Recommendation Report for Approval of Reserved Matters Following Outline Approval

REF NO: BN/176/22/RES

LOCATION: Land West of Fontwell Avenue
Eastergate

PROPOSAL: Approval of reserved matters following outline consent BN/147/21/OUT for 7 No dwellings with associated landscaping and infrastructure. This application also lies within the parish of Aldingbourne and is in CIL Zone 3 and is CIL Liable as new dwellings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Approval of reserved matters is sought following approval of outline application BN/147/21/OUT. The proposed scheme comprises 7 dwellings, 16 parking spaces, landscaping and a vehicular access running to the north to Fontwell Avenue. The reserved matters for which approval is sought are appearance, landscaping, layout and scale. Detailed approval for access was sought and granted at outline stage. The proposed dwellings are all two storey 3 bedroom houses arranged in a terrace of three, a semi-detached pair and two detached dwellings. Each property has a rear garden and allocated parking with footpaths providing access to the front door of each house. The central area of the site would include areas of hardstanding, parking and soft landscaping. The detached houses are of the same style with a tiled gable roof and a ground floor projecting bay window. The semi-detached pair and the terrace include barn hipped roofs.
SITE AREA	0.38 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	18 dwellings per hectare.
TOPOGRAPHY	Predominantly flat but there is a high point of approx. 16.8m AOD (Above Ordnance Datum) in the north western corner and the eastern and southern boundaries are between 16-16.2m AOD resulting in a slope across the site.
TREES	The application does not propose to fell any trees but does seek to remove a 5m section of a mixed species ornamental hedge and a 2m section of a Beech hedge. Existing trees to the south-eastern, south-western and north-eastern boundaries which form part of longer 'runs' of trees are all being retained.
BOUNDARY TREATMENT	Mixed including post & rail/post & wire, timber fencing (to the Northfield Farmhouse driveway) and 2m high hedging.

SITE CHARACTERISTICS	The site comprises land associated with 1 Northfields Farm Cottages and includes areas of grass, a manege, hardstanding & car parking, stables and other barns/outbuildings. The site is presently accessed from Northfield Farmhouse's driveway which is a private road serving 4 dwellings.
CHARACTER OF LOCALITY	Rural in character with few neighbouring residential properties although new housing has recently been built on land to the immediate north and approved to the northwest. To the immediate east are nos. 1 & 2 Northfield Cottages. Beyond these on the opposite side of Fontwell Avenue there is a mix of open land and dwellings.

RELEVANT SITE HISTORY

BN/47/22/NMA	Non material amendment following the grant of BN/147/21/OUT for the variation to wording of conditions concerning condition 3-providing Phasing Plan, 9-boundary treatment,10-details of materials and 20-renewable energy.	Approve 03-05-22
BN/181/22/PL	Erection of 4 No dwellings with associated landscaping and infrastructure. This application also lies within the parish of Aldingbourne, is a Departure from the Deveolpment Plan and is in CIL Zone 3 and is CIL Liable as new dwellings.	
BN/147/21/OUT	Outline application with all matters reserved (except access) for the erection of up to 8 No. dwellings. This application also lies within the parish of Aldingbourne. This application is a Departure from the Development Plan.	ApproveConditionally 03-03-22

BN/147/21/OUT was granted in March 2022 and approved the principle of 8 dwellings and the access arrangements from Fontwell Avenue.

REPRESENTATIONS

Barnham and Eastergate Parish Council (BEPC) object - the design of the properties does not align with the BEPC Design Guide which should be taken into consideration.

COMMENTS ON REPRESENTATIONS RECEIVED:

These matters are considered in the conclusions section.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ADC DRAINAGE ENGINEERS - do not object to this application and request no further information at this stage.

WSCC HIGHWAYS - no objection subject to conditions securing implementation of parking spaces, cycle parking and details of construction traffic and parking.

ADC ENVIRONMENTAL HEALTH - no objection subject to conditions.

COUNCILS ARCHAEOLOGIST - the mitigation of the effects of the development on any archaeological interest that the site may contain should be secured through the fulfilment of the requirements of Condition 12 on permission BN/147/21/OUT.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and will be addressed in conclusions section. Conditions relating to drainage, environmental health and highways matters will be dealt with via conditions imposed on BN/147/21/OUT.

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitagation
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HSP1	HSP1 Housing allocation the housing requirement
INFSP1	INF SP1 Infrastructure provision and implementation
LANDM1	LAN DM1 Protection of landscape character
OSRDM1	Protection of open space,outdoor sport,comm& rec facilities
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development

WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems

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
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES10	Trees and hedgerows
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES11	Energy efficiency of new development
Barnham & Eastergate Neighbourhood Plan 2014 POLICY GA1	Connection to sustainable transport
Barnham & Eastergate Neighbourhood Plan 2014 POLICY GA4	Parking and new development
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H1	Specific site allocation
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H2	Windfall sites
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H3	Housing mix
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H4	Integration of new housing into surroundings

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
SPD13	Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan 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 does not conflict with relevant Development Plan policies.

Section 70(2) of the 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.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE:
The principle of development for the erection of the 8 dwellings was established at outline stage with the approval of application BN/147/21/OUT and a number of detailed considerations will be assessed under separate discharge of condition applications.

The issues of consideration for this reserved matters application are the proposed development layout, the scale and appearance of the proposed dwellings, landscaping and trees, residential amenity, internal and external space standards and parking.

LAYOUT, APPEARANCE AND SCALE:
Arun Local Plan (ALP) policies D DM1, D SP1 and LAN DM1 are all relevant in respect of design and character.

Barnham & Eastergate Neighbourhood Plan (BENP) Policy ES5 (Quality of design), ES6 (contribution to local character), H4 (Integration of new housing into surroundings) and H6 (Attention to detail) are relevant and set out requirements for high quality design, and development of an appropriate density that reflects the design and character of surroundings.

The Arun Design Guide (ADG) was adopted as a formal supplementary planning document in January 2021. Sections G, H & J are relevant. The density of the scheme has been agreed by the outline which approved 8 dwellings on a site of 0.38 Hectares (21 DPH), the application proposal is for 7 dwellings (18 DPH), which is less than that which was approved at outline. The ADG requires buildings and spaces be carefully arranged and take priority over roads and car parking so that highways do not dominate. New development should respond to the surrounding pattern of buildings in terms of block sizes and patterns of plot division in order to create a natural extension to existing development. Open spaces should be clearly integrated in the scheme and be safe & accessible for all users. New development must ensure the existing character and sense of place of an area is respected and enhanced.

The National Planning Policy Framework (NPPF) and other supporting national guidance emphasises high quality design, respecting character, creating a sense of place, safety, accessibility, inclusivity and striving for beauty. It states, "Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local

design guidance and supplementary planning documents such as design guides and codes."

The proposed layout includes 7 dwellings set around a central parking area and vehicle access route, in addition to areas of soft landscaping. The dwellings are all two storey and set within a terrace of three, a semi-detached pair and two detached dwellings. The dwellings are of traditional design/form and finished in a mixture of facing red brickwork, white painted brick, plain red and grey tiles, white UPVC windows and doors and a GRP canopy.

The surrounding area is mixed in character and includes a range of property styles and forms, varying from detached bungalows to two storey detached houses and blocks of flats finished in various materials and styles. The nearest dwelling to the application site, Northfield Cottages is a two storey property finished in painted rough render with sections of catslide roof and half dormer windows to either sides elevation.

The site directly to the north of the application site has permission (ref. BN/50/20/PL) for 42 dwellings and is currently under construction. The dwellings within the site to the north comprise a mixture of detached, semi-detached, terraces and an apartment building, all of which are two storey and of similar size, style and form to the dwellings proposed within this application.

The proposed dwellings are considered to be of an appropriate layout, scale, and appearance for the site and the surrounding area, in accordance with ALP policies D DM1, D SP1 and LAN DM1, and BENP policies ES5, ES6, H4 and H6.

LANDSCAPING & TREES:
ALP policy D DM1 states development is expected to incorporate existing and new tree planting as an integral part of proposals. Policy LAN DM1 requires development respects the characteristics & natural features of the relevant landscape character areas and aim to reinforce or repair the character of those areas. Policy D SP1 requires development proposals reflect the characteristics of the site and local area in their landscaping.

BENP Policy ES10 requires that development avoids damage to trees, hedgerows of arboricultural and amenity value.

ALP policy ENV DM4 requires that trees that contribute to local amenity are not damaged or felled unless the development meets the following criteria:
a. tree loss is in the interests of good arboricultural practice.
b. tree loss would enhance the survival & growth prospects of other protected trees; and
c. the benefits outweigh the loss of trees or woodland, especially ancient woodland.

BENP Policy VE3 requires that trees and hedgerows contributing to local amenity be protected and retained wherever possible.

The application includes specifications of the proposed hard and soft landscaping. The proposals are considered appropriate for the location and setting and include species with all year interest as well as a mix of native and ornamental species. The proposal will add instant green impact that will develop as the site matures. The Councils Landscape Officer raises no objections in respect of landscape impact. The proposed landscaping is therefore appropriate.

No trees would be felled to make way for the proposed development and all trees to the eastern boundary alongside the Fontwell Avenue would be retained. The proposals require the removal of an ornamental hedge of limited value and a small section of beech hedge, neither of which provide significant connectivity or contributions to visual amenity.

The removal of the areas of hedge will be compensated via the provision of new trees and native shrubs.

The proposed buildings would not encroach into the root protection areas (RPAs) of the adjacent trees, however the access footpaths to dwellings 2-6 and a portion of the vehicular access would be constructed within RPAs. Tree protection areas, no dig zones, manual excavation and retention of existing ground levels are proposed along sections of the eastern and western boundaries of the site to ensure the trees would not been harmed as a result of the development.

The Arboriculture Officer has been consulted and has not yet provided comments on the application. However, any concerns can be addressed when discharging condition number 9 of BN/147/21/OUT.

It is recommended that compliance with the submitted tree protection strategy and tree protection drawing be secured by planning condition.

OTHER MATTERS:
Residential Amenity

ALP policy D DM1 requires there be minimal impact to users and occupiers of nearby property and land. ALP policy QE SP1 requires all development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity. The Council has an adopted Design Guide which sets out guidance on interface distances between houses:

- Back to Back: min. 21m between habitable rooms of properties or to existing buildings;
- Back/Front to Side: min. 14m between habitable rooms and side gable of adjacent property;
- Front to Front: min. 16m between habitable rooms of properties facing each other; and
- Back to Boundary: min. 12m between habitable rooms and site boundary to existing landscaping. There are no standards given for either side to side or front to back.

All relationships between proposed/existing and between proposed dwellings are as above and will ensure a high standard of amenity for existing and future users, in accordance with ALP policies D DM1, QE SP1.

Internal & External Space Standards

As per ALP policy D DM2, it is necessary to assess the proposal against internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if buildings will be suitable for residential use. The applicant provided an accommodation schedule which demonstrates that all of the dwellings exceed the required amount of internal space:

- Plots 2-6: 104sqm vs 93sqm requirement;
- Plots 1/7: 106sqm vs 93sqm requirement;

The Arun Design Guide sets out standards for garden sizes as follows:

- Private Rear Garden: min. 10.5m depth; and
- Private Front Garden: min. 2m depth.

The majority of front gardens exceed 2m and the majority of rear gardens to new plots exceed 10.5m. The exceptions are plot 4 (10.3m) and plot 6 (10.4m). These minor deficiencies are acceptable as the Design Guidance allows for a flexible approach.

On this basis the scheme provides a good standard of amenity for future occupiers, in accordance with Policy D DM2 of the ALP.

Parking

In line with Arun District Council's Parking Standards, the development will be provided with a total of 16 vehicle parking spaces, including 2 visitor spaces. Safe and secure bicycle parking provision for 2 cycle spaces per dwelling is made within sheds in the rear of each garden. Condition 10(2) of BN/147/21/OUT requires that 5% of parking needs to be suitable for disabled persons.

WSCC have raised no objections to the proposed application.

The proposal therefore accords with ALP policies T SP1 & T DM1 and the Arun Parking Standards SPD and polices GA1 and GA2 of the BENP

SUMMARY:
The proposed development proposes an appropriate layout with sufficient spacing between proposed dwellings. The proposed dwellings are of acceptable designs that are in keeping with the character and appearance of the locality. The proposed landscaping scheme is also acceptable and will provide a number of measures to ensure biodiversity net gain.

The total number of parking spaces proposed complies with the Arun parking guidance.

Approval is therefore recommended subject to the following conditions.

HUMAN RIGHTS ACT

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 is a CIL Liable development. It is in Zone 3 and a CIL amount of £116,702.76 is payable unless the applicant applies for exemption subject to the requirements of the CIL Regulations 2010 (as amended).

As there is a Neighbourhood Plan, the Parish Council will receive 25% of this money (£29,175.69) subject to whether any relief is claimed.

RECOMMENDATION

APPROVE CONDITIONALLY

1 The development hereby approved shall be carried out in accordance with the following approved plans and documents:

Location Plan 22065-pl-2-01
Site Layout 22065-pl-2-02 reva
Site Layout tenure 22065-pl-2-03
Site Layout bedrooms 22065-pl-2-04
Site Layout building materials 22065-pl-2-05 reva
Site Layout boundary materials 22065-pl-2-06 reva
Site Layout parking and bins 22065-pl-2-07 reva
Site Layout building heights 22065-pl-2-08
Levels Layout 7 units 108.5012-601
Cycle Storage specs
Indicative Street Scenes 22065-pl-5-01
Private Lighting Design sheet 1 of 1 revr0
Tree Constraints Plan lld2494-arb-dwg-001 rev01
Tree Retention and Protection Plan lld2494-arb-dwg-002 rev04
Combined Landscape Proposals Plan dd594l03
Combined Hard and Soft Landscape Plan dd594l01 reva
Floor Plans, Elevations, Roof Plan 3bc-3bed-terraced 22065-pl-ht-3bc-02
Floor Plans, Elevations, Roof Plan 3bc-3bed-semi detached 22065-pl-ht-3bc-01
Floor Plans, Elevations, Roof Plan 3bby-3bed-detached v2 22065-pl-ht-3bby-02
Floor Plans, Elevations, Roof Plan 3bby-3bed-detached 22065-pl-ht-3bby
Written Scheme of Investigation (wsi) for an Archaeological Evaluation (phase 1)
Site Investigation Report Incorporating a Desk Study and Remedial Proposals
Landscape Management Plan
Assessment & Mitigation of Traffic Noise
Outdoor Lighting Report
Ecological Impact Assessment
Ecology, Tree Protection Fencing, Site Preparation and Clearance and Habitat Management and Enhancement
Materials Schedule
Arboricultural Impact Assessment and Method Statement 03

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D DM1, D SP1, QE SP1 and T SP1 of the Arun Local Plan.

2 All activity at the site is to be carried out in strict accordance with the 'ARBORICULTURAL IMPACT ASSESSMENT AND METHOD STATEMENT' (January 22) by Lizard Landscape Design and Ecology.

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 within the root protection areas are commenced on site.

Reasons: To comply with BS5837 and policy ENV DM4 of the Arun Local Plan 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.

3 No part of the development shall be first occupied until the vehicle parking spaces have been constructed in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To provide adequate on-site car parking and turning space within the development in accordance with policy T SP1 of the Arun Local Plan.

4 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 LPA.

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

5 Prior to occupation of any of the dwellings, the applicant/developer shall submit a scheme for approval by the Local Planning Authority to demonstrate that the development will achieve energy efficiency measures that reflect the current standards applicable at the time of submission and includes the use of renewable energy supply systems. The approved scheme shall thereafter be implemented prior to occupation of any of the dwellings and any approved renewable energy supply systems shall be permanently retained & maintained in good working order 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.

6 Any tree pruning considered essential to enable the agreed development must meet the requirements of BS3998:2010 Tree work. Recommendations:

- Where whole branches are to be removed and final cuts made close to the trunk or branch union they are to be made as shown in Figure 2 of BS3998:2010.
- Where branches are to be shortened back the final cuts are to be made at the correct angle shown in BS3998:2010 and adjacent to a live bud or lateral.

Reason: In the interest of continued health and vitality of trees and to accord with current industry guidelines, sound arboricultural practice and policy ENV DM4 of the Arun Local Plan.

7 All bathroom and toilet windows in the elevations of any of the buildings shall be obscurely glazed and fixed shut below 1.7m from finished floor level and permanently retained so thereafter.

Reason: To protect the amenities and privacy of existing and future occupiers in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

8 The bedroom window on the northern flank of plot 2 hereby approved shall be obscurely glazed and fixed shut below 1.7m from finished floor level and permanently retained so thereafter.

Reason: To protect the amenities and privacy of the existing chalet bungalow to the south of the site in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

9 No windows (other than those shown on the plans hereby approved) shall be constructed in the flank elevations of any of the dwellings hereby approved without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of existing and future occupiers in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

10 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.

11 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.

12 INFORMATIVE: The applicant is advised to contact the WSCC Traffic Regulation Order team (01243 642105) to obtain the necessary paperwork and commence the process associated with the proposed waiting restrictions. The applicant would be responsible for meeting all costs associated with this process. The applicant should note that the outcome of this process cannot be guaranteed.

13 INFORMATIVE: This permission does not formally discharge any of the drainage conditions imposed on the Outline planning permission.