.

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
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
SDSP2	SD SP2 Built-up Area Boundary
DDM2	D DM2 Internal space standards
QESP1	QE SP1 Quality of the Environment
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:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
PPS25	Development and Flood Risk

SUPPLEMENTARY POLICY GUIDANCE:

SPD3	Parking Standards
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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

referenced in the report.

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 conflict with relevant Development Plan policies in that insufficient information has been submitted to demonstrate that the site is sequentially preferable and consequently and the proposal is contrary to W DM2 and the NPPF.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

The principle of development is acceptable as the site is in the built up area boundary. Key policies are D DM1, D SP1 , QE SP1, T SP1 , W DM2 of the Arun Local Plan. Barnham and Eastergate have a made Neighbourhood Plan with policy ES1, ES5, ES6 of relevance to the application.

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

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

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".

Barnham and Eastergate Neighbourhood Plan ES1 states development should aim to reduce the overall level of flood risk in the area.

Barnham and Eastergate Neighbourhood Plan ES5 states Quality of Design- all new development should be of a high quality design, and will be expected to conform to the forthcoming Barnham and Eastergate Design Guide. New development should be designed to respond to the specific character of the site and its local surroundings and to create a sense of place.

Barnham and Eastergate Neighbourhood Plan ES6 states development should contribute positively to the character of the two villages, and should reflect the design qualities of their time, so that the richness of varied character continues and is extended into the future.

DESIGN AND VISUAL AMENITY

Arun Local Plan policy D DM1 lists a series of 15 factors that development must comply with - these include character, impact and public realm. The dwelling will be to the east of No.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 within 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.

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.

To the rear of the dwelling will be 1 first floor window serving a bedroom which provides views over the rear garden of No.49, however there would be no direct views into the property, with the relationship between the available views from the rear, the same as other nearby properties. There are no windows to the east elevation. The development does not 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.

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 in 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 have not objected following the EA withdrawing the objection. Whilst it is noted the Environment Agency has not raised concerns regarding the proposed mitigation measures, this does not overcome the need to firstly pass the sequential and exception tests to establish whether the appeal 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.

Although a Flood Risk Assessment has been supplied a sufficient and robust Sequential Test and Exceptions Test information has not been supplied. As such it is considered that insufficient information has been submitted to demonstrate that the application site is sequentially preferable and consequently the proposal is considered to be contrary to W DM2 and the National Planning Policy Framework, specifically the section 'Meeting the challenge of climate change, flooding and coastal change.'

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 proposed 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.

SUMMARY

The development is deemed to conflict with WDM2 of the Arun Local Plan by way of insufficient information and as such 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) 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

REFUSE

- 1 The proposal fails to demonstrate that the application site is the most sequentially preferable site in flood risk terms, with no sequential test or exception test undertaken as set out in the NPPF. The proposal is therefore contrary WDM2 of the Arun Local Plan and to the National Planning Policy Framework specifically section 'Meeting the challenge of climate change, flooding and coastal change.'
- 2 **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.