

PLANNING DESIGN & ACCESS STATEMENT

Land East of Chantry Mead Barnham PO22 0EG

May 2020



PLANNING STATEMENT

Land East of Chantry Mead Barnham PO22 0EG

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1.0 INTRODUCTION

- 1.1 This Planning, Design & Access Statement has been prepared on behalf of Stonehurst Properties Ltd. It accompanies a detailed planning application for the erection of 4 no. dwellings, access road, landscaping, and associated works on land at Chantry Mead, Barnham.
- 1.2 The application site comprises existing garden land of approximately 0.17ha, within the defined settlement policy boundary and built up area of this part of Barnham in the adopted 2018 Arun District Local Plan and the 'Made' Barnham and Eastergate Neighbourhood Plan 2014. It benefits from a highly sustainable location with the Croft doctors' surgery and Parish community Hall both located nearby. A wider range of recreation and sports facilities, primary, secondary and academy schools, employment sites, bus services along the main Barnham B2233 Barnham Road and a main line railway station are all available in the nearby area.
- 1.3 As shown in the Flood Risk map below reproduced from the Environment Agency, the land is within flood zone 1 being the least liable to flood.

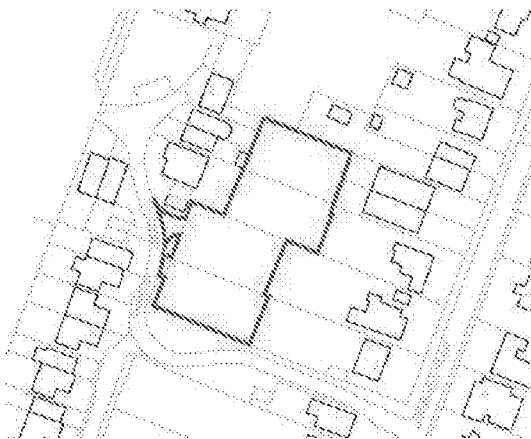


Fig 1 The Site



Fig 2 Flood Map Extract

- 1.4 Plans and information submitted in support of the application comprise the following:
- Location Plan
 - Proposed Block Plan
 - Proposed Context Plan
 - Proposed Site Plan

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- Floor Plans Plots 1-2
- Elevations Plots 1-2
- Floor Plans Plots 3-4
- Elevations Plots 3-4
- CGS Consulting Civil Engineers – Drainage Strategy
- Tree Constraints Plan – Lizard Landscape
- Tree Retention & Protection Plan – Lizard Landscape
- Arboricultural Impact Assessment & Method Statement – Lizard Landscape
- Existing Tree Schedule – Lizard Landscape
- Ecological Impact Assessment – Lizard Landscape
- Planning Design & Access Statement – Smith Simmons

2.0 THE SITE AND ITS PLANNING HISTORY

The Site

- 2.1 The application site is located within the settlement policy boundary of Barnham in both the adopted 2018 Arun Local Plan and the 'Made' 2014 Barnham & Eastergate Neighbourhood Plan. It comprises existing garden land of 2 properties at Chantry Mead and 2 at Downview Road. The existing Chantry Mead access road connects to Downview Road and secures an access for the proposed 4 dwellings as shown below.

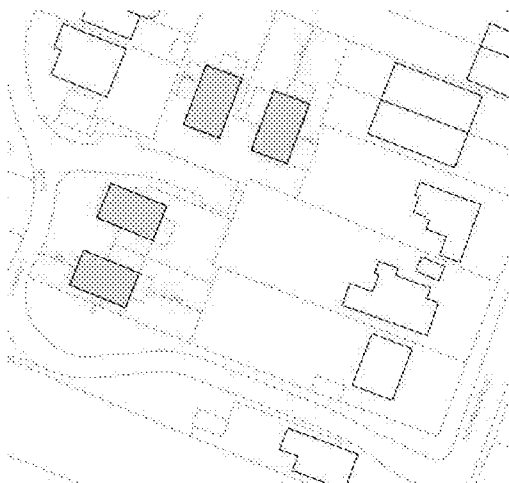


Fig. 3 Access & Layout

Planning History

- 2.2 The site is located adjacent to a recent re-development of 11 dwellings on 0.48 ha of land to the rear of 12-18 Downview Road. The density is equivalent to 23 dwellings per ha. The development (LA Ref EG/15/07) was refused consent by Arun District but was allowed on appeal. A copy of the appeal decision dated 13 August 2008 is attached as Annex 1 of this Statement. Figures 4 and 5 overleaf shows the appeal site boundary and the layout.

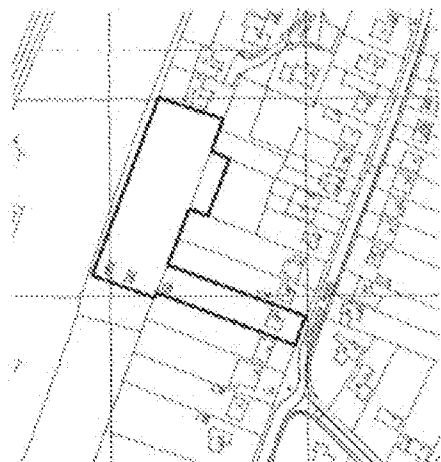


Fig. 4 Adjacent Appeal site

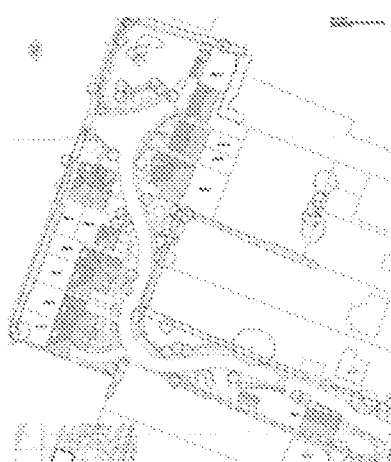


Fig. 5 Appeal layout

- 2.3 Whilst the appeal was considered in light of policies from the now expired 2003 Arun Local Plan and the local gap and the built up area boundary disputes regarding the principle of development are no longer relevant, there are other issues in the appeal which are still relevant to this current application.
- 2.4 Like the current application, the appeal site was within Flood Zone 1 (least liable to flood) but because of local surface water drainage problems the Inspector was mindful that any development should not exacerbate flood risk in the local area. The drainage strategy of the appellant is outlined at paragraph 22 of the decision and is described as a combination of balancing ponds and alterations to levels to facilitate gravity drainage. Stored water would be discharged via a hydrobrake system into a drainage ditch and the Barnham Rife. The inspector noted the drainage system could cater for a 1 in 100 year flood event and at paragraph 25, agreed that the proposed maintenance of the balancing ponds and the connection to the ditch by a management company could be enforced by a standard condition. The capacity of the ditch was considered to be adequate and even if it became blocked, the inspector concluded at paragraph 26 that any water would flow towards the field to the west of the ditch, which unlike the dwellings on Downview Road was not protected by a bund.
- 2.5 The point therefore is that the adjacent development already benefits from a self-contained drainage system for surface water. The system is properly maintained by the management company and even in 1 in 100 year flood event or if the discharge ditch became blocked water would not back flow eastwards towards Downview Road and inundate this current application site.
- 2.6 The drainage system for the proposed 4 dwellings is different to the Chantry Mead development. It utilises a SUDS arrangement incorporating geocellular soakaway units to the rear of each property

designed to cater for the 1 in 100 year flood event + 40% for climate change in line with current standards. The new parking areas will be constructed with infiltrating porous blocks or other porous surfacing which will discharge groundwater directly into the ground. The soakaway system will operate independently of the adjacent development and as concluded in the submitted drainage strategy, no adverse cumulative flood risk from surface water will arise from the proposed development.

- 2.7 In allowing the appeal, the other point to note at paragraph 33 of the decision is that the Inspector recognised the benefits of the proposed dwellings as a 5 year housing land supply shortfall existed at the time. This is a continuing issue for the Council and as reported to the December 17th, 2019 Planning Policy Sub Committee the current supply is still in deficit at only 3.7 years.
- 2.8 As we explain more fully in section 4 of this statement, in the absence of a 5-year supply, the tilted balance in favour of sustainable development is therefore engaged for this application as well. And as there are no adverse impacts (flood or otherwise) that significantly and demonstrably outweigh the benefits of the proposal we conclude that planning permission should be granted.

3.0 CONSIDERATIONS FOR THE DEVELOPMENT PROPOSAL

Contextual Assessment & Evaluation

- 3.1 The application site is located within an established part of the built-up area of Barnham and within the settlement policy boundary as shown in both the adopted 2018 Arun Local Plan and the 'Made' 2014 Barnham & Eastergate Neighbourhood Plan.

Design Principles and Appearance

- 3.2 The architectural approach focuses on a traditional design with a simple appearance and a materials palette reflective of houses in the adjacent Chantry Mead development. The existing dwellings use a mix of brick and render on the walls and clay and slate tiles on the roofs. Proposed plots 1 and 2 are shown with red facing brick work, with render and clay tiled roofs. Plots 3 and 4 are all render with slate tiles.

Layout

- 3.3 The application site extends 0.17 hectares and above all, the proposal has been designed to make appropriate and effective use of the residential land available. The 2 pairs of detached dwellings (2x3 bed and 2x4 bed) are located at right angles to mitigate overlooking of each other and existing dwellings at Chantry Mead. Their positioning also provides a consistent rhythm with the layout of Chantry Mead.
- 3.4 The layout of the proposed dwellings has been thoroughly considered in terms of separation distances and the placement of fenestration and to protect the amenities of neighbouring residential occupiers both existing and proposed.
- 3.5 Plots 1 and 2 are accessed off Chantry Mead and plots 3 and 4 are from a new cul-de-sac arrangement. Plots 1 and 2 are to the south of the cul de sac and plots 3 and 4 are to the north. All dwellings are proposed with integral garages and additional driveway parking. Visitor parking is proposed in the new cul de sac opposite the bin collection point for plots 3 and 4. All units have gardens in excess of 10 metres, plots 3 and 4 orientated facing south, and the gardens of plots 1 and facing east.

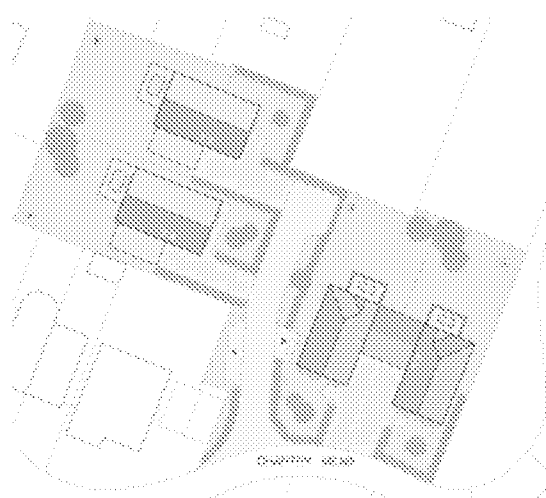


Fig 6. Proposed Site Layout Plan

- 3.6 All parking areas will use porous paving and the number of spaces including visitor spaces is in line with Arun District Council's Parking Standards Supplementary Planning Document Jan 2020.

Landscaping

- 3.7 The site benefits from a well landscaped boundaries with mature trees and planting. The proposals have been fully informed by a tree survey including a tree constraints and protection plan to ensure the proposed development would not adversely affect existing landscaping that positively contribute to the amenity of the area. A small number of low-quality trees are proposed to be removed in order to facilitate the development. It is accepted that landscaping could be controlled by condition in the usual way.

Scale

- 3.8 The proposal is for four detached houses, 2 no. 3-bed and 2 no. 4-bed all with integral garages and driveway parking if required. On a site of 0.17ha the density is equivalent to just over 23 dwellings per ha. As noted at paragraph 2.2 of this Statement earlier, this compares favourably with the density of the Chantry Mead scheme also 23dph. The scale of the development is therefore responsive to the surrounding built form.

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- 3.9 The elevational drawings submitted also show a consistent use of materials and similar height of the 2 storey dwellings. Roof forms do vary to provide variety and interest to the street scene and reduce mass and bulk. The ridge height accords generally with built form in the vicinity.
- 3.10 It is considered the house designs and site layout has led to a well-proportioned scheme, where the proposed plots provide sufficient amenity space and compare favourably with other nearby properties, and would provide an appropriate scale of development consistent with the surrounding form of residential development local to provide much needed additional housing within the district without resulting in harm to the character of the area.

Amount and Use

- 3.11 The proposed development comprises four 2 storey dwellings all with integral garages. Plots 1 and 2 are both 3 bed (1 ensuite) with a family bathroom. Plots 3 and 4 are both 4 bed (1 ensuite) with a family bathroom.
- 3.12 The site area is 1726m² (0.17ha). The Gross Internal Area (GIA) of plots 1 and 2 are both 150m² including 18m² within the integral garage. The GIA of plots 3 and 4 are 172m² each including the 18m² integral garage.
- 3.13 Overall, the scheme is considered to comprise a well-balanced layout and appropriate house design for its location within existing residential development. The amount of development is considered to be appropriate in context with the surrounding residential development and would make more efficient use of land within the built up area for residential use in line with the Council's guidance on density and development management issues generally.
- 3.14 In accordance with Local Plan Policy AH SP2 the scheme of only 4 units does not require the provision of affordable housing contributions.

Access

- 3.15 The proposals would result in a new access arrangement from Chantry Mead comprising a new cul de sac to serve plots 3 and 4. Plots 1 and 2 are accessed from Chantry Mead. The scheme provides adequate turning and parking provision for each house. The bin store for plots 3 and 4 and the curtilage storage

for plots 1 and 2 are all within the requisite bin dragging distance for the refuse operatives. Chantry Mead already provides sufficient turning for refuse vehicles.

- 3.16 Given the modest scale of development proposed it is considered that it would not generate sufficient levels of additional traffic in order to overburden the highway network. The existing access arrangement will be utilised and improved allowing for easy access and egress to and from the site. It is therefore reasonable to conclude that the development will not cause material harm to the adjacent highway.

4.0 RELEVANT PLANNING POLICIES

The National Planning Policy Framework 2019

4.1 So that sustainable development is pursued in a positive way, the revised 2019 NPPF retains the presumption in favour of sustainable development (paragraph 11). For decision taking, part C) says this means approving development proposals that accord with an up to date development plan without delay or part D) where there are no relevant development plan policies or the policies which are most important for determining the application (including applications for housing) are out of date, granting permission unless:

- i) the application of policies in the framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or
- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole’.

4.2 The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision taking as planning law requires that applications for planning permission shall be determined in accordance with the development plan unless material considerations indicate otherwise.

4.3 In the case of this application the development plan comprises the Arun Local Plan adopted in 2018 and the Made Barnham & Eastergate Neighbourhood Plan. As explained below, the proposal is not in conflict with either Plan in principle as both take a permissive stance towards new housing within existing built up areas. Part C) of paragraph 11 is therefore supportive of the application.

4.4 With regards to part D) of the presumption, footnote 7 confirms that for applications involving the provision of housing, policies of a development plan will be out of date in situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73).

4.5 The importance of maintaining a 5 year housing land supply is set out in section 5 of the NPPF. Paragraph 59 states that to support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the

needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay, paragraph 67 requires planning authorities to identify a five-year supply of deliverable sites for housing.

- 4.6 We have already explained at paragraph 2.7 of this Statement earlier that the Council only has a 3.7 year land supply and therefore its policies are out of date for this housing application. The presumption in favour of sustainable development (the tilted balance) is therefore engaged for the proposal with regards to paragraph 11 part D) of the NPPF as well and it should only be refused if there are other policies protecting assets or areas of particular importance that provide a clear reason for refusing it or there are other adverse impacts that outweigh the benefits.
- 4.7 The application site is not a protected area or an asset of particular importance. It is simply underused garden land in an existing residential area. And as we explain in the next section dealing with Local and Neighbourhood Plan policy there are no other adverse impacts that outweigh the benefits of the proposal which will contribute additional dwellings in short order to help meet the pressing housing land supply shortfall.
- 4.8 The application represents an unidentified 'windfall' opportunity. Windfalls are defined as 'sites not specifically identified in the development plan' and paragraph 68 c) of the NPPF says Local Planning Authorities should 'support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes'. This is wholly supportive of the application proposal.

Adopted 2011-2031 Arun Local Plan

- 4.9 The Arun District Council Local Plan 2011-2031 was adopted in July 2018. The Plan makes provision for over 20,700 dwellings including a windfall allowance of 847 units. The application site represents a small windfall opportunity as it is a site not specifically identified in the Local Plan for development but being within the existing built up area, is nevertheless suitable for new housing in principle. Policy SD SP2 of the local plan deals with built up area boundaries and specifically encourages new development to be focussed within the built up area boundaries. It states:

Policy SD SP2

Built-up Area Boundary

Built Up Area Boundaries are defined for the main towns and villages in the District and shown on the Policies Maps. Development should be focused within the Built Up Area Boundaries and will be permitted, subject to consideration against other policies of this Local Plan.

- 4.10 There are no other policies of the local plan which prevent SD SP2 applying to the application proposal. The land is not constrained by flood risk and foul and surface water drainage can be accommodated on site with the agreement of Southern Water. As noted in the ecological impact appraisal submitted with the application, the existing site is formed of amenity grassland lawns, small areas of introduced shrubs, intact, species-poor hedges, and scattered trees. No habitats of interest or rare species were noted. No protected or notable species would therefore be impacted by the proposals. The site has no adverse landscape impact and is not identified as a local open space or amenity area in the Plan. It is just underused private garden land.
- 4.11 The application complies with policy D SP1 as the layout makes an efficient use of land and reflects the characteristics of the site and adjacent Chantry Mead development in its layout, landscaping, density, mix, scale, massing, character, materials, finish, and architectural details. Policy DDM1 is a complimentary policy addressing aspects of form and design quality. It covers 15 items comprising character, appearance, impact, innovation, adaptability, crime prevention, trees and woodland, solar gain, public realm, layout (movement & legibility), public art, density, scale and aspects of form and design quality. Energy efficient design is covered by policies ECCSP1 and ECCSP2.
- 4.12 The Arboricultural Impact Assessment and Method Statement submitted with the application explains the proposed development will require the removal of 20 no. trees and 2 no. hedges. However, they are considered to be of low/moderate ecological value, and any negative effects caused by their removal would be adequately mitigated by a replacement planting scheme as part of the proposed development. 16 other trees and 2 hedges are retained and will be protected using tree protection barriers and will not be subjected to any potentially damaging activities resulting from the construction of the proposed development.
- 4.13 Policy D DM2 provides guidance on internal space standards and it advises that regard must be paid to nationally described space standards. For two storey 3 and 4 bed dwellings, the national standard is a

minimum of 102m² and 124m² GIA respectively. The proposed 3 bed dwellings are 150m² and the 4 bed 172m². They are all in accordance with the standard.

- 4.14 Policies TSP1 (d) and TDM1 (c) require developments to incorporate appropriate levels of car parking and cycle parking in line with the relevant standard. 2 car parking spaces are provided for each dwelling and secure cycle parking is provided within the Integral garages. All policies are therefore complied with.

Barnham & Eastergate Neighbourhood Plan

- 4.15 At the local parish level, the Barnham & Eastergate Neighbourhood Plan was 'made' in 2014. Whilst the Plan cannot be relied on in NPPF terms as it is more than 2 years old and requires review to align with the new 2018 Local Plan, its development management policies are still relevant.
- 4.16 Policy H2 deals with windfall sites and it states permission will be granted for small residential developments on infill and redevelopment sites within the parishes subject to the policies of this plan being met. Policy ES1 deals with flood and drainage and states that planning permission should only be granted for new development subject to a condition that no development shall commence until full details of the proposed drainage schemes for surface and foul water (including details of their routing, design, and subsequent management and maintenance) have been submitted to and approved by the planning authority. The development meets the requirements of the policy. The site is not at risk of flood as it is in Flood Zone 1. A connection to the mains foul water sewer can be provided from the site with the agreement of Southern Water. As explained earlier, the proposed SUDs soakaway design is suitable to cater for the surface water drainage from the 4 dwellings. Because the adjacent Chantry Mead scheme is on a self-contained system utilising balancing ponds and gravity discharge to a drainage ditch and the Barnham Rife, the risk of cumulative adverse impact and surface water inundation is avoided.
- 4.17 The site is not an identified local green space in the Neighbourhood Plan. The dwellings comply with policies ES5 and ES6 which deal with design and local character, respectively. In accordance with ES10, the trees or hedgerows which are lost will be mitigated by replacement planting and the dwellings will incorporate energy efficient design (Policy ES11). Car parking is provided in accordance with Policy GA4. Good quality outdoor amenity space is a requirement of H5. The layout provides adequate garden space commensurate with the size of each dwelling. Each unit will incorporate water efficient fixtures and fittings such as dual flush/ low flow WC's and low flow shower heads where fitted all in accord with policy H7.

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- 4.18 Overall therefore the proposal complies with national policy, Local Plan and Neighbourhood Plan policy. The site is located within a built up area of Barnham and secures the optimum use of otherwise underused garden land. The introduction of 4 dwellings can be accommodated without causing harm to adjacent residential amenity from overlooking or overshadowing and adequate separation distances are maintained.

5.0 CONCLUSION AND RECOMMENDATION

- 5.1 The application is for the development of 4 dwellings on underused garden land within the built up area and settlement boundary of Barnham. It is adjacent to recently constructed housing and benefits from a highly sustainable location with the Croft doctors' surgery and Parish community Hall both located nearby. A wider range of recreation and sports facilities, primary, secondary and academy schools, employment sites, bus services along the main Barnham B2233 Barnham Road and a main line railway station are all available in the nearby area.
- 5.2 The proposal will contribute 4 dwellings to the pressing housing needs for Arun District and its 5 year housing supply that stands at just 3.7 years. In accordance with paragraph 11 of the NPPF, the presumption in favour of sustainable development is engaged for the application. There are no other policies in the NPPF protecting areas or assets of particular importance that provide a clear reason for refusing the development and there are no other adverse impacts that would significantly and demonstrably outweigh the benefits, when assessed against the NPPF policies as a whole.
- 5.3 To the contrary, the proposed development represents a small legitimate windfall opportunity within an urban area that paragraph 68 c) of the NPPF is supportive of for the development of new homes. Policy SD SP2 of the Local Plan also encourages new development to be focussed within the built up area boundaries and policy H2 of the Neighbourhood Plan is supportive of small residential developments on infill and redevelopment windfall sites.
- 5.4 Overall, the scheme comprises a well-balanced layout in keeping with the character and density of development of the adjacent Chantry Mead scheme. The proposed dwellings are of an appropriate design for its location whilst making a more efficient use of land within the built up area.
- 5.5 The land is not constrained by flood risk and foul and surface water drainage can be accommodated on site with the agreement of Southern Water. As noted in the Ecological Impact Appraisal no protected or notable species would be impacted by the proposals and the Arboricultural Assessment and Method Statement shows the only trees and hedges proposed for removal are low/moderate ecological value, and any negative effects caused by their removal would be adequately mitigated by a replacement planting scheme as part of the proposed scheme.

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Recommendation

- 5.6 As there are no other policies protecting assets or areas of particular importance that provide a clear reason for its refusal and there are no other adverse impacts that outweigh the benefits, we therefore request that the application is granted planning permission at the earliest opportunity.



Appeal Decision

Inquiry held on 1 & 13 May 2008

Site visit made on 13 May 2008

by **Lesley Coffey** BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Decision date:
13 August 2008

Appeal Ref: APP/C3810/A/07/2059083

12 Downview Road, Barnham, West Sussex, PO22 0EG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Antler Homes Ltd against the decision of Arun District Council.
- The application Ref EG/15/07, dated 26 February 2007, was refused by notice dated 21 June 2007.
- The development proposed is for the demolition of 12 Downview Road and the erection of 11 dwellings, vehicular access, parking and garaging, public open space and landscaping.

Decision

1. I allow the appeal, and grant planning permission for erection of 11 dwellings, vehicular access, parking and garaging, public open space and landscaping at 12 Downview Road, Barnham, West Sussex, PO22 0EG in accordance with the terms of the application, Ref EG/15/07, dated 26 February 2007, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
 - 3) Before the development hereby permitted commences, full details of hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include a planting specification, surface materials and a programme of implementation. The landscaping scheme shall be implemented in accordance with the approved details and programme of implementation. Any trees or shrubs that fail within 5 years shall be replaced on a like for like basis, or as otherwise first agreed in writing with the Local Planning Authority.
 - 4) No development shall commence until details of screen walls and/or fences have been submitted to and approved in writing by the Local Planning Authority and no residential properties approved by this

consent shall be occupied until such screen walls and/or fences have been erected.

- 5) The dwellings hereby approved shall not be occupied until the access road, parking spaces, turning facilities and garages shown on the submitted plans have been provided and constructed. The areas of land so provided shall not thereafter be used for any other purpose.
- 6) The proposed access onto Downview Road shall be laid out to provide visibility splays on each side of the access in accordance with the plans and details included within the Stuart Michael Associates Access Statement. These splays shall be:
 - (a) At the point where any driveway joins the new access road a splay of 2m x 2m; and,
 - (b) At the point where the new access road joins Downview Road a splay of 2.4m x 33m to the south and 2.4m x 90m to the north.

The above mentioned visibility splays shall be provided prior to the first occupation of the dwellings hereby permitted and shall thereafter be kept free from any obstruction to visibility to a minimum height of 0.6 metres above the level of the adjoining carriageway.

- 7) No work on the implementation of the development hereby permitted shall be undertaken on the site except between the hours of 0800 and 1800 on Mondays to Fridays inclusive and 0800 to 1300 hours on Saturdays, and no work shall be undertaken on site on Sundays or Public Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 8) No work shall be carried out on the site until an effective vehicle wheel cleaning facility has been installed in accordance with details submitted to and approved in writing by the Local Planning Authority. Such facilities shall be retained in working order and operated throughout the period of work on the site to ensure that vehicles do not leave the site carrying earth and mud on their wheels in a quantity which causes a nuisance or hazard.
- 9) No development shall take place until details of the implementation, maintenance and management of the surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
 - i) details of the responsibilities of each party for the implementation of the scheme, together with the timetable for implementation, and
 - ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the scheme throughout its lifetime.The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

Procedural Matters

2. The Council confirm that the amount and location of open space provided as part of the development is acceptable in planning terms. An Agreement

submitted under S106 of the above Act on behalf of the appellants covenants to make financial contributions in relation to the provision of Child Play Space. In the light of this agreement the Council withdrew the third reason for refusal. I consider that the obligation meets the tests set out in Annex B of Circular 05/2005: *Planning Obligations* and I have considered the appeal on this basis.

3. The original Plan 1 within the S106 Agreement, which shows the appeal site boundary, mistakenly included land outside of the appeal site. The parties subsequently agreed the substitution of an amended Plan 1 showing the correct boundary. I am satisfied that the substitution of this plan would not result in prejudice to any party.

Main issues

4. I consider the main issues to be:

- Whether, having regard to the location of the appeal site adjacent to the Barnham/Eastergate Gap, there are material considerations which outweigh the presumption in favour of development resulting from the site's location within the Built-up Area Boundary as defined by the Arun District Local Plan 2003; and
- Whether the proposal would result in an increased risk of flooding to the surrounding properties.

Reasons

Barnham/Eastergate Gap

5. The appeal site comprises 12 Downview Road and its extended rear garden. It is located on the edge of Barnham which is separated from the neighbouring village by the Barnham/Eastergate Gap. The Proposals Map of the Arun District Local Plan 2003 shows the entire appeal site within the Built-up Area Boundary where policy GEN2 is supportive of development subject to compliance with other policies in the plan. As a consequence, in terms of development plan policy, residential development is acceptable in principle.
6. The Barnham/Eastergate Gap extends both sides of Barnham Road. Its purpose is to prevent the coalescence of both villages and maintain their separate identity. It varies in width, but is particularly narrow on the north east side of Barnham Road where it is dominated by the premises of Poling Motor Company, which are screened by a timber fence. The land surrounding these premises, including the land to the west of the appeal site, is open in character with much of it used for grazing.
7. A substantial area of woodland adjacent to the Gap adds to the separation between the appeal site and the village of Eastergate. Views from Barnham Road towards the appeal site are obscured by the fence to the Poling Motor Company premises and the very tall conifer boundary hedge to Greenoaks (Barnham Road). As a result, public views of the proposed development would be confined to glimpsed views from a footpath about 250 metres away. Taking account of the open character of the Gap at this point and the extent of the woodland to the west of the footpath, I am satisfied that the proposal would not harm the integrity of the Gap or contribute to the coalescence of Barnham and Eastergate. Therefore provided the proposal is satisfactory in other respects it would accord with the development plan.

8. *The Arun Landscape Study 2006*, commissioned by the Council in preparation for the Local Development Framework, included a review of the local gap boundaries. It recommended a reduction in the extent of the Gap to the north, but it did not advise any changes to the boundary adjacent to the appeal site. I accept that the authors of the appraisal were unaware of the mapping error referred to below, and that the Council is not bound by the recommendations of this appraisal. Nevertheless, the study adds weight to my view that the appeal proposal would not undermine the function of the Barnham/Eastergate Gap.
9. The Council submitted evidence to demonstrate that the inclusion of the entire appeal site within the Built-up Area Boundary is the result of a cartographic error based on a misinterpretation of the Inspector's recommendation prior to the adoption of the Local Plan. Under the previous Local Plan (adopted 1993) the boundary to the Gap was indented to exclude the rear part of the appeal site (where it is proposed to locate the dwellings on Plots 2 -11) and much of the curtilage of a property known as Greenoaks that fronts Barnham Road.
10. An objection to the Local Plan seeking to include this land within the Built-up Area Boundary, thereby removing it from the Gap, was rejected by the Inspector. Notwithstanding this, he concluded that the narrow western curtilage strip of Greenoaks should be included in the Built-up Area Boundary. His recommendation was misinterpreted and all of the objection land was included within the Built-up Area Boundary. This error was carried forward into the adopted plan. The Council consider that this error is a material consideration to which I should attach substantial weight.
11. I agree with the Council that the planning history of a site is a material consideration. Nevertheless, if the Local Plan Inspector's recommendation were to remain relevant following the adoption of the Arun District Local Plan this would undermine the certainty and predictability that the plan led system aims to provide and would fail to accord with the guidance in Planning Policy Statement 1: Delivering Sustainable Development.
12. Furthermore, the Council stated that they have been aware of the error since October 2003. In this time they have not brought forward an amendment to the Proposals Map to correct the error and amend the development plan in accordance with the Inspector's recommendation. Nor is there any evidence that they intend to do so in future. Moreover, I found above that the underlying purpose of the boundary, namely the protection of the Gap would not be compromised by the proposal.
13. I have been referred to a number of case law precedents, however the facts attributable to these cases are all distinguishable from the appeal proposal. In the case of *Jeantwill Ltd v Secretary of State for the Environment* [1993] *JPL445* the rejection of the Local Plan Inspector's advice was intentional, whilst in the case of the appeal proposal it was unintentional.
14. In *St James Homes Ltd v SSETR and LB Hounslow*, [2001] the Court held that an obvious misprint or error in a development plan could be rectified so that the plan could be interpreted correctly. However, it also accepted the concerns that would arise if anything other than obvious errors were corrected in this manner. I consider that the mapping error on the

Proposals Map goes beyond that which could be interpreted as an obvious error.

15. In *Hart DC v Secretary of State for the Environment* [1997] JPL439, the Local Planning Authority challenged an appeal decision on the ground that it failed to have regard to a material consideration, namely that the settlement boundary of the village of South Warnborough had been drawn on the Hart District Local Plan Second Alteration Proposals Map in error. The error was similar to that which occurred in this case, i.e. Hart DC had intended to follow the Local Plan Inspector's recommendation that an area of land which included the appeal site should be outside the settlement boundary, but the adopted Second Alteration Plan showed it to be inside. However it differs from the case before me in that Hart DC had brought forward the South Warnborough Alteration to correct the error.
16. In the Court's judgement the materiality of the Local Plan Inspector's recommendation depended on its actual relationship to the matter to be decided, and whether there was a real possibility that it would make a difference to the decision. Once the Second Alteration was lawfully adopted, there was no possibility of the recommendation being carried forward into that Plan as part of the statutory process of which it formed part.
17. The Court went on to consider whether the Inspector's recommendation was a material consideration in respect of the South Warnborough Alteration. However, this part of the judgement is not helpful to me, since in the case of the Arun District Local Plan, although the error was brought to the Council's attention in October 2003, no steps have been taken to remedy the situation, or even draw the error to the attention of the public.
18. Taking account of all the evidence before me, including the case law referred to above, I conclude that neither the Inspector's recommendation nor the subsequent cartographic error are material considerations which justify a departure from the development plan.

Flood Risk

19. Although the appeal site comes within Flood Zone 1 where PPS25: Flooding indicates that residential development is generally acceptable, due to surface water drainage problems, there is a history of flooding within the immediate locality. Despite improvements to the Barnham Rife in about 2000, residents advise that flooding to gardens and driveways still occurs particularly during periods of heavy rain.
20. The proposal would significantly increase the run-off and surface water flows on the site. The parties agree that due to the high water table, infiltration would be unable to accommodate this increased flow particularly during winter months.
21. Policy GEN9 of the Local Plan provides that permission will be refused for development which will materially increase foul or surface water discharges unless the Local Planning Authority is satisfied that adequate drainage capacity exists or can be provided as part of the development.

22. The flood risk assessment provided by the appellant sets out a drainage strategy based on the use of balancing ponds and some alterations to levels to facilitate gravity drainage. Surface water would be stored in two balancing ponds and discharged at a controlled rate by way of a hydrobrake system to the Barnham Rife via a drainage ditch adjacent to the western boundary of the site, or to a highway drain in Downview Road/Elm Grove. Although the drainage ditch lies outside of the appeal site, the owner of the land it crosses confirmed that he had no objection to the discharge of surface water from the proposal to the ditch.
23. At the Inquiry, it was agreed that even allowing for the effect of climate change, the design of the proposed drainage system would be adequate to deal with the likely surface water from the site, including that generated by a 1 in a 100 year event. The outstanding concerns relate to the maintenance of the balancing ponds and the ditch/Barnham Rife.
24. The Environment Agency was concerned that due to the low discharge rate proposed, the balancing ponds could require a high degree of maintenance, without which they could overflow onto the open space and the adjoining land. However, it was agreed at the inquiry that an increase in the discharge rate to 5 litres per second would significantly reduce the possibility of blockages and the degree of maintenance required. It was also confirmed by both parties that this higher rate of discharge could be accommodated by the ditch to the west of the appeal site and the Rife.
25. The appellants propose that a management company would be responsible for the maintenance of the balancing ponds and the connection to the drainage ditch. Although no details have been submitted, I am satisfied that the implementation, management and maintenance of the proposed drainage system could be resolved by way of a condition.
26. The Barnham Rife flows between the boundary to the adjoining rear gardens and the open fields. No evidence was submitted to suggest that the routine maintenance that already occurs would be inadequate to prevent any blockages due to adjacent vegetation. The Environment Agency is concerned that if garden or other rubbish caused a blockage and prevented the ditch from flowing freely it could exacerbate flooding to residential properties downstream. There is no evidence to indicate that problems of this nature have arisen following the improvements to the Rife or that the proposal would add to the likelihood of such blockages. The parties agree that the capacity of the ditch is adequate and should either the ditch or the Rife overflow, water would tend to flow towards the field on the opposite side which unlike the dwellings in Downview Road is not protected by a bund.
27. Residents were also concerned that the proposed balancing ponds could be hazardous for children. Whilst I understand this concern, I am satisfied that it could be overcome either by a means of enclosure or a protective grid on the surface of the ponds. These details could form part of the landscaping proposals.
28. Whilst I appreciate the concerns of residents, particularly in the light of evidence in relation to problems with standing water and previous flooding, on the basis of the evidence before me, I am satisfied that surface water run-off

from the proposal would not add to these problems. I therefore conclude that subject to suitable maintenance, the proposal would not result in an increased risk of flooding to the surrounding properties, and would comply with Local Plan policy GEN9 and the guidance in PPS25.

Other Considerations

29. Residents expressed concern that the proposal would give rise to a substantial increase in the number of vehicles using Downview Road, which is unlit and without a footway for pedestrians. The proximity of the appeal site to the junction between Downview Road and Elm Grove, where views are obscured by the bend in the road, adds to this concern. Downview Road is a private cul de sac with speed humps along its length, and does not appear to be subject to high volumes or speeds of traffic. The proposal provides for visibility splays in accordance with the access statement and although the volume of traffic would increase, it would remain relatively low. The Highway Authority does not object to the proposal, and on the basis of the evidence before me, I have no reason to disagree.
30. I consider that there is sufficient separation between the proposed dwellings and those adjoining the appeal site to avoid any significant loss of privacy or visual intrusion. Subject to suitable boundary treatment, lights and noise from vehicles using the proposed access road should not result in any undue disturbance to the occupants of the neighbouring properties.
31. At the Inquiry concerns were raised about impact of the proposal on the capacity of the sewers and local infrastructure. However, there is no objection to the proposal on these grounds from the Council, the Environment Agency, or Southern Water. Residents also advise that Downview Road is a private street maintainable by the residents, as such they are able to restrict access where it would exceed or abuse any existing rights of way. This is a private matter beyond my remit and any need to obtain rights of access would not be affected by the grant of planning permission.
32. Residents referred me to an appeal decision in relation to 55 & 56 Downview Road. This differs from the proposal before me in that the proposed dwellings would have been readily visible from Downview Road, and would have harmed the street scene. In the case of the appeal proposal, the curved form of the access road and landscaped areas adjacent to it would limit views of the proposal from Downview Road.
33. The proposal would provide a net gain of 10 houses to the Council's housing stock. Taking account of the absence of a five year supply of housing land I consider this to be a benefit of the proposal.

Conditions

34. I have considered the conditions put forward by the Council, in the light of the advice in Circular 11/95. The details of materials should be submitted in the interests of the appearance of the area. A landscape scheme is necessary to help assimilate the proposal into its surroundings and soften the impact on surrounding properties. Details of boundary treatment should also be submitted.

35. Hours of work should be controlled and wheel washing facilities are required to minimise any disruption to the amenities of neighbouring occupiers. I agree that the proposed access road and parking areas should be provided before the proposed dwellings are occupied. These matters could be combined into a single condition. In the interests of highway safety, visibility splays should be provided in accordance with the access statement.
36. For the reasons outlined above I consider that further details of the surface drainage proposals should be submitted, however the Council did not justify the need for foul water proposals to be submitted.

Conclusions

37. For the reasons given above, and taking account of all material considerations, I conclude that the appeal should be allowed.

Lesley Coffey

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

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Jean Goad	27 Elm Grove, Barnham PO22 0EE
Andrew Shepherd	11 Downview Road, Barnham PO22 0EG
Brian Cook	15 Downview Road, Barnham PO22 0EG
Brian David	29 Downview Road, Barnham PO22 0EG
John Barton	59 Downview Road, Barnham PO22 0EF
John Arlett	24 Downview Road, Barnham PO22 0EG
P H Weatherden	42 Downview Road, Barnham PO22 0EF
Mrs S D David	29 Downview Road, Barnham PO22 0EG
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Mrs Ward	49 Downview Road, Barnham PO22 0EF
M Arlett	24 Downview Road, Barnham PO22 0EG
Mark Gaddings	7 Ewens Gardens, Barnham PO22 0EG

DOCUMENTS

- 1 Council's letter dated 7 January notifying interested parties of the arrangements for the inquiry.
- 2 Proof of evidence from Simon Jones-Parry on behalf of the Environment Agency
- 3 Unilateral Planning Obligation under S106 dated 13 May submitted by the appellant
- 4 Letter dated 27 March confirming agreement to discharge into ditch submitted by the appellant
- 5 Addendum to Mr Swanson's Flood Risk Assessment submitted by

- the appellant
- 6 Letter from Southern Water dated 1 November 2007 submitted by Mr Shepherd
 - 7 Summary of areas of agreement and disagreement in relation to surface water drainage submitted jointly
 - 8 Council's letter dated 7 April notifying interested parties of the arrangements for the resumed inquiry.
 - 9 Schedule of locations with on-site drainage systems submitted by the appellant.
 - 10 Letter dated 30 April from Pinsent Masons submitted by Mr David
 - 11 Law reports in relation to *Tesco Stores Ltd v Secretary of State for the Environment and Others* & *Ravebuild Ltd v Secretary of State for the Environment and Hammersmith & Fulham London Borough Council*, submitted by the Council

PHOTOGRAPHS

- 1 Photographs of previous flooding submitted by Mr David

PLANS

- A Plans 004i, 0004ii, 004iii & 0004iv showing further details of drainage proposals submitted by the appellant