

Recommendation Report for Planning Permission

REF NO: BN/35/21/PL

LOCATION: Land north of Sunnyside Cottages
Yapton Road
Barnham

PROPOSAL: Variation of condition imposed under BN/5/20/PL relating to condition 2-plans condition.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This proposal seeks to amend conditions 2 of BN/5/20/PL, to change the approved plans to alter the approved external materials and layouts of dwellings at plots 2 and 3 and studio at plot 2.

Condition 2 states:

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

Dwg No 191218_002, Block Plan
Dwg No 191218_001 Rev1, Block Plan
Dwg No 191218_000, Location Plan
Dwg No 191218_901, Materials
Dwg No 191218_209, Plot 3 East-West Elevation
Dwg No 191218_208, Plot 3 North-South Elevation
Dwg No 191218_207, Plot 3 Floor Plan
Dwg No 191218_206, Plot 2 East-West Elevation
Dwg No 191218_205, Plot 2 North-South Elevation
Dwg No 191218_204, Plot 2 Floor Plan
Dwg No 191218_203, Plot 2 Studio/Office Elevations & Floor Plan
Dwg No 191218_202, Plot 1 East-West Elevation
Dwg No 191218_201, Plot 1 North-South Elevation
Dwg No 191218_200, Plot 1 Floor Plan
Dwg No 191218_902, Bike & Bin Store, Car Charging, Air Source Heat Pump
Dwg No 191218_900, Indicative 3D Sketches
Flint Barn Drainage Supplementary Report_FINAL Rev 02 (1)

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.

Vary condition 2 to change approved plans:
191218_209, 191218_208 and 191218_207 to 1021/03 Rev

A;
191218_206, 191218_205 and 191218_204 to 1021/01 Rev
B;
191218_203 to 1021/02 Rev A.

SITE AREA	0.54 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	5.5 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the development.
BOUNDARY TREATMENT	The site is bordered to the west by a part 1.8m high fence and a 4m high mature hedge. To the north is a metal fence with an access track beyond and a 2m high manicured hedge to the caravan park.
SITE CHARACTERISTICS	Open parcel of land containing a large greenhouse (the subject of change of use; prior approval application), previously used for horticulture and a separate area to the east currently used for storage of motorhomes which contains a curved roof storage building (the subject of the conversion application).
CHARACTER OF LOCALITY	Semi-rural character being set back from the main road and bordering a caravan park and a small horticultural nursery site. The closest residential property, the Flint Barn is a former barn conversion.

RELEVANT SITE HISTORY

BN/34/21/DOC	Approval of details reserved by condition imposed under ref BN/5/20/PL relating to Condition No 3 - details of screen walls and/or fences	DOC Approved 04-05-21
BN/71/20/DOC	Application for approval of details reserved by condition following the grant of BN/5/20/PL relating to condition 6- discharge flows to watercourses or for the culverting, diversion, infilling or obstruction of any watercourse on or adjacent to site.	DOC Approved 24-07-20
BN/5/20/PL	Removal of existing buildings and erection of three new build dwellings. (Alternatives to BN/7/18/PL and BN/48/18/PL). This application is a Departure from the Development Plan	ApproveConditionally 30-06-20

BN/13/17/PL Land to the north of Sunnyside Barn Yapton Road; 3 No. dwellings & retention of small B8 storage area. The development by reason of its unsustainable location in the countryside, outside a defined built up area boundary; refused, appeal dismissed.

The Prior Approval for the conversion of a storage building to a dwelling expired in April 2018. However planning permission for a new dwelling BN/61/16/PL of almost exactly the same size and in the same approximate location is still extant and therefore could be implemented even if this planning application were refused. This represents an important 'fall-back' position.

BN/33/15/PD Land to the rear of The Flint Barn; Prior approval for change of use from storage (Class B8) to dwellinghouse (C3); Prior Approval was granted in October 2015 for the conversion of an existing storage building into a 1 bedroom dwelling.

REPRESENTATIONS

Barnham & Eastergate Parish Council: No objection.

No comments from members of the public.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

N/A

POLICY CONTEXT

Designation applicable to site:

Outside Built Up Area Boundary;
Flood Zone 1 (low risk);
Class C Road;
Special Control of Adverts;
No Public Sewer; and
Lidsey Treatment Catchment Area.

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
DSP1	D SP1 Design
ECCDM1	ECC DM1 Renewable Energy
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
HDM1	H DM1 Housing mix
QEDM2	QE DM2 Light pollution

QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
TDM1	T DM1 Sustainable Travel and Public Rights of Way
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

<u>Barnham & Eastergate Neighbourhood Plan 2014</u> <u>POLICY ES1</u>	Applications for new development must meet the local drainage requirements
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES11	Energy efficiency of new development
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 ES8	Buildings should be designed to reflect the three-dimensional qualities of traditional buildings
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 H2	Windfall sites
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H4	Integration of new housing into surroundings
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H5	Outdoor space
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H6	Attention to detail
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H7	Drainage for new housing

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
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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.

The relevant policies of the Barnham and Eastergate Neighbourhood Development Plan are considered 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 comply with the Arun Local Plan in that it would not cause demonstrable harm to the character of the area, to the amenity of neighbouring residents, or result in a severe impact on the local highway.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE:

The site is in the countryside outside the built-up boundary. Development Plan policies seek to exert a strict control over development in the countryside to protect it for its own sake. Development will only be permitted if the criteria set out are met or where there is a strong justification for a countryside location. The Government's planning advice indicates that planning authorities should continue to ensure that the quality and character of the wider countryside is protected, and where possible enhanced. The objectives of the Policy are broadly consistent with the policies relating to the countryside in the National Planning Policy Framework.

Whilst the proposal conflicts with the policies of the most up-to-date part of the development plan, there is no increase in the number of dwellings compared to the approved and there is a viable fall back position to consider. The result of this is the same as BN/7/18/PL and BN/48/18/PL therefore the principle of residential development on the site has already been established.

DESIGN & VISUAL AMENITY:

Arun Local Plan policy D DM1 requires that the Council have regard to certain aspects including Character, Appearance/attractiveness, 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. Development proposals should have been derived from: a thorough site analysis and context appraisal."

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.

The Arun Design Guide Supplementary Planning Document (SPD), adopted on 25th January 2021, is a material consideration in determination applications. Part P.O1 deals with infill development and requires development to respond positively to the character; infill developments, whether in rural contexts or urban environments, must aim to strike a balance between the benefits of more efficient and intense use of development land and preserving the character and local amenities of the site's context and will need to respond to the building heights, scale and massing that characterise the existing street frontage.

Plot 2:

The floor plan of studio/office, plot 2 would be amended - a toilet has been added to its layout, a strip of wall to the right of French window on northern elevation would be grey coloured brickwork instead of render, the wall to the left of entrance door on western elevation would be grey brickwork instead proposed render.

The layout of dwelling at plot 2, the right wing, would be slightly changed, two square shaped windows would be inserted on the gabled side of northern elevation and render would be replaced with black painted vertical timber cladding above and below proposed square shaped windows and the rest of northern elevation up to French window would be covered with untreated horizontal timber cladding. On the east elevation untreated larch horizontal timber cladding above narrow French window would be replaced with black painted vertical cladding and render to the right would be replaced with untreated horizontal timber cladding as on the rest of this elevation. Render to the right of square shaped French window within gabled part of southern elevation would be replaced with grey coloured brickwork as the rest of this elevation.

Plot 3:

Render of the left side of gabled part would be replaced with black painted vertical timber cladding, window of an irregular shape would be inserted on the north elevation above the entrance door and grey coloured brickwork above would be replaced with untreated larch horizontal timber cladding and the rest of northern elevation would have a black painted vertical timber cladding. On the south elevation a rendered strip on the right end would be replaced with untreated larch horizontal timber cladding. Render of the left end of east elevation would be replaced with untreated larch horizontal timber cladding. Render between two French windows in a gabled end would be replaced with black painted vertical timber cladding and the glazed area above French door to the left would be replaced with untreated larch horizontal cladding. Render between two French windows on western elevation would be replaced with untreated larch horizontal timber cladding.

The changes would affect the appearance of the dwellings marginally only and would be hardly visible from the street. The proposal complies with policy D DM1 of the Local Plan and Arun Design Guide.

RESIDENTIAL AMENITY:

ALP policy D DM1 requires the Council have regard to certain aspects when considering development including having minimal impact to users and occupiers of nearby property and land. Policy QE SP1 states: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity". Para 127 of the NPPF which states that developments should provide a high standard of residential amenity for existing and future users.

All changes are aesthetical only changing some parts of elevations, the materials are the same as approved, however all render would be replaced with black painted vertical timber cladding or untreated

larch horizontal timber cladding. There will be very small changes in fenestration and they would not affect the residential amenity of surrounding dwellings therefore it is not considered that the proposed changes would have an adverse impact to users and occupiers of the neighbouring dwellings such that a refusal could be justified.

The proposal complies with policies D DM1 and QE SP1 as well as the guidance on amenity within the NPPF (para. 127).

HIGHWAYS & PARKING:

ALP policy T SP1 seeks to ensure development: provides safe access on to the highway network. In respect of parking, it states: "The Council will support transport and development which: incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the Arun Design Guide taking into consideration the impact of development upon on-street parking"

With regards to parking it is considered that proposal would unlikely generate a materially different number of vehicular movements to the site. The proposal complies with policy T SP1 of the Arun Local Plan.

CONCLUSION:

The proposal complies with Local Plan policies and the NPPF and should be approved subject to the attached 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 date of the planning permission under BN/5/20/PL (30 June 2020).

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:

Dwg No 191218_002, Block Plan
Dwg No 191218_001 Rev1, Block Plan
Dwg No 191218_000, Location Plan
Dwg No 191218_901, Materials
Dwg No 1021/03 Rev A, Plot 3 East-West Elevation, North-South Elevation and Floor Plan;
Dwg No 1021/01 Rev B, Plot 2 East-West Elevation, North-South Elevation and Floor Plan;
Dwg No 1021/02 Rev A, Plot 2 Studio/Office Elevations & Floor Plan;
Dwg No 191218_202, Plot 1 East-West Elevation;
Dwg No 191218_201, Plot 1 North-South Elevation;
Dwg No 191218_200, Plot 1 Floor Plan;
Dwg No 191218_902, Bike & Bin Store, Car Charging, Air Source Heat Pump;
Dwg No 191218_900, Indicative 3D Sketches;
Flint Barn Drainage Supplementary Report_FINAL Rev 02 (1).

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

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

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

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and policy T DM1 of Arun Local Plan.

- 5 Construction/demolition activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no works taking place on Sunday or Bank Holidays unless they are not audible outside of the application site.

Reason: To protect the amenity of local residents in accordance with policies QE SP1 and QE DM1 of the Arun Local Plan

- 6 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources (as described in the glossary at Annex 2 of the NPPF) unless it can be demonstrated that a fabric-first approach would achieve an equivalent

energy saving. Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority before any development above damp proof course (DPC) level begins. The development shall be implemented in accordance with the approved details and timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to secure on site renewable energy in accordance with national planning policy, and in accordance with Policy ECC SP2 of the Arun Local Plan.

- 7 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the dwelling houses shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with policy D DM1 of the Arun District Local Plan.

- 8 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.

- 9 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0345 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.

- 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 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>.

- 12 INFORMATIVE: Any lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should 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.