

Recommendation Report for Planning Permission

REF NO: BN/27/19/PL

LOCATION: The Fallows
Highground Lane
Barnham
PO22 0BT

PROPOSAL: Variation of condition 2 (approved plans) imposed under BN/50/18/PL to amend design in respect of roof & materials.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	It is proposed to amend the approved dwelling by: - Changing the roof design from a flat top roof to a central ridge approx. 3.1m long (retaining hips on all four sides); - Increasing the roof height by approx. 0.8m; - Adding a slim flue type chimney protruding from the west roof plane; and - Changing the proposed wall materials from Purbeck Buff Cropped Walling to a mix of Knapped Field Flint blocks, Ivory colour render and Ibstock Parham Red Stock brick for detailing. The changes do not increase the amount of bedrooms or the accommodation in general.
SITE AREA	1 hectare.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	1 dwelling per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The site is well screened by hedging/tree screening over 3m and by timber fencing (circa 2m) to the boundary with The Cottage but is currently open to the garden of Meadow View.
SITE CHARACTERISTICS	Large grassed site with trees and hedging to the boundaries only. Existing single storey detached garden outbuilding (with permission to be a dwelling) in the southwestern corner. The northernmost boundary is with the railway line.
CHARACTER OF LOCALITY	Rural. Mainly formed of open land with some detached dwellings with large gardens, a few holiday cottages also exist nearby. There are no public footpaths and Highground Lane is a non metalled, non-adopted highway. The nearest dwellings are to the south and are both chalet bungalows and are 53-54m away.

RELEVANT SITE HISTORY

BN/40/19/DOC	Approval of details reserved by condition imposed under ref BN/50/18/PL relating to Condition No 4 - proposed surface water drainage.	DOC Approved 30-07-19
BN/50/18/PL	Erection of 1 No. replacement dwelling & conversion of existing out building (approved dwelling) into double garage.	ApproveConditionally 16-04-19
BN/40/18/CLP	Lawful development certificate for the proposed erection of 2 No. side extensions & 1 No. rear extension following construction of new roof permitted under planning permission BN/16/18/HH.	PP Not Required 29-08-18
BN/16/18/HH	New pitched roof to provide rooms in roofspace	ApproveConditionally 22-06-18
BN/8/17/PL	Change of use of outbuilding to 1 No. dwelling. This application is a Departure from the Development Plan.	Refused 23-06-17 Appeal: Allowed+Conditions 20-02-18
BN/14/14/CLE	Application for a Lawful Development Certificate for the existing use of land to rear of house as garden.	Approve 22-04-14

A certificate of lawfulness for 'Use of land to rear of house as garden' was granted on 22 April 2014 under reference BN/14/14/CLE. The description of that site included reference to the garden outbuilding. Subsequently, permission was granted on appeal under BN/8/17/PL for the change of use of the outbuilding to a separate dwelling. This was then followed by two further applications to add accommodation within the roof and to provide extensions to the rear and sides. BN/50/18/PL granted permission to convert the existing garden outbuilding into a new double garage with storage and then construct a new two storey, four bedroom dwelling of part two and part one storeys.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Barnham & Eastergate Parish Council

"At a meeting of the Barnham & Eastergate Parish Council's Planning & Environment Committee held on 28th May the Council resolved to raise no objection to the above application."

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

N/A.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary;
Lidsey Drainage Catchment Area;
Advert Special Control Area; and
No Public Sewer On Site.

DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM5	ENV DM5 Development and biodiversity
HSP1	HSP1 Housing allocation the housing requirement
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
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
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water

Barnham & Eastergate Neighbourhood Plan 2014
POLICY ES1

Barnham & Eastergate Neighbourhood Plan 2014
 POLICY ES4

Barnham & Eastergate Neighbourhood Plan 2014
 POLICY ES6

Barnham & Eastergate Neighbourhood Plan 2014
 POLICY ES8

Barnham & Eastergate Neighbourhood Plan 2014
 POLICY ES11

Barnham & Eastergate Neighbourhood Plan 2014
 POLICY GA1

Barnham & Eastergate Neighbourhood Plan 2014
 POLICY GA4

Barnham & Eastergate Neighbourhood Plan 2014
 POLICY H2

Barnham & Eastergate Neighbourhood Plan 2014
 POLICY H4

Barnham & Eastergate Neighbourhood Plan 2014
 POLICY H5

Barnham & Eastergate Neighbourhood Plan 2014
 POLICY H6

Barnham & Eastergate Neighbourhood Plan 2014
 POLICY H7

Applications for new development must meet the local drainage requirements

Protection of open views

Contribution to local character

Buildings should be designed to reflect the three-dimensional qualities of traditional buildings

Energy efficiency of new development

Connection to sustainable transport

Parking and new development

Windfall sites

Integration of new housing into surroundings

Outdoor space

Attention to detail

Drainage for new housing

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

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

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

The Neighbourhood Development Plan

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.

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 to amend the design of the approved dwelling is considered to comply with the relevant development plan policies in that the changes would not cause demonstrable harm to the character of the area or to the amenity of neighbouring residents.

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 site benefits from an extant planning permission for a two storey, four bedroom dwelling of part two and part one storeys with a separate garage and garden store. As such, it is not necessary to reassess the principle of residential development on this countryside site and not therefore relevant to re-visit the countryside policies within the development plan. It is also not relevant to reconsider issues concerning parking, highway safety or space standards.

DESIGN:

Policy D DM1 of the Arun Local Plan (ALP) requires the Council seek to make the best possible use of land by reflecting or improving upon the character of the site and the surrounding area. It requires the Council to consider scale, massing, aspect, siting, layout, density, building materials, landscaping, and design features. It is necessary that development demonstrates a high standard of architectural principles, use of building materials and hard and soft landscaping to reflect the local area. D DM1 requires that housing makes efficient use of land while providing a mix of dwelling types and maintains character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. The policy requires the scale of development keep within the general confines of the overall character of a locality. ALP policy D SP1 "Design" is also relevant and sets out a requirement to make an efficient use of land and also reflect local character.

Barnham and Eastergate Neighbourhood Development Plan (BENDP) policies ES5 (Quality of design), ES6 (Contribution to local character), ES8 (Buildings should be designed to reflect the three-dimensional qualities of traditional buildings), H4 (Integration of new housing into surroundings) and H6 (Attention to detail) are all considered to be relevant. These set out requirements for high quality design, the early integration of building features & details and development that reflects the design & character of surroundings.

Paragraph 127 of the NPPF states that "Planning policies and decisions should ensure that developments: (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and (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)."

The house is to be sited in a position over 50m from the nearest residential dwelling and also more than

170m from the Highground Lane streetscene. It will therefore not be visible in the streetscene and will also have only a limited impact on the views from nearby houses. It is also noted that there are two nearby footpaths that offer views of the site and that although the railway line is to the north, it is well screened by trees. Notwithstanding, the changes to the design and the increase in height are not considered to result in any material harm to the visual amenity of the site.

It is therefore considered that the proposal as amended still complies with policies D DM1 & D SP1 of the ALP and policies ES5, ES6, ES8, H4 & H6 of the BENDP.

RESIDENTIAL AMENITY:

ALP 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." ALP policy QE SP1 states that: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity".

The proposed roof & height changes do not alter the previous analysis in respect of residential amenity which considered that there were no amenity issues due to the distance of more than 50m to the nearest existing residential dwellings. On this basis, it is considered that the proposal complies with policies D DM1 and QE SP1 of the ALP.

SUMMARY:

The proposed design changes to the roof and the materials of the walls are not considered to result in any additional harm to the visual amenity of the locality or the amenities of neighbouring residential properties. It is therefore recommended that planning permission be granted for this variation application and in accordance with the following conditions.

It should be noted that the following conditions are as per those imposed on BN/50/18/PL except in relation to conditions (1) which states that the planning permission is valid for 3 years from the date that BN/50/18/PL was granted; (2) which refers to the amended plans and the new materials schedule; and (4) which has been updated to reflect that the surface water drainage condition has been agreed by BN/40/19/DOC. The permission granted by this variation application does not include any pre-commencement type conditions.

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.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the 16th April 2019 (being the date that planning permission was granted for BN/50/18/PL).

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 and details:

Drawing 1 Location Plan;
 Drawing 3 Block Plan (revised version received 07/11/18 with application BN/50/18/PL);
 Drawing 5 Adaption of Existing Dwelling into Garage;
 Drawing 6 Proposed Floor Plans;
 Drawing 7 Rev C Proposed Elevations; and
 Materials Schedule v2.

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

- 3 Within 2 months of the occupation of the new dwelling, the existing outbuilding shall be converted into the proposed double garage building in accordance with drawings 3 (Proposed Site Plan - received 07/11/18) and 5 (Adaption of Existing Dwelling into Garage) - both received with application BN/50/18/PL. The approved garage building shall thereafter be maintained for the purposes of the garaging of vehicles and other related domestic storage.

Reason: In order to ensure that there is only one dwelling on the site and that there is also sufficient parking spaces for the use in accordance with policies C SP1, T SP1, D DM1 and QE SP1 of the Arun Local Plan.

- 4 The development shall be implemented in accordance with the surface water drainage scheme which was approved by the Local Planning Authority on the 30th July 2019 (ref BN/40/19/DOC) and which consisted of the following drawings:

- Standard details high storage STD-01-63 REVC;
- Standard details high storage soakaway 302530-std-01-63;
- Monitoring results email 25-03-2019;
- Micro drainage results MAR 2019;
- Archibald Shaw letter of 2/1/19; and
- Drawing 23C Drainage Plan.

The approved drainage scheme shall be fully implemented prior to occupation of any of the dwellings and shall be permanently retained in good working order thereafter.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM2 and WDM3 of the Arun Local Plan.

- 5 Prior to occupation of the dwellings, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwelling shall be submitted to the local planning authority for approval and thereafter implemented in accordance with the approved details and the charge point/s shall thereafter be permanently retained and maintained in good working condition.

Reason: New petrol and diesel cars/vans will not be sold beyond 2040, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun District Council Electric Vehicle Infrastructure Study (November 2017) and the National Planning Policy Framework.

- 6 No part of the development shall be first occupied until the access driveway and turning spaces have been constructed in accordance with the approved site plan. The turning areas shall thereafter be retained for their designated use.

Reason: To provide adequate turning space for the development in accordance with policies D DM1 and T SP1 of the Arun Local Plan and paragraphs 108-110 of the NPPF.

- 7 The new dwelling shall not be occupied unless and until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that the dwelling will incorporate decentralised, renewable and low carbon energy supply systems. The approved scheme shall thereafter be implemented prior to occupation of the dwelling and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

Reason: To ensure that the development is energy efficient and in accordance with policy ECC SP2 of the Arun Local Plan.

- 8 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The scheme should seek to conform with the recommendations within BS5489:1-2013 but also minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the area, the site biodiversity (particularly in respect of bats), the interests of minimising crime and to minimise unnecessary light spillage outside the development site in accordance with policies QE SP1, QE DM2 & ENV DM5 of the Arun Local Plan.

- 9 No removal of trees, shrubs or other vegetation that may contain birds' nests shall take place between 1st March and 31st August inclusive, unless a suitably qualified ecologist/wildlife specialist has undertaken a careful, detailed, check of vegetation for active birds' nests immediately before the vegetation is cleared and confirmed that no nests will be harmed. Where nests are discovered, the vegetation shall remain in place until nesting activity has ended naturally and the ecologist has confirmed that it is safe to proceed.

Reason: To prevent interference with the breeding success of wild birds in the interests of

biodiversity conservation, as well as to ensure compliance with the legal protection of birds, their nests and eggs under Section 1 of the Wildlife and Countryside Act 1981, as amended and in accordance with policy ENV DM5 of the Arun Local Plan.

- 10 The first floor bathroom windows on the flank and rear elevations of the building shall at all times be glazed with obscured glass.

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

- 13 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.