

PLANNING SUPPORT STATEMENT

**In relation to a Planning Application for
*‘Erection of 2 No. detached dwellings,
adaptation to existing crossover and new
driveway. Resubmission of planning
application WA/58/18/PL’***

1 Orchard Way, Fontwell, Walberton, BN18 0SH

March 2019

PLANNING STATEMENT

Land at No.1 Orchard Way, Fontwell, Walberton, BN18 0SH

I. INTRODUCTION

- 1.1 This revised planning application is submitted on behalf of Mr & Mrs McMonagle. This submission follows a previously withdrawn application, which sought permission for *'erection of 2 no. detached dwellings, adaptation to existing crossover and new driveway'* (planning ref: WA/58/18/PL).
- 1.2 This Planning Statement is submitted in support of the above planning application. The statement describes the site, its surroundings and the proposal itself. The Planning Policy background is considered along with an assessment of the proposal in light of the relevant policies and all other material planning considerations.
- 1.3 This statement should be read in conjunction with the submitted drawings, which have been prepared by nb:architects and the following supporting statements:-
- Tree Report, prepared by Arbortrack Systems Ltd;
 - Noise Assessment, prepared by Acoustics Associates Sussex Ltd;
 - Preliminary Ecological Appraisal, prepared by the Ecology Co-Op; and
 - Flood Risk Assessment;



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2. SITE CONTEXT

- 2.1 The proposed development seeks to erect 2 No. detached dwellings to the west side of the existing dwelling; No. 1 Orchard Way. The host dwelling is a one-and-a-half storey detached dwelling. The dwelling comprises brick walls and a tiled roof, with gable ends. It has a projecting pitched roof element to the front elevation and rear dormer.
- 2.2 The application site comprises the garden area to No. 1 Orchard Way. The site area is approximately 0.095 hectares (950 sqm). The site comprises of a manicured lawn that is bordered by cherry laurel and cypress hedgerows and contains a number of immature ornamental and native trees, as well as ornamental shrubs and plants. There is one mature oak tree in the northeast corner of the site, which is the subject of a Tree Preservation Order.
- 2.3 The site lies on the north side of Orchard Way. To the north (rear) of the site is the A27 dual carriageway, which is a trunk road, and beyond this is countryside/woodland, which lies within the South Downs National Park. To the west of the application site is a landscape/planted area, before you reach Fontwell services (comprising a petrol filling station, hotel and fast food restaurants) located off Arundel Road.
- 2.4 Orchard Way is characterised by detached dwellings, located to the east and south of the application site. Properties are generally varied in their form, scale and appearance; comprising a mixture of bungalows, chalet bungalows and two storey dwellings. Materials are generally brick and tile.



Fig 1. Aerial map showing the application site and its surroundings
(courtesy of Promap)

- 2.5 In terms of the application sites designation in relation to Local level policies, the site is located within the defined built up area boundary for Fontwell, as defined by the Local Plan Policy Map 2: Arundel, The Six Villages and Surrounding Area.
- 2.6 To our knowledge, no other planning constraints or designations are applicable to the application site.



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3. PLANNING HISTORY

- 3.1 According to the Councils online planning records, the following planning history relates to No. 1 Orchard Way and the land adjoining No. 1 Orchard Way (the application site).
- a. **No. 1 Orchard Way**
 - **Planning ref: BR/263/88/:** Two storey extension – garage with room over. Approved Conditionally 06-06-1988.
 - b. **Application Site: Land West of No. 1 Orchard Way**
 - **Planning ref: WA/58/18/PL/:** Erection of 2 No. detached dwellings, adaptation to existing crossover & new driveway. Withdrawn 07-02-2019.
- 3.2 The above planning application was withdrawn in February 2019, following the case officer having concerns regarding the potential adverse future impact of the proposed development upon the Oak tree located to the sites northwest boundary. The current proposal has been amended in a direct response to these comments, and it is our view that this revised scheme now fully addresses the Council's previous concerns.



4.1 This proposal seeks planning permission for the erection of 2 No. detached dwellings, within an existing garden area to the west side of No. 1 The Orchard.



4.2 **Fig 2 and 3** show a comparison between the previously withdrawn and the now currently proposed site layout plans. It will be noted that the main differences between the previously withdrawn scheme and the current proposal are as follows:-

- The existing tree is 11m deep to the south, and it is to be crown reduced to its south side to the 8m line, as indicated on the site plan;
- The two new dwellings have been moved away from the tree from the original application (outlines shown in orange). This is 3.59m and 3.72m respectively shown in orange on the revised Site Layout Plan;
- The car parking arrangement to the eastern unit has been altered to side-by-side parking;
- The adapted dropped kerb has been extended from 8.9m as previously submitted to 10m wide (the existing dropped kerb is 3.5m wide);
- The gates to the access driveways have been updated to facilitate better access (double gates in-lieu of a single gate).

4.3 The gross internal floor areas of both of the proposed houses is 1614/ 150sqm, which is the same as previously proposed as part of the recently withdrawn application.

4.4 The retained rear garden of the host dwelling (No. 1) is 255 sq m. This is unchanged from the previous submission.

4.5 As a result of both of the dwellings being re-sited on the plot, each of their rear garden areas have been increased in size. The table below shows a comparison between the previously proposed and currently proposed garden sizes:-

	Withdrawn scheme	Revised Scheme
Plot 1 rear garden area	176 sqm	185 sqm
Plot 2 rear garden area	251 sqm	308 sqm



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- 4.6 The scale, form and design of the proposed dwellings would remain unchanged as part of this development proposal. Each of the dwellings would comprise facing brickwork and a tiled roof. The dwellings would be a mirror image of one another, each having a catslide roof to the side.
- 4.7 Each of the dwellings would comprise an open plan kitchen/ dining area, utility, study and sitting room at ground floor level with 4 No. bedrooms and a family bathroom above. The bedrooms would comprise 3 No. double bedrooms and 1 No. single bedroom (7 person occupancy).
- 4.8 Secure, covered cycle parking provision is provided towards the rear of the site, as detailed on **Fig 3** above.
- 4.9 Bin and recycling storage will be provided as part of the proposal.
- 4.10 Landscaping will be provided as part of the development.



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5. PLANNING POLICY CONTEXT

(i) National Planning Policy Framework (NPPF)

- 5.1 An updated version of the National Planning Policy Framework (NPPF) was published in February 2019. This legislation is now the most-up-to date Government policy.
- 5.2 The NPPF confirms that planning law, as set out at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, requires that applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 5.3 The focus of the revised NPPF continues to be achieving sustainable development. The NPPF clarifies that *“at a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs”* (taken from Resolution 42/187 of the United Nations). However, at paragraph 8 the Framework sets out that in planning terms, and in order to achieve sustainable development there are *“three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives)”*. These objectives are economic, social and environmental, which *“should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area”* (paragraph 9).

- 5.4 Paragraph 11 is an important element of the NPPF. It states that: *“Plans and decisions should apply a presumption in favour of sustainable development... For decision-taking this means: c) approving development proposals that accord with an up-to-date development plan without delay; or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
- i. the application of policies in this 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”.*
- 5.5 Paragraph 12 confirms that *“the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.”*
- 5.6 Section 4 of the Plan refers to Decision Making. At paragraph 38 of the Framework, it sets out that *“Local planning authorities should approach decisions on proposed development in a positive and creative way. They should... work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. **Decision-makers at every level should seek to approve applications for sustainable development where possible.**”*
- 5.7 Section 5 relates to delivering housing. It reiterates at paragraph 59 that the Government’s objective is to significantly boost the supply of new homes. Paragraph 63 confirms that non-major development schemes should not have to provide

affordable housing (although a lower threshold is applicable in designated rural areas). Paragraph 68 identifies the important role small and medium sized sites can make to meeting the housing supply of an area. It states that 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...”*

- 5.8 At paragraph 73 the NPPF sets out that *“Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old”*. The Framework also clarifies that *“a five year supply of deliverable housing sites, with the appropriate buffer, can be demonstrated where it has been established in a recently adopted plan, or in a subsequent annual position statement”*
- 5.9 Section 9 discusses sustainable transport, including the need to support opportunities, and give priority to walking, cycling and public transport, in addition to creating places that are safe, accessible, address the needs of people with disabilities, and are designed to enable charging of plug-in and other ultra-low emission vehicles.
- 5.10 Paragraph 105 sets out that *“Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport.”*
- 5.11 Paragraph 108 confirms that the main considerations in transport terms when determining specific planning applications is that proposals should provide: *“a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; b) safe and suitable*

access to the site can be achieved for all users; and c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree."

- 5.12 At paragraph 109 the Framework also confirms that *"development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."*
- 5.13 Section 11 is entitled 'Making effective use of land'. Paragraph 117 confirms that *"Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions"*.
- 5.14 Paragraph 118 sets out that decision makers are required to give regard to benefits of development, including environmental gains, and should *"give substantial weight to the value of using suitable brownfield land within settlements for homes... [and] promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively."*
- 5.15 Paragraph 120 states that *"decisions need to reflect changes in the demand for land... applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area."*
- 5.16 Paragraph 122 discusses the need to achieve appropriate densities. Account needs to be given to the identified need for different types of housing and the availability of land suitable for accommodating it, local market conditions, sustainability, existing character and setting, and *"the importance of securing well-designed, attractive and healthy places."*



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- 5.17 Section 12 refers to achieving good design. Paragraph 124 states *“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development...”*
- 5.18 Paragraph 127 sets out that *“decisions should ensure that developments:*
- a. will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
 - b. are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
 - 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);*
 - d. establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
 - e. optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
 - f. create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*
- 5.19 Paragraph 130 confirms that *“where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development,”* whilst paragraph 131 sets out that *“in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of*

design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”

- 5.20 Further parts of the Framework that are of particular note include Section 14, which relates to matters of climate change, and flooding; and Section 15, which refers to the desire for development to contribute to and enhance the natural and local environment.

(ii) The Arun Local Plan 2011 – 2031

- 5.21 The Arun Local Plan 2011 – 2031 was adopted by resolution of Full Council on 18th July 2018. It comprises a written statement and supporting policy maps 1-4. The plan sets out a spatial vision, objectives and a sustainable strategy for delivering the needed growth of the District over the period 2011 – 2031. This plan replaces the Arun Local Plan 2003 and the saved policies within it and now provides the most up-to-date policy guidance for the District.
- 5.22 The application site is located within the defined built up area boundary, where in accordance with **Policy SD SP2** (Built up Area Boundary), development should be focused, subject to consideration against other policies of the Local Plan.
- 5.23 The following policies are considered to be of relevance to this proposal:-
- 5.24 **Policy SD SP1** is a general policy, which relates to Sustainable development. It states that *“when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will work pro-actively with applicants to jointly find solutions which mean that proposals can be approved wherever possible and to secure development that will contribute to the social, economic and environmental conditions south of the National Park through to the coast and throughout its settlements (both coastal and inland). This presumption*

will not be applicable where development requires an Appropriate Assessment or where consideration of the need for one is being undertaken”.

- 5.25 **Policies H SPI and H DM1** are general policies, which relate to The Housing Requirement and Housing Mix respectively. The District is required to provide at least 20,000 new homes over the plan period (up to 2031). This requirement is to be met by a number of strategic allocations as set out in the Local Plan, windfalls, and additional non-strategic allocations that will be made across the District through emerging Neighbourhood Plans and the production of a subsequent Non-Strategic Site Allocations Development Plan Document (DPD). The supporting text to **Policy H DM1** confirms that *“requirements vary across the District and factors such as proximity to public transport and services, place and site characteristics will determine what is a suitable dwelling mix at any particular location... The Council is keen to promote growth and deliver development that reflects the demand and profile of households in the District”.*
- 5.26 **Policy G1 SPI** is a general policy, which relates to Green Infrastructure and development.
- 5.27 **Policy D SPI** refers to Design. It 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; adherence to objectives informing sustainable design (inclusivity, adaptability, security, attractiveness, usability, health and wellbeing, climate change mitigation and habitats); and the influence these objectives have on the form of the development. With major developments (as defined in the GDPO 1995 (as amended(41)) or allocated sites in the Development Plan. In addition to a Design and Access Statement, a context appraisal, context plan and analysis of the site will also be required”.*

5.28 **Policy D DM1** relates to aspects of form and design quality. It states that “*when considering any application for development the Council will have regard to the following aspects:*

- 1. Character. Make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features.*
- 2. Appearance/attractiveness. Demonstrate a high standard of architectural principles, use of building materials, craftsmanship and hard and soft landscaping to reflect the local area.*
- 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.*
- 4. Innovation. Raise standards of design by embracing appropriate innovative design, new technologies and construction techniques, where a development proposal has the potential to do so.*
- 5. Adaptability. Acknowledge diversity and difference. Buildings and places should be flexible to future adaptation, including the changing needs of occupants (for example ageing users, family circumstances), changes in wider work and social trends, and be able to accommodate potential differing uses of public space.*
- 6. Crime prevention. Provide security measures that make places feel safer. This shall be achieved through natural surveillance and human presence by locating buildings and play areas along public routes and spaces, and making a clear division between private and public land to foster a mutual protection through territorial belonging. With respect to crime prevention, regard shall be had in particular to the document 'Secured by Design' and the 'Safer Places - The Planning System and Crime Prevention'.*
- 7. Trees and woodland. All new development will be expected to incorporate existing and new tree planting as an integral part of development proposals.*



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8. *Solar gain. Within the constraints of the site and local context development proposals should, maximise sunlight and passive solar energy. Ideally development should be positioned (within a 15-20 degree margin) broadly south, with streets having an east-west pattern.*

9. *Public realm. Provide or enhance layouts, streets and public spaces so that they are attractive, socially inclusive, safe and secure, adaptable, with appropriate provision for planting, street furniture, and facilities for bicycle storage to create a place with attractive and successful outdoor areas.*

10. *Layout - movement Utilise existing networks or improve access via delivery of a variety of integrated networks, to and from residential areas, commercial zones, open spaces, facilities and public transport. Development schemes should carefully consider walking and cycling as an integral part of the overall design concept.*

11. *Layout – legibility. Deliver or contribute to the ease of navigation within a new or existing development scheme through use of focal points (landmarks, gateways, vistas, corner buildings, active edges, existing topography), and/or a variety of detail within the public realm (sculpture, planting, street furniture, building materials, building detail, signage).*

12. *Public art. Public Art should be incorporated into schemes where there is capacity to do so. Public art can encompass a wide variety of elements to include art as part of the design of buildings and developments, landscape and planting, street furniture, signage and lighting in the public realm which is accessible to all. This can also result in physical, permanent artworks and sculptures.*

13. *Density. The density of new housing will make efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. Proposals should take into account the density of the site and its surroundings. The density of large sites should be varied to guard against uniformity.*

14. Scale. The scale of development should keep within the general confines of the overall character of a locality unless it can be demonstrated that the contrary would bring a substantial visual improvement.

15. Aspects of form and design quality. Development should also comply with the Arun District Council Design Guide”.

5.29 **Policy D DM2** relates to the Councils internal space standards. The planning authority will require internal spaces to be an appropriate size to meet the requirements of all occupants and their changing needs.

5.30 **Policy ENV DM4** is a detailed policy, referring to the protection of trees. This policy states that *“development will be permitted where it can be demonstrated that trees protected by a Tree Preservation Order(s), (TPO) identified as Ancient Woodland, in a Conservation Area or contributing to local amenity, will not be damaged or destroyed now and as they reach maturity, unless development:*

a. Would result in the removal of one or more trees in the interests of good arboricultural practice. This shall be demonstrated by the developer following the advice of a suitably qualified person which shall be guided by BS 5837 (2012). Details of any advice received having regard to BS 5837 (2012) shall be submitted, in writing, as part of a planning application; or

b. Would enhance the survival and growth prospects of other protected trees;

c. The benefits of the proposed development in a particular location outweigh the loss of trees or woodland, especially ancient woodland

Where planning permission is granted in any of the above instances, conditions shall be used to ensure that, for any trees which are removed as part of a development, at least an equivalent number of a similar species and age (where practical) are planted on the proposed development site. Sufficient space for replacement trees to mature without causing future nuisance or damage shall be provided. The planting of new trees shall form an integral part of the design of any development scheme.



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Proper provision must be made for the protection and management of trees or areas of woodland on-site when undertaking development. A management plan shall be provided as part of a planning application in accordance with BS 5837 (2012) in order to ensure that trees are adequately protected during development and appropriately maintained in the future. Conditions for the continued protection of trees on sites shall be included in any planning permission given.

Where there are existing trees on or adjacent to a development site, developers shall be required to provide:

d. Land and tree surveys

e. A tree constraints plan

f. An arboricultural impact assessment to include a tree protection plan and arboricultural method statement

These will ensure that development is planned to take a comprehensive view of tree issues at an early stage in the design process and that development works do not have a negative impact on existing trees.

- 5.31 Finally, **Policy T SP1** is a more general policy that refers to matters relating to transport and development.

(iii) Walberton Neighbourhood Plan

- 5.32 The Walberton Neighbourhood Plan was formally made on 1st February 2017. The following policies are considered to be of relevance to this proposal:-

- 5.33 **Policy VE 3** relates to the Protection of Trees and Hedgerows. It states that *"development that damages or results in the loss of ancient trees/trees of arboricultural and amenity value or loss of hedgerows or significant ground cover and habitat will be resisted. Development proposals must be designed to retain wherever possible ancient trees, trees of good arboricultural and amenity value and hedgerows. Proposals should be accompanied by a survey that establishes the health*

and longevity of any affected trees or hedgerows and a management plan to demonstrate how they will be so maintained”.

- 5.34 **Policy HP 11** refers to Housing Density. The policy requires that *“The density of new development shall be appropriate to its location by virtue of size, siting and relationship to existing properties.”*
- 5.35 **Policy HP 13** provides Design Guidance, noting that *“new development which would have an effect on the appearance or character of the surrounding area must be of a high quality of design and must contribute to local character by creating a sense of place appropriate to its location. The Parish has two conservation areas and other visually sensitive points”.*
- 5.36 Finally, **policy GA 3** refers to Car Parking, stating that *“proposals which remove existing parking in the vicinity of existing retail and commercial premises will not be supported. Proposals which reduce existing available parking in the Parish will be resisted”.*



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6. PLANNING ASSESSMENT

a. Principle of development

- 6.1 As outlined by the LPA's Proposal Map, the site is located within the defined built-up area boundary, where the principle of development is generally accepted, subject to other policies within the development plan.
- 6.2 Orchard Way is a residential road and as such, the proposed development of the site with 2 No. detached properties would be wholly acceptable in this context. Further, the Council raised no issues regarding the principle of development at the time of the previously application. Indeed, the case officer confirmed via email dated 19th October 2018 that provided a number of minor matters were resolved *"it is likely that the application would be supported by officers..."*.
- 6.3 In terms of housing supply, it is understood that the District Council's position, having now formally adopted the new Local Plan, which includes a housing strategy for the plan period, is that the authority is now able to demonstrate a 5 year housing land supply. However, we consider that there is a need for the Council to continue to grant permission for residential development to maintain this housing land supply position.
- 6.4 It is our view, that the Council's housing supply position can currently be described as marginal, with reliance on a number of factors – including significant delivery of housing on strategic allocations within the 5 year period; and the adoption of a new Non-Strategic Site Allocations Development Plan Document (DPD).
- 6.5 When taken with the NPPF's requirement for authorities to significantly boost the supply of housing, and that the housing requirement of the Council are set out as a minima (i.e. the housing figures set out in **Policy H SP1** is for *"at least 20,000 new homes"* within the Plan period, and is evidently not capped), in our view, these factors

combine to provide significant material considerations that point to a need for the local authority to continue to approve residential development that is sustainable in its nature. These considerations must be taken into account in determining this planning application, and for the reasons set out in this submission, we consider that the planning balance will confirm that the Application scheme must be considered positively.

- 6.6 Arun Council's strategy for housing delivery over the Plan period partly relies on the delivery of 421 units through existing Neighbourhood Plan allocations, 1,250 homes through Neighbourhood Plans or a Allocations DPD and 847 dwellings to come forward on windfall sites (Table 12.1 of the Local Plan refers). It is understood that the application site is located within the Walberton Neighbourhood Plan area. The Neighbourhood Plan was made in February 2017, approximately a year-and-a-half before the adoption of the new Arun Local Plan and publication of the NPPF.
- 6.7 Moving forward, and without a Site Allocations DPD or an updated Neighbourhood Plan in place (even in draft form), there remains some uncertainty as to how the housing requirements set out within **Policy H SP1** will be met. With this in mind, it is our opinion that permission should be forthcoming for new housing where it can be demonstrated to comprise sustainable development.
- 6.8 In relation to **Policy H SP1** in particular, the application site constitutes a windfall site, which is an integral part of the Council's housing strategy. The District Plan does not provide a definition of windfall sites, however the revised NPPF describes them as "*Sites not specifically identified in the development plan*".
- 6.9 We consider that the site is sustainably located, with a number of services and facilities being within easy reach of the site.

6.10 The following schools and other services are also within easy reach of the site:-

Schools

Slindon CofE Primary School	0.9 miles
Walberton & Binsted CofE Primary School	1.3 miles
Ormiston Six Villages Academy	1.6 miles

Doctors

The Croft Surgery	1.2 miles
Flintcroft Surgery, The Street	1.4 miles

Dentist

Chantry House Dental Practice	1.2 miles
Walberton Dental Practice	1.4 miles

Opticians

Barnham Opticians	1.7 miles
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6.11 In addition, the site and surrounding area are well served by the following bus stops (detailed on **Fig 4**):-

1. Fontwell Village (east bound) on Arundel Road, Fontwell;
2. Barnfield Cottages (opposite) on Arundel Road, Fontwell;
3. Barnfield Cottages (adjacent) on Arundel Road, Fontwell;
4. Fontwell Village (west bound) on Arundel Road, Fontwell;
5. Fontwell Roundabout (north bound) on A29, Fontwell.



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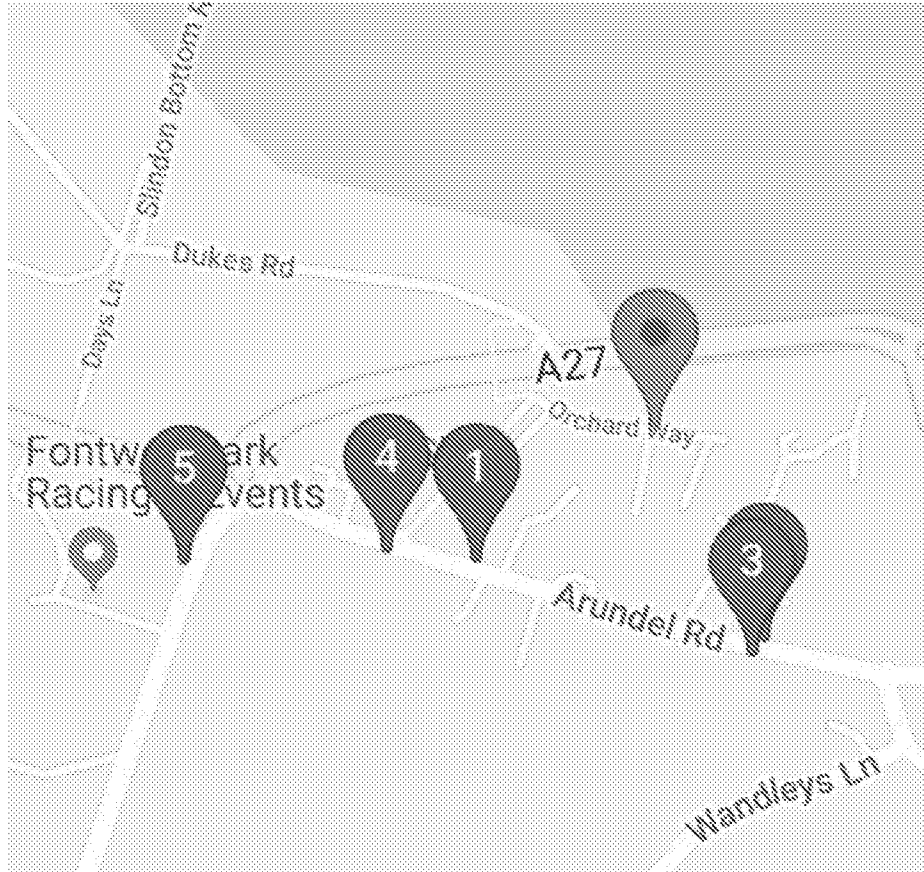


Fig 4. Map showing the location of nearby bus stops (*courtesy of nextbuse.mobi*)

- 6.12 A greater selection of facilities and services are also available in the nearby village of Barnham, together with the closest railway station (1.8 miles).
- 6.13 In any case, the 5YHLS position should not be considered determinative, given that the site is located within a built-up area, where the principle of development is accepted in broad planning policy terms.
- b. Character and Visual Appearance
- 6.14 The proposal follows a previously withdrawn planning application on the site, which sought planning permission for 'erection of 2 No. detached dwellings, adaptation to existing crossover & new driveway' (planning ref: WA/58/18/PL).



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- 6.15 At the time of the previous application, officers raised concerns regarding the potential future impact of the proposal upon an existing Oak tree. The current proposal has been amended in a direct response to this, with the proposed changes being summarised as follows:-
- The existing tree is 11m deep to its south side. The tree is to be crown reduced to its south side to the 8m line, as indicated on the site plan;
 - The two new dwellings have been moved away from the tree from the original application (outlines shown in orange). This is 3.59m and 3.72m respectively shown in orange on the plans;
 - The car parking arrangement to the eastern unit has been changed to side by side parking;
 - The adapted dropped kerb has been extended from 8.9m as previously submitted to 10m wide (existing dropped kerb is 3.5m);
 - The gates to the driveways have been updated to facilitate better access (double gates in-lieu of a single gate).
- 6.16 Importantly, the scale, form and design of the proposed houses remains unchanged as part of this planning proposal.
- 6.17 The application site is **not** located within a Conservation Area. The existing building is **not** listed and nor it is considered to be of any special architectural merit. Furthermore, we understand the property is **not** located on the Council's 'local list'.
- 6.18 Properties along Orchard Way generally comprise bungalows, chalet bungalows and two storey detached dwellings. There is also evidence of some semi-detached dwellings in the surrounding area.
- 6.19 It will be clear from a site visit that surrounding plots are varied in both their size and shape. Indeed No. 1 Orchard Way is an anomaly due to its much larger size and unusual shape which results in garden land to the side that is comfortably able to 2 No. additional dwellings, as proposed.



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6.20 **Table 1** identifies a number of sites within the immediate locality. The table clearly shows that the application site is much larger than neighbouring sites. It is our view that the site is comfortably large enough to accommodate 2 No. additional dwellings of the size and scale proposed, without impacting on the established spatial pattern of development in this area, or resulting in an unneighbourly development. The proposals would not jar or appear incongruous, and instead would entirely respect the urban grain in this part of Fontwell.

Site Address	No. of Dwellings	Site Size (hectares)	Residential Density (dwellings per hectare)	Plot Width (metres)
No. 1 Orchard Way (as existing)	1	0.16	6.25 dph	40m
No. 1 Orchard Way (as proposed)	3	0.16	18.75 dph	20m (retained plot)
No.2 Orchard Way	1	0.044	22 dph	12.5m
No.3 Orchard Way	1	0.057	17.5	13.7m
No.5 Orchard Way	1	0.055	18.1 dph	13m
No.7 Orchard Way	1	0.054	18.5 dph	13m
No.8 Orchard Way	1	0.055	18.1	11.75m
No.20 Orchard Way	1	0.054	18.5	12m

- 6.21 It will be noted that the existing property of No.1 sits on a site measuring 0.16 hectares in size, representing an existing residential density of just 6.25 dwellings per hectare (dph), which is very low by modern standards and relative to the surrounding area. The proposed residential density is 18.75 dph, which suggests a more efficient use of the site, and more reflective of the size of plots neighbouring the site.
- 6.22 In addition, evidently the existing site, at 40 metres is considerably wider than other plots on Orchard Way. Indeed, it can be argued that the existing plot appears as an anomaly and out of keeping in this respect, due primarily to its very wide side garden area. This proposal seeks to subdivide the existing plot and provide 2 no. detached houses within this side garden area. The resultant plot widths would be more reflective of the established spatial pattern and spacing of development within the immediate area. The development would therefore not appear cramped or as an overdevelopment. Indeed, it is our opinion that the proposals would respect the character of the streetscene by providing a development of appropriate form and scale, retaining adequate spacing to site boundaries and between buildings, so as to preserve the overriding characteristics of the Orchard Way streetscene. It is accepted that development would lead to change, but we contend that in this respect the change resultant from this proposal would not be harmful.
- 6.23 Consequently, it is our view that the proposed development of 2 No. houses would be wholly appropriate for the area, appearing perfectly in keeping with plots sizes in the surrounding area. Given the context of the area, the application site is clearly large enough to comfortably accommodate 2 No. dwellings of the size proposed.
- 6.24 In terms of the proposed appearance and materials, and as detailed at **figs 5 and 6**, the new dwellings would comprise facing brick and a tiled roof. The new dwellings would be the mirror image of one another, each having a catslide roof to one side.



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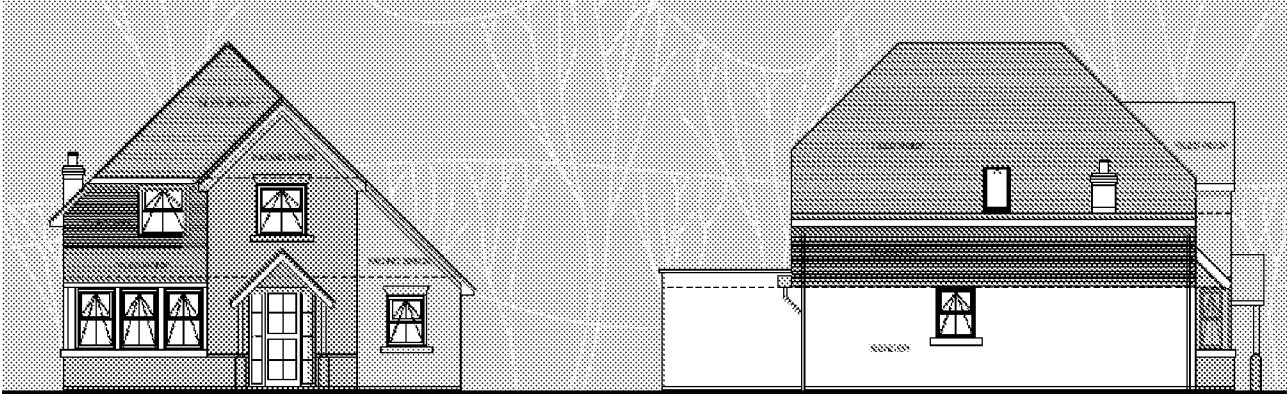


Fig 5. Proposed front and side elevation (proposed new dwellings are mirrored)

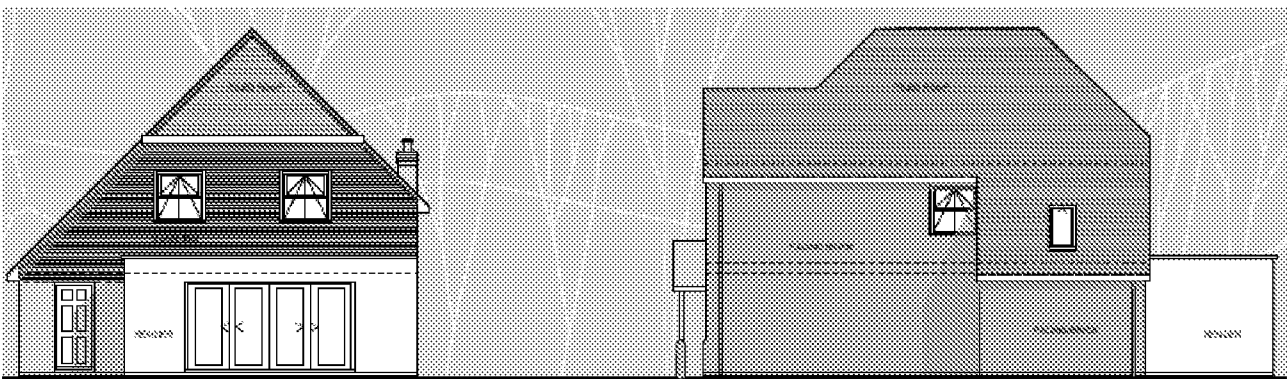


Fig 6. Proposed rear and side elevation (proposed new dwellings are mirrored)

- 6.25 As detailed on the submitted street scene elevation (refer to **Fig 7** – please see below), the proposed dwellings would have a similar ridge height to that of existing No. 1 Orchard Way, but with a reduced scale and bulk. In addition, the proposed dwellings would echo design features of the main dwelling, including the pitched roof element, allowing the proposals to appear visually subservient to the host dwelling. Further, the proposals would provide 2 new houses that respect the varied character and property widths of other properties on Orchard Way.



Fig 7. Extract from proposed street scene (Orchard Way)

- 6.26 It is our view that the proposed footprint of the buildings would compare favourably with surrounding built form. The new dwellings would sit comfortably on the site, with each property having a separate and appropriately sized area of private amenity space. Indeed, the garden area of each plot has been increased when compared with the previously withdrawn application. In our opinion, the proposals will lead to a clear visual enhancement of the site, which would be to the benefit of the amenities of all who live close-by, or use the adjacent recreation ground.
- 6.27 It is our view that the proposal development would represent a high quality development, which would be of a sympathetic design that would appear in keeping with the established character of the surrounding area, in compliance with Policies **SP1** and **D DM1** of the Arun Local Plan.

b. Residential Amenities

- 6.28 The application site is positioned adjacent to Orchard Way, adjoining open space to the west, the main A27 road to the rear and No. 1 Orchard Way to the east side.

- 6.29 It will be clear that great care and consideration has been given to the design of the buildings, with particular attention being paid to their siting and layout.
- 6.30 Ample separation distances would be maintained between the proposed development and neighbouring buildings to all sides. Further, great care and consideration has been paid to window placement.
- 6.31 The closest neighbouring dwelling would be the host dwelling, No. 1 Orchard Way to the east of the site. With regard to windows, each of the proposed dwellings has 1 No. window within each side roof slope and an additional obscure glazed landing window to one of the side elevations.
- 6.32 The proposed development would utilize and extend an existing access point from Orchard Way, which would lead to turning and parking facilities for each property. This access is set well away from any neighbouring properties and would not cause demonstrable harm to the residential amenities of any this, or any other neighbouring property by way of noise or disturbance.
- 6.33 In addition, the proposed dwellings would be set well away from neighbouring dwellings, with residential gardens being positioned to the rear of each property.
- 6.34 Further, there is a mixture of mature planting, tree coverage and fencing along the rear boundary and our client would be happy to provide further landscaping if the Council considers this necessary.
- 6.35 Finally, the Government are placing increasing emphasis on achieving appropriate densities on sites such as this. Within Para. 123 of the Revised NPPF it goes as far as to say that *"local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework."*

*In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site". It is our view that the proposed development meets these requirements and would be fully compliant with advice contained within both the revised NPPF and **Policy D SP1** of the Arun Local Plan.*

- 6.36 Taking into consideration all of the above, it is our view that the proposal would not have a detrimental effect on the residential amenities of the occupiers of any neighbouring dwelling by way of loss of light, overbearing effect or through the creation of noise and disturbance, and would be fully compliant with Policies **SP1** and **D DM1** of the Arun Local Plan.

c. Access and Parking Arrangements

- 6.37 Access to the highway will be via an established access point onto Orchard Way. The existing dropped kerb would be extended from 8.9m as previously proposed to 10m wide in order to facilitate the proposed development.
- 6.38 The proposed layout arrangement has 4 no. car parking spaces provided, 2 No. for each dwelling. The car parking arrangement to the eastern unit has been changed to side by side parking. The proposal will therefore provide ample parking and space to manoeuvre within the curtilage of the site, thus ensuring that parking does not spill out onto neighbouring roads.
- 6.39 Given that the proposed access route is existing and onto an established, non-classified road, we are of the view that the proposal will not give rise to highway safety or car parking concerns, and the proposal would accord with Local Plan **policy T SP1** in that satisfactory access will be provided.

- 6.40 Finally, the gates to the driveways have been updated to facilitate better access (double gates in lieu of a single gate).
- 6.41 As such, it is our view that the proposal would be acceptable from a highway safety perspective.
- 6.42 Other Highways measures and improvements include a dedicated refuse store and collection point and secure cycle storage within the 2 no. bike stores.

d. Space Standards

- 6.43 Both of the residential units have been designed internally to meet the requirements laid out in the Governments '*Technical Housing Standards – nationally described space standard*' document. The Gross Internal floor area of each of the house is 150m².
- 6.44 This document sets out that a four bedroom (two storey, 7 person) house should have a minimum gross internal floor area of 115m². As such, each of the houses would comfortably exceed these requirements.
- 6.45 The proposal would also include an area of private residential garden for each house, which exceeds that previously proposed. This would be as follows:-
- Plot 1 185m² (withdrawn scheme 176m²);
 - Plot 2 308m² (withdrawn scheme 251m²).
- 6.46 It is view that the proposed development would be fully compliant with **Policy D DM2** of the Arun Local Plan and guidance set out within the Governments '*Technical Housing Standard*'s.

e. Trees

- 6.47 We are aware that at the time of the previous application being considered, the

Council's Tree Officer formally raised an objection to the proposal, stating that *"the proposal as it stands will have a profoundly negative impact on the ongoing health and vitality of T2 and so sustain my OBJECTION albeit on new grounds"*. Further submissions and discussions were then had between the Tree Officer (Mr Warwick) and Arbortrack, the applications Tree Consultants. It is understood that subsequent verbal confirmation was provided by Mr Warwick to confirm that the foundation solutions that were proposed were acceptable in principle, subject to provision of a method statement and appropriate levels of supervision.

- 6.48 Thereafter the Planning Officer commented that, notwithstanding Mr Warwick's acceptance of the proposals, she was unhappy due to likely pressure on the Oak (T2) from future residents and the size of the proposed rear gardens. The current proposal has been redesigned in a direct response to these concerns. As outlined above, the amended site plan shows the two new dwellings have been moved away from the tree from the original application by 3.59m and 3.72m respectively (shown in orange on the submitted site plan). This results in two things – (i) greater separation to the Oak tree, and (ii) increased rear garden sizes to the two new dwellings. As part of the application it is proposed to reduce the crown of the Oak tree to its south side by 3 metres (from 11m to 8m on this side of the tree).
- 6.49 This revised application is supported by a Tree Report, prepared by Arbortrack Systems Ltd. This report states that *"Further to consultation with ADC the two dwellings have been shifted further west... None of the surveyed trees will be removed to allow or facilitate development. The face of the young cypress screen (G3) will be trimmed back to the boundary for clearance and the southern and south western crown (asymmetric in this direction) of the mature oak (2) will be reduced by up to 30% to deliver sustainable separation off the proposed structure(s)... **The orientation of tree 2 to the proposals is optimal in terms of shade, daylight & sunlight being directly north of the more eastern of the two proposed dwellings. The proposed reduction is acceptable in arboricultural terms (given***



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the current marked crown asymmetry of tree 2) and is likely to deliver an acceptable separation between the proposed dwelling(s) and tree 2. Patio hard standing within the root protection area (RPA) of tree 2 has been removed from the proposals to minimise pressure on the morphed root protection area (RPA) of tree 2. An asymmetric (morphed) RPA has been employed after discussion with Mr Mark Warwick the ADC tree officer to reflect the likelihood that roots of this important tree will be present within the site rather than under the busy road to the north. Soft ground near the dwelling(s) & within the RPA of tree 2 will be protected through the course of development by ground protection. The likely encroachment from the proposals into the RPA of tree 2 requires a specialist helical screw piled foundation... The use of this system has proven to be extremely satisfactory on previous projects... The single storey element of each dwelling will be founded on a shallow concrete raft to ensure that the impact on any roots in these areas (a combined circa 5.5% encroachment into the RPA of tree 2) is kept to a low and acceptable minimum... The great majority of site works will take place beyond the RPA of retained trees and canopies. Retained trees will be protected through the course of development by fencing to the specifications recommended by BS5837:2012."

- 6.50 Our client is committed to carrying out a high quality development and will take all the above mitigation measures into consideration as part of the development proposal.

f. Noise assessment

- 6.51 The application is accompanied by a noise assessment report, which has been prepared by Acoustics Associates.

- 6.52 The report draws the following conclusions:-

"The noise modelling software predictions suggests that internal noise levels for both living and sleeping accommodation are capable of being met for both



daytime and night time periods, albeit with windows closed. With windows open, internal noise levels, are likely to exceed the requirements of BS8233:2014.

If windows are closed, there is a need to provide both background ventilation and cooling to the new properties to ensure compliance with Building Regulations Approved Document F. Given the site, it is recommended that a ducted MVHR system will be appropriate and that any intake location feeding the system is orientated on the quieter South Eastern facades.

Whilst external amenity areas are seen to be above those recommended in BS8233:2014 and WHO Guidelines (1999), BS8233:2014 suggests that higher levels may be tolerated where there is a need for housing in sites such as those located adjacent to strategic transport network. It is noted that within a five-minute walk, future residents are capable of being in the South Downs National Park and National Trust Slindon Estate to the North of the A27.

Assuming the implementation of the mitigation measures listed above, it is considered that planning permission would not likely be refused on noise grounds”.

6.53 At the time of the previous application being considered, the Council’s own Environmental Health Officers raised no objection to the proposal subject to the imposition of a condition relating to the submission of a ‘Construction Environmental Management Plan’.

6.54 We can confirm that our client is committed to carrying out a high quality development and will take all the above mitigation measures into consideration as part of the development proposal. We can also confirm that we are happy to comply with the condition suggested by the Council’s Environmental Health Officers if the Council considers this to be both reasonable and necessary.

g. Biodiversity

6.55 This planning application is accompanied by a preliminary Ecological Appraisal, which has been prepared by The Ecology Co-Op.



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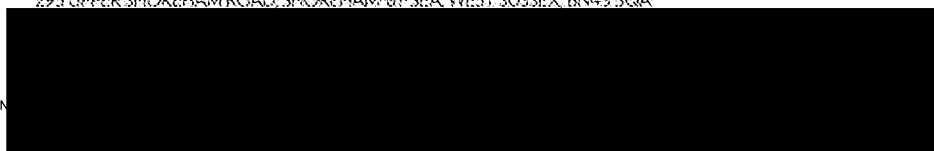
6.56 This report draws the following conclusions:-

- *"The site is a residential garden, measuring approximately 0.1 hectares, comprised of a manicured lawn that is bordered by cherry laurel and cypress hedgerows and contains a number of immature ornamental and native trees, as well as ornamental shrubs and plants. There is one mature oak tree in the northeast corner of the site that will likely be removed if the development goes ahead;*
- *The site was assessed as unsuitable for reptiles, roosting bats, and great crested newts and therefore no further surveys are recommended. However, all trees, shrubs and hedgerows have the potential to support a variety of common nesting birds. It is therefore essential that any future development considers the nesting bird season and any vegetation removal and/or building demolition should be timed outside the nesting bird season (typically 1st March to 31st August), unless features are first searched by a suitably qualified ecologist and no active nests are found;*
- *A fingertip search for dormice and hedgehogs will need to be carried out by a suitably qualified ecologist prior to the removal of vegetation;*
- *To enhance the site for biodiversity, it is recommended that the bordering hedgerows are improved with native species planting, any planting scheme should include native shrub species and flowering species known to encourage insect diversity and, where possible, bat access tiles and bird boxes should be incorporated into the design of the new buildings".*

6.56 Our client is committed to carrying out a high quality development and will take all the above mitigation measures into consideration as part of the development proposal.

h. Flood Risk

6.57 The application is supported by a Flood Risk Assessment, which confirms that the site is within Flood Zone 1, an area with a low probability of flooding. No further supporting information is therefore required as part of this application.



i. Other Matters

(i) Sustainable Development Summary

- 6.58 As outlined above, the focus of the new NPPF is for development to be sustainable. It sets out there are three principle 'objectives' to achieving sustainable development: economic, social and environmental. In this part of the Planning Statement the main factors that inform the judgement as to whether the proposal would be a sustainable form of development are summarised. In reaching that view all matters referred to in the above report have been taken into account.

Economic Objective

- 6.59 The application proposal would result in the creation of construction jobs during the build period. The additional population could help generate more local spending in the local community, provision of infrastructure and services, and generate New Homes Bonus funding as well as additional Council Tax receipts. These are all material considerations that weigh in favour of the development. It is considered that the proposal would satisfy the economic role of sustainable development.

Social Objective

- 6.60 The provision of 2 No. dwelling houses (a net gain of 2 No. units) will make a small, albeit notable contribution to maintaining the District's housing supply. The NPPF seeks to promote "*strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations*". Due to the location of the site within the defined built-up area, within walking distance of a host of facilities and services and close to the settlement of Barnham. it is considered that the location of the site is sustainable. Overall it is considered that the proposal would satisfy the social role of sustainable development.



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Environmental Objective

- 6.61 There is an overriding need to ensure that development should contribute to protecting and enhancing the natural, built and historic environment. The proposed development in terms of layout, scale and appearance is considered to be in keeping with the character of the surrounding area and hence would not result in an adverse impact to the character of the surrounding built environment. There are no biodiversity or landscape constraints that relate to this site. The proposal would not result in any highway safety problems. As such, the environmental role of sustainable development would be satisfied by this proposal.



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7 CONCLUSIONS

- 7.1 The proposal seeks planning permission for the erection of 2 No. four bedroom dwellings on land to the west of No. 1 Orchard Way.
- 7.2 The application site is located within the established built up area boundary, where the principle of new residential development is generally accepted, subject to compliance with other policies in the plan.
- 7.3 The application site is located within a sustainable area, within easy reach of a host of services and facilities, with Barnham Village and its train station being within easy reach of the site.
- 7.4 The application follows a previous application on the site, which was withdrawn at the request of the Case Officer due to concerns over the potential negative impact on the ongoing health of an Oak tree.
- 7.5 In our view the revised proposal represents a high quality development, which fully addressed the Council's previous concerns.
- 7.6 It is our view that the proposed development of 2 No. houses on the side garden area of an existing dwelling would be wholly appropriate for the area, appearing perfectly in keeping with plots sizes in the surrounding area, whilst representing an efficient use of the available land resource, as advocated by the NPPF, Walberton Neighbourhood Plan policy HP11 and housing policies contained in the Arun Local Plan. Including policy D DM1(13). Given the context of the area, the application site is clearly large enough to comfortably accommodate 2 No. dwellings of the size proposed, whilst respecting the character of the streetscene.

- 7.7 It is our view that the proposal would represent a high quality development, that would appear in keeping with the existing street scene in terms of scale, siting, form and design. The proposals therefore accord with the design policies of the NPPF, policies D SP1 and D DM1 of the Arun Local Plan, and policy HP1 3 of the Walberton Neighbourhood Plan.
- 7.8 It is our view that the proposal would represent an acceptable form of development and would not cause demonstrable harm to the residential amenities of any neighbouring property by way of overbearing effect, loss of privacy or loss of light. Nor would the proposed access and parking arrangement create any undue noise or disturbance. The proposals therefore accord with Arun Local Plan policy D DM1(3).
- 7.9 Ample space for the parking and turning of vehicles would be provided on site, in accordance with Neighbourhood Plan policy GA 3. In addition, storage for cycle and refuse would be provided.
- 7.10 The application is accompanied by a Tree report, which notes that the houses have been moved away from the mature Oak tree so as to provide greater separation and larger gardens. Further this Oak is to be crown reduced by 30%, and the result is an improved relationship between the proposed houses and this retained tree. It is important to note that the tree is located to the northwest of the new properties, which represents an optimal orientation. The proposed mitigation measures will be incorporated as part of the development and our client would be happy for this to be conditioned accordingly. The proposals therefore accord with Local Plan policies D DM1(7) and D DM4, and Neighbourhood Plan policy VE 3.
- 7.11 The application is accompanied by an Ecological Appraisal, Noise Assessment and FRA. We can confirm that our client is committed to carrying out a high quality development and will take all proposed mitigation measures into consideration as part of the development proposal.



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- 7.12 The proposal will provide a high quality, sustainable development, which will set a positive benchmark for Fontwell. It would appear wholly in keeping with neighbouring development and would not detract from the established character and appearance of the surrounding area, nor cause demonstrable harm to the residential amenities of any neighbouring property. The proposal would accord with the aims and objectives of national, regional and local policy and guidance, the application site is a suitable location for housing and permission should be granted.

March 2019