

PLANNING APPLICATION REPORT

REF NO: BN/16/22/PL

LOCATION: Land to the rear of Clare Court
67 Barnham Road
Eastergate
PO22 0EP

PROPOSAL: Erection of 4 No dwellings with associated car parking. This application is in CIL Zone 2 and is CIL Liable as new dwellings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The application seeks to construct 4 dwellings with associated landscaping and parking spaces.

TREES There are 2.Oak trees to the rear boundary which are subject to a Tree Preservation Order.

BOUNDARY TREATMENT The site has hedging and fencing of around 1.7m height along the side and rear boundaries. There is fencing in place to separate the site from the rear amenity area at Clare Court around 1m in height.

SITE CHARACTERISTICS The site is a vacant piece of land to the rear of a detached 2-3 storey property 'Clare Court' which forms 8 flats. There is an enclosed amenity space for the occupiers of Clare Court to the rear and an area to the front for parking. There are some trees along the rear boundary.

CHARACTER OF LOCALITY The site is to the rear of a residential road of mixed character with detached and semi detached properties of 1 and 2 storeys set in medium to large plots. These are predominately set back from the highway with gardens to front and rear.

RELEVANT SITE HISTORY

| | | |
|------------|---|--|
| PAA/50/21/ | Erection of 4no dwellings | Approve Pre App 03-06-21 |
| EG/97/05/ | Outline application for single dwelling | Refused 05-01-06 Appeal: Dismissed 31-08-06 |

A proposal for a single dwelling in the same location was refused in 2005.

REPRESENTATIONS

Barnham Parish Council - objection.

- Backland development and not allocated in the made Barnham Neighbourhood Plan.
- The proposal conflicts with the following policies, H1, H2, H4, ES4, ES7, ES10, ES16, GA4.

41 letters of objection from 35 nearby occupiers.

- Barnham has become overdeveloped.
- The windows will overlook the school field and is a safeguarding issue.
- The area is designated an area of character and should be preserved.
- Trees of interest have been cut down.
- Traffic congestion will get worse.
- This infilling development is unnecessary and unkind.
- Poor access.
- Safety of pedestrians as there is no pavement outside Clare Court.
- Likely increase in pollution.
- The development is out of character with Barnham as a village.
- Privacy issues.
- The windows will overlook Clare Court.
- Soils tests show the water table level is high.
- Nearby house will lose market value.
- The development is not wanted.
- It will ruin quality of life.
- It will destroy public green space.
- There are too many dwellings on site.
- Insufficient infrastructure to support development.
- An appeal was dismissed in 2005 and this should be to.
- The development at No.97 is not comparable with this one.
- The development will be overbearing and overshadowing.
- Relocation of the bin storage will result in noise and smells.
- Trees were felled prior to the application.
- There is no pavement and it is not a sustainable location.
- Noise generated by the access road would be significant.
- Plot 1 second space is located along the boundary and may result in overshadowing.
- The development would reduce parking spaces for Clare Court.
- Access to the communal garden will become dangerous.
- Noise, dust and fumes will increase and affect residents of Clare Court.
- It will result in the removal of the garden facility.
- It will set a precedent for backland development.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and addressed in the conclusion.

A TPO was made in January 2022 following notification that trees were being removed on site.

House value is not a material consideration.

| |
|----------------------|
| CONSULTATIONS |
|----------------------|

CONSULTATION RESPONSES RECEIVED:

WEST SUSSEX FIRE AND RESCUE

The nearest fire hydrant is 210m. The supply of water for domestic dwellings should be 175m. Include condition for requirement of an additional fire hydrant. Evidence will be required that fire vehicle service access will comply with Approved Document B.

WSSC HIGHWAYS (LHA)

The Transport Statement (TS) interrogates the anticipated trip rate generated by the 4 dwellings. This has been done using TRICS. It is anticipated the dwellings will generate 1 arrival and 3 departures in the peak AM period and 1 arrival and 1 departure in the peak PM period. The LHA is satisfied with the finding of the trip rate assessment and does not anticipate any highway capacity issues.

Vehicular access is to be achieved via an existing access point onto a B-classified road subject to a 30-mph speed limit at this point. The existing access serves Clare Court which consists of 8 flats. The TS details that the access point will be improved with a bell mouth style construction with a 5m kerb radii south of the access and 3m kerb radii north of the access.

For access points serving this number of dwellings it is typically more appropriate for the access to be a vehicle crossover style rather than a bell mouth set out with kerb radii. A vehicle crossover style access would be more in keeping with neighbouring access points. Access in the site to the dwellings will be achieved via a 4.8m wide internal driveway. This is wide enough to facilitate passing of two vehicles, and the passing of a vehicle sharing the space with pedestrians. To the south the splay is contained within the extent of the public highway or under land under control of the applicant. To the north it has been identified that the splay crossed 3rd party land. This northern splay has been plotted to the nearside carriageway edge. Can an improvement in visibility be achieved if this is plotted to the edge of a vehicles track?

Given limitations with visibility has the applicant investigated if the shared access arrangements can be relocated more centrally within the frontage? Would this provide the opportunity to secure recognised visibility standards in perpetuity, not only for the new dwellings but also the other vehicles currently associated with Clare Court?

No provision has been made to provide a formalised pedestrian link to existing pedestrian facilities which are on the opposing side of Barnham Road. There are no formalised pedestrian crossing facilities serving the site as existing. This application does provide the opportunity to improve upon pedestrian access facilities to the site. This could be by improving the existing informal arrangement by way of dropped crossings on either side of Barnham Road, paired with tactile paving or designing pedestrian access into the vehicle access improvements.

The site is in Parking Behaviour Zone 2. Each 3-bed dwelling should be afforded 2 car parking spaces, 8 in total. A 20% ratio is applied to account for visitor parking, so an additional 1.6 spaces. Each space is suitably sized and provided the opportunity to turn on site. Each dwelling should be provided EV Parking provision. This has been detailed on the proposed site plans.

Each plot will be provided a garden shed for cycle storage, the specific details of these sheds can be secured via a suitably worded planning condition. They will need to be secure and covered.

Please can the above comments relating to vehicle visibility / access and pedestrian access be provided to the applicant for review. A highways re-consultation should be raised once the applicant responds to the comments provided.

ENVIRONMENTAL HEALTH

No objection but the following matters must be considered:- contaminated land, unexpected contamination, construction for small developments, construction hours, internal noise levels, external

noise levels, noise from the railway line, noise from the school.

NATURAL ENGLAND

No comment.

ECOLOGY

Hedgerows should be retained for commuting and foraging bats. This will include a buffer strip around the hedgerows and a condition should be used ensure this. The lighting scheme should take this into account.

As detailed in the PEA (Jan 2022) there is potential for reptiles to be onsite. Due to this we require that a reptile activity survey is undertaken by a suitably qualified ecologist to determine if reptiles are onsite. If reptiles are found a mitigation strategy will need to be produced.

Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st October. We would like a bird box installed on the building / and or tree within the garden of the property. Request a condition relating to hedgehogs and brush piles.

We are satisfied that the biodiversity enhancements recommended in the PEA (Jan 2021) are suitable and should be incorporated into the landscaping scheme. A condition should be used to ensure this takes place.

DRAINAGE

The drainage report suggests surface water will be drained via permeable paving. This approach would be acceptable but requires site investigation and detailed design before determining if it is viable. The site is in the Lidsey Treatment Catchment, therefore surface water drainage design should be carefully considered. Existing/proposed trees (root protection zones) must not conflict with suds features or pipework. Please apply standard condition relating to surface water drainage.

SOUTHERN WATER

Southern Water requires a formal application for a connection to the public foul sewer to be made. It is possible that a sewer now deemed to be public could be crossing the site. Should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site. Due to surface water inundation issues in the Lidsey Catchment the applicant is advised to adopt, where appropriate, the measures set out in the table "Practical measures to reduce the potential impacts of development"

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Pre commencement conditions have been agreed.

Additional information was provided in line with WSCC comments. A reptile activity survey has been requested in line with ecology comments. A study has been completed although not yet formally submitted with discussions taking place with another department of Arun to identify relocation of slow worms on site.

Additional details on both matters will be updated at Committee.

POLICY CONTEXT

Built up area boundary

Lidsey Treatment Catchment
Area of Character
TPO

DEVELOPMENT PLAN POLICIES

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

| | |
|--------|--|
| DDM1 | D DM1 Aspects of form and design quality |
| DDM2 | D DM2 Internal space standards |
| ECCSP1 | ECC SP1 Adapting to Climate Change |
| QEDM4 | QE DM4 Contaminated Land |
| DSP1 | D SP1 Design |
| ECCDM1 | ECC DM1 Renewable Energy |
| ENVDM4 | ENV DM4 Protection of trees |
| ENVDM5 | ENV DM5 Development and biodiversity |
| HERDM4 | HER DM4 Areas of Character |
| HERSP1 | HER SP1 The Historic Environment |
| QEDM1 | QE DM1 Noise Pollution |
| QEDM2 | QE DM2 Light pollution |
| QESP1 | QE SP1 Quality of the Environment |
| SDSP2 | SD SP2 Built-up Area Boundary |
| TSP1 | T SP1 Transport and Development |
| WDM2 | W DM2 Flood Risk |
| WMDM1 | WM DM1 Waste Management |

PLANNING POLICY GUIDANCE:

| | |
|------|-------------------------------------|
| NPPF | National Planning Policy Framework |
| NPPG | National Planning Practice Guidance |

SUPPLEMENTARY POLICY GUIDANCE:

| | |
|-------|---|
| SPD11 | Arun Parking Standards 2020 |
| SPD13 | Arun District Design Guide (SPD) January 2021 |

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The revised Barnham and Eastergate Neighbourhood Development Plan was made on 09/03/22 and its policies are referred to in this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would not have a materially adverse impact on the residential amenities of nearby properties nor would it have a significant adverse impact upon the established character of the surrounding area.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

- (2) in dealing with an application for planning permission the authority shall have regard to -
- (a) the provisions of the development plan, so far as material to the application,
 - (aza) a post examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

The site is in the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan provided it accords with other policies of the Local Plan covering such issues visual/residential amenity, highway safety, parking and biodiversity.

Regard should be had to policy SD SP1 of the Arun Local Plan which states: "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."

The Council has an adopted Design Guide which provides up to date advice on matters such as new development and the need for it to successfully integrate with the prevailing character of an area.

Barnham and Eastergate have a made Neighbourhood Plan. Policy H2 (Windfall sites), ES5 (Quality of Design) , ES7 (Non-Designated Assets), ES10 (Trees and Hedgerows), ES16 (Dark Skies), GA4 (Parking) is relevant to the application.

NPPF paragraph 119 highlights 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.

NPPF paragraph 124 (d) states planning policies and decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an area's prevailing character and setting (including residential gardens).

In this case, the application results in a net gain of 4 residential units.

The Council is unable to identify a 5-year supply of housing land. Paragraph 11d) (ii) of the Framework is relevant and as directed by Footnote 8 , advises that permission should be granted, unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies

in the Framework taken as a whole. In situations where the presumption set out by paragraph 11d) applies, paragraph 14 of the Framework adds that the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, subject to a number of criteria being cumulatively met. One of which is that the housing supply is at least 3 years - which is no longer the case and not all criteria are met in this case.

In order for the NPPF's (para 11) 'presumption in favour of sustainable development' to apply it must first be assessed whether the proposal would constitute 'sustainable development'. Paragraph 8 of the NPPF sets out the three objectives of 'sustainable development'; economic, social and environmental.

The proposal meets the economic objective and would result in some economic gains in terms of providing employment during the construction phase and potential local spending and CIL monies and these economic benefits weigh in the schemes favour. The proposal meets the social objective, making a net contribution of 4 new homes to the District's housing supply. The site is a sustainable location and accessible being in the built up area boundary in walking distance of a range of shops, facilities and services in Barnham. Barnham Railway Station is 0.2 miles, around a 5 minute walk, away and the site is in close proximity to sustainable transport.

The proposal does meet the economic, social and environmental aspects of sustainable development and therefore the presumption in favour of sustainable development is engaged.

DESIGN AND VISUAL AMENITY

Arun Local Plan policy D DM1 looks at aspects of form and design quality, including character, attractiveness, innovation, residential amenity impact, adaptability, density, scale, trees, crime prevention. New buildings should be harmonious with their surroundings and successfully integrate with the existing surrounding environment.

Policy D SP1 of the Arun Local Plan requires that development proposals 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.

Para 130 of the NPPF details the design requirements for new developments, including that developments should function well, are visually attractive and sympathetic to local character and history, have an appropriate mix of development including green and public space and create places that are safe, inclusive and accessible.

The proposal seeks to construct 4 dwellings which consist of 2 pairs of semi-detached properties. The properties feature front and rear gardens with 2 car parking spaces per dwelling.

The proposal is to the rear garden of an existing block of flats at Clare Court and represents a form of backland development. Such development is generally not in character with the form of development however there is an example of similar development at No 97. This is similar as it consists of 3 dwellings to the rear of a site with a similar access as proposed, which runs alongside an existing property. It is noted that the other site is larger.

The development would be partially visible from the street scene, with plot 1 to the rear of the access road although this would be set back 55m from the highway.

The houses are of a traditional design with detailing to the porches and arched courses over doors and windows. Materials include brick walls and clay roof tiles. Exact details will be controlled by condition. There is planting and hedges to the frontages which provide soft screening.

The area has a mixed appearance and the design is appropriate to its setting and reflective of those in the local area.

The Arun Design Guide seeks to raise design standards. Section P relates to infill and backland development and states 'It should emulate the established pattern of building height, scale, plot'. 'Is in harmony with the prevailing character, building pattern and architectural style of the area', and 'Developed in a site that is large enough to accommodate proposed uses and vehicular access, parking and turning, while retaining gardens and open spaces of an adequate size.' The scale of the development and size of the site enables these elements to be complied with.

An application for 1 dwelling in the same location was refused on appeal in 2005. The application differs from the previous in that it makes a better use of the site, with a higher density. The Design Guide states 'Comprehensive developments of groups of houses will be favoured over piecemeal developments'. The proposal is a more comprehensive scheme that has been designed to remain in keeping with the wider area. Whilst the previous appeal noted harm on the Area of Character, the area has evolved since 2005 with some examples of backland development now present in the vicinity.

Policy ES5 of the NP states 'New residential developments must be of high quality design, Integrate with the local landscape and built environment; contribute to and conserve the features which contribute to the distinctive character'. The development complies with these statements.

With the development set back from the road consisting of a sympathetic design, the layout, appearance and scale of the development will not result in harm to the character and appearance of the locality. The proposal complies with the relevant design policies Policy D SP1 and Policy D DM1 of the Local Plan, the NPPF and the Arun Design Guide and ES5 of the NP.

RESIDENTIAL AMENITY

Policy D DM1 of the Arun Local Plan seeks that new development will have minimal impact to users and occupiers of nearby property and land, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance.

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

NPPF paragraph 130 (f) states development should have a high standard of amenity for existing and future users.

The Arun Design Guide sets out guidance on garden depths and interface distances between houses:

- Back to Back: min. 21m between habitable rooms of properties or to existing buildings;
- Back/Front to Side: min. 14m between habitable rooms and side gable of adjacent property;
- Front to Front: min. 16m between habitable rooms of properties facing each other; and
- Back to Boundary: min. 12m between habitable rooms and site boundary to existing landscaping.

The principal elevations of the dwellings retain 21m to the rear boundary fence of the amenity space serving Clare Court. A minimum of 27.5m is retained to rear facing habitable windows. Although views would be available of the development from Clare Court and both neighbouring dwellings at 65 and 71, due to the separation, which complies with the interface distances specified in the Design Guide, the dwellings will not result in adverse overbearing, overshadowing or overlooking.

To the rear is St Philip Howard Church School and the dwellings will not result in adverse overshadowing

or overbearing. There have been concerns raised regarding the location of the dwellings and their first floor windows with a school located behind the boundary of the gardens. There are laws to prevent offenders living in close proximity to schools and the small increase in the additional number of dwellings adjacent to the school does not justify a refusal.

Within each dwelling, the main living space is to the rear with views directed towards the garden. The front facing ground floor windows serve a kitchen/utility and the upstairs serve 1 bedroom and 1 bathroom. There is sufficient separation between the first floor windows of the dwellings and those to the rear of Clare Court such that overlooking would not be significant. There is hedging, gardens, driveways and the access way inbetween which further intercepts views at ground floor level.

The dwellings utilise the existing access to the northern side and this will be extended to the rear of the site, running along the side elevation of Clare Court and along the rear of the fenced amenity space. As a result of a car having to drive beyond the property there would be an intensification of vehicle movements in this location which will result in some noise and disturbance. The new access will be used by occupiers of the dwellings which given the level of parking could mean up to 8 new cars entering and leaving the site. The transport document states the development could potentially generate four additional movements in the AM (08:00-09:00) peak and two additional movements in the PM (17:00-18:00) peak. The LHA is satisfied with the finding of the trip rate assessment. There are a number of ground floor windows to the north western side elevation of Clare Court and there would be some additional noise impact upon this property. The number of movements would not give rise to a material adverse effect on the living conditions of occupiers of that dwelling.

The amenity area for Clare Court will be retained and the residents will not result in a loss of communal garden. It has been advised that the applicant allowed residents to use the site and has maintained it to keep it tidy but it does not form part of their communal garden, being separated with a fence.

Concerns have been raised that access to the amenity space will become dangerous as entry is via a gate to the side elevation adjacent to the access road. WSCC confirmed the access is wide enough to enable the passing of a vehicle sharing the space with pedestrians.

The development provides suitable separation distances between neighbouring properties and does not result in a significant impact upon nearby amenity by way of overbearing, overshadowing or overlooking in accordance with D DM1, QE SP1, QE DM1 of the Arun Local Plan and the Arun Design Guide.

SPACE STANDARDS

Policy D DM2 of the Arun Local Plan states that the planning authority will require internal spaces to be of an appropriate size and that the Nationally Described Space Standards apply.

The national guidance advises the following minimum Gross Internal Area (GIA) standards apply:

| | | |
|-------|----|----------|
| | | 2 storey |
| 3 bed | 4p | 84 |
| | 5p | 93 |
| | 6p | 102 |

The gross internal area of each property will be 117sqm. This would comply with the guidance.

Arun District Council has no size standards in respect of private gardens but would instead take a view at the time of an application as to the quality & quantity of proposed private amenity space.

Policy H.04 of the Arun Design Guide SPD advises that outdoor amenity spaces should be of an

appropriate size and shape and be usable and enjoyable. It states rear gardens should have a minimum depth of 10.5m and buildings should be set back by 2m from the plot boundary to mark defensible space.

Regard should be had to paragraph 130 of the NPPF which states "Planning policies and decisions should ensure that developments (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."

To the rear, each property would have a garden of at least 12.8m in depth and a width of around 8.5m. The gardens are an acceptable size and exceed the guidance. There is some limited amenity space to the front. The proposal complies with D DM2 of the Plan.

PARKING

Policy T SP1 of the ALP supports development which incorporates appropriate levels of parking in line with the West Sussex County Council guidance on parking provision.

Arun District Council adopted its own Parking Standards SPD in Jan 2020.

Regard should be had to para 111 of the NPPF which states 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'.

Vehicular access is to be achieved via an existing access to Barnham Road. Access in the site to the dwellings will be achieved via a 4.8m wide internal access driveway. This is wide enough to facilitate passing of two vehicles, and the passing of a vehicle sharing the space with pedestrians.

The ADC Parking Standards for a 3 bed property in this location (Parking Behaviour Zone 2) requires an expected level of 2 car parking spaces on site. Each 3-bed dwelling should be afforded 2 car parking spaces, 8 in total. A 20% ratio is applied to account for visitor parking, so an additional 1.6 spaces.

The number of spaces complies with the standards, with each property allocated 2 parking spaces and 2 visitor spaces to the southern end of the access. For plot 1 this will result in one space being opposite the dwelling, located to the rear boundary of Clare Court. With a fence on the boundary views are predominately restricted at ground floor level from Clare Court, however it is the fence height could be increased to further restrict views.

The Design Guide states 'on-plot parking in front of dwellings must be provided sensitively to ensure that this does not dominate frontages or detract from the character and quality of the street scene,' Positions parking on-street wherever possible, ensuring a separation between housing and parking through landscaping.' The proposal includes hedging and grassed areas to soften the frontages where on plot parking spaces are provided and as such complies with the guidance.

One electric car charging point is demonstrated per house with ducting to enable 2 points for charging for future conversion. Each plot will be provided a garden shed for cycle storage.

Policy GA4 of the B&ENP states 'Development proposals will be supported only if they include the maximum level of off-street parking consistent with the most current standards'. The scheme complies with this.

WSCC requested additional information regarding visibility and improvements to the pavement. This has been sent to the LHA and their response will be reported to Committee.

The proposal complies with TSP1 of the Arun Local Plan and GA4 of the B&ENP.

DRAINAGE

The site falls in Flood Zone 1 and is at low risk of flooding although it does fall in the Lidsey Wastewater Treatment Works Catchment Area.

Policy W DM1 (ALP) states: "Although minor developments are unlikely to raise significant flood risk due to the cumulative impact all development within this area must also be accompanied by a Drainage Impact Assessment

ALP policy W DM3 states all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS) as appropriate to the size of development.

The applicant submitted a drainage report which suggests surface water will be drained via permeable paving. Engineers have been consulted and stated this approach would be acceptable but requires site investigation and detailed design before determining if it is viable.

Subject to conditions, the development would be adequately drained from surface water and would not increase flood risk elsewhere, in accordance with relevant policies of the Arun Local Plan.

AREA OF CHARACTER

The site is located in an Area of Character.

The description states the area consists of a variety of substantial buildings of various styles, predominantly two storeys which are set back from the road within large individual plots. Trees and hedges are important in the street scene.

Due to the location of the development to the back of the site, the properties are well screened by Clare Court so the development will not be a dominant feature in the street scene, with only 1 of the dwellings partially visible from the roadside.

The design of the dwellings are sympathetic to the local area and appropriate to the setting incorporating features such as arched courses over the doors, detailing to porches and the inclusion of chimneys reflecting detailing found in the vicinity.

A 70m hedge is proposed along the site's western and northern boundaries. This supports biodiversity but assists with making positive contribution to the AOC which notes hedges are important for creating semi rural character to the area.

As a result of the siting and design, the proposal would not result in significant harm upon the Area of Character in accordance with HER DM4 and ES7 of the NP.

DARK SKIES

Policy ES16 of the NP states 'Development proposals which detract from the unlit environments of the Parish will not be supported'. The properties will introduce additional light to an area that is unlit. The site is to the rear of a semi rural residential street where light is present and its impact would not be significant upon the dark sky. It will be conditioned for details of external lighting to be submitted so that the levels of illumination, height and position can be assessed. With details of lighting to be controlled, this will ensure compliance with ES16 of the NP.

TREES

ALP policy ENV DM4 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:

The tree officer has been consulted although no response was received.

Some trees were removed prior to the application. These trees were not protected and did not fall within a Conservation Area and their removal did not require permission. Following notification of this, a TPO was made to protect 2 Oaks to the southern rear corner of the site.

An Arboricultural Report has been submitted and states 'The proposed dwellings, the associated infrastructure and hard surfacing will not encroach within the root protection areas of any of the retained trees however the proposed cycle stores/sheds for units 2, 3 and 4 will sit partially or entirely within the root protection areas of T1 to T4 inclusive. Additionally, the activity required to construct the proposed development (vehicular movement, storage of materials, soft landscaping etc.) may encroach within the root protection area of T1 to T4 inclusive if they not properly safeguarded during the construction activity.

It will be necessary, prior to the commencement of any construction activity, to provide an Arboricultural Method Statement which details the measures that will be undertaken to protect the trees and a Tree Protection Plan in order to safeguard the retained trees.

Subject to conditions, the proposal accords with ENV DM4 of the Plan and ES10 of the NP.

BIODIVERSITY

Arun Local Plan policy ENV DM5 states: "Development schemes shall, in the first instance, seek to achieve a net gain in biodiversity and protect existing habitats on site. They shall also however incorporate elements of biodiversity including green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitats (whether designated or not)."

Section E.03 of the ADC Design SPD seeks to protect and enhance biodiversity in the development site and the wider area.

A preliminary ecological appraisal (PEA) was submitted which noted there is potential for reptiles to be onsite. It was noted that 'All ecological features within the application were considered of site value only, although a small slow-worm population maybe present'. As a result a reptile activity survey was requested.

This has not been formally submitted however following two visits a small breeding population of slow worms were found on site within a 500m² area. The site is too small to accommodate slow worms prior to site clearance and the slow worms need to be moved to a receptor site. Discussions have been taking place between the applicant and another department of Arun regarding four possible sites for relocation.

Measures have been included which contribute to biodiversity net gain on site. This includes the addition of 6 bat boxes in total on site being located to the western elevation of each house. House sparrow, swift and tit/wren boxes will also be installed on the southern and eastern elevations of the properties. Approximately 70m of native hedge planting is proposed along western and northern boundaries. This will connect with an existing hedgerow to the west which in links to the railway verge, adding to this green network for bats, birds and invertebrates.

A condition will be ensure implementation of the biodiversity measures in order to comply with ENVDM5 and ES16 of the NP.

CLIMATE CHANGE

ALP policy ECC SP2 requires new residential and commercial development be energy efficient and

incorporate decentralised, renewable and low carbon energy supply systems. ECC SP1 requires new development be designed to adapt to impacts arising from climate change. The Design and Access Statement includes details of energy efficiency measures that will be included such as solar gains controlled through Low E glazing, 100% low energy/LED lighting, solar panels on west facing roof slopes to supply a renewable energy source to each dwelling.

It is necessary to impose a condition to secure the precise details of these. This will ensure compliance with the policies.

SUMMARY

The application has been assessed having regard to the tilted balance under paragraph 11(d) of the NPPF owing to the Council's current 5 year Housing Land Supply.

The above assessment has given regard to the principle of development, design and visual amenity, internal space standards, highways, transport and parking, neighbouring amenity, biodiversity and ecology. This proposal represents an appropriate redevelopment of land and does so without compromising the visual amenity of the area or the amenities of existing neighbouring residential occupiers.

There are no adverse impacts associated with the development that would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF, taken as a whole. Planning permission is recommended subject to the following conditions.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

CIL DETAILS

This application is CIL Liable therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply)

| |
|-----------------------|
| RECOMMENDATION |
|-----------------------|

APPROVE CONDITIONALLY

1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

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

- Location Plan - 1474 01
- Proposed Site Plan - 1474 05g
- Proposed Block Plan - 1474 03c
- Street Scene Plan - 1474 14
- Proposed Front Elevation - 1474 09
- Proposed Rear Elevation - 1474 10
- Proposed Side Elevations - 1474 11
- Proposed Side Elevations - 1474 12
- Proposed Ground Floor Plan - 1474 06a
- Proposed First Floor Plan - 1474 07a
- Proposed Roof Plan -1474 08

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

3 Prior to commencement of any construction activity on site, an Arboricultural Method Statement (AMS) and a Tree Protection Plan - to both describe and illustrate the mitigation measures which are to be employed on site shall be submitted and approved by the Local Planning Authority. Construction shall be in accordance with the plan.

Reasons: To ensure that the trees survive without detriment to their vigour and vitality and are given adequate protection both above and below ground in accordance with ENV DM4 of the Arun Local Plan.

4 No development shall commence until an acoustic assessment has been undertaken to determine the impact of noise from St. Philip Howard Catholic School related noise sources on the dwellings. The results of the assessment and details of a scheme of mitigation measures necessary to ensure an appropriate level of aural amenity within habitable rooms shall be submitted and approved in writing by the Local Planning Authority. All works, which form part of the approved scheme, shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Arun Local Plan. This needs to be pre commencement to ensure the building will not be adversely affected by external noise levels.

5 Prior to the commencement of the development hereby approved, a scheme to demonstrate that the internal noise levels within the residential units will conform to the 'Indoor ambient

noise levels for dwellings' guideline values specified within Table 4 under section 7.7.2 of BS 8233:2014 and shall be complied by a competent acoustician on sound insulation and noise reduction for buildings and shall be submitted to and approved in writing by the Local Planning Authority. The scheme should take into account the correct number of air changes required for noise affected rooms. The works specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Arun Local Plan. This needs to be pre commencement to ensure the noise levels within the dwellings will be conform with guidelines prior to it use.

- 6 Prior to the commencement of the development hereby approved, a scheme to demonstrate that the external noise levels within the curtilage of residential units will conform to the 'Design criteria for external noise' upper guideline value of 55 dB LAeq,T as specified within section 7.7.3.2 of BS 8233:2014. Guidance on sound insulation and noise reduction for proposed developments shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Arun Local Plan. This needs to be pre commencement to ensure the noise levels surrounding the dwellings will be conform with guidelines prior to it use.

- 7 Prior to the commencement of the development details showing the location of one(1) fire hydrant or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service. These approvals shall not be unreasonably withheld or delayed. The details so approved shall be installed prior to first occupation of any of the dwellings and retained in perpetuity.

Reasons: In the interests of amenity and in accordance with policy INF SP1 and TSP1 of the Arun Local Plan and in accordance with The Fire & Rescue Service Act 2004. This is required to be a pre-commencement condition because it is necessary for the equipment to be available prior to commencing of building works.

- 8 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 9 No development above damp proof course (DPC) level shall take place unless and until a

schedule of materials and finishes to be used for external walls and roofs of the proposed buildings have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the buildings.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity, heritage and local character in accordance with policies D DM1, HER DM2 and HER DM4 of the Arun Local Plan.

- 10 No part of the development shall be first occupied until covered and secure cycle parking spaces for the individual houses have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with Local Plan policies T SP1 & T DM1 and the National Planning Policy Framework.

- 11 Prior to the first occupation of any dwelling forming part of the proposed development that they will at their own expense install the fire hydrant (or in a phased programme if a large development) in the approved location to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner / occupier if the installation is retained as a private network.

Reason: In the interests of amenity and in accordance with policy INF SP1 and TSP1 of the Arun Local Plan and in accordance with The Fire & Rescue Service Act 2004.

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

Reason: New petrol and diesel cars/vans will not be sold beyond 2030, to mitigate against any potential adverse impact of the development on local air quality and to provide sustainable travel options in accordance with policies T SP1, T DM1 & QE DM3 (c) of the Arun Local Plan, the Arun District Council Electric Vehicle Infrastructure Study (November 2017) and the National Planning Policy Framework (NPPF).

- 13 Prior to occupation, the biodiversity enhancements recommended within the PEA (Jan 2022) shown on Figure 2 should be implemented in their entirety. The details approved shall be retained in perpetuity/as mentioned in the report. This includes
- Native hedge planting to the rear boundary 30m in length
 - Installation of bird boxes (x6): house sparrow, swift and tit box bird bricks beneath the eaves and on trees.
 - Installation 6 bat boxes to the western elevation.
 - Stag-beetle pyramid (x3): in wayleave between properties
 - Native hedge planting: hazel and willow hedge to side of the plot (~40m) .

Reasons: To enhance the environment for local wildlife and result in net biodiversity gain, in accordance with the relevant legislation and policy ENV DM5 of the Arun Local Plan.

- 14 No development above damp-proof course (DPC) level shall take place until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that the

development will incorporate decentralised, renewable and low carbon energy supply systems. The approved scheme shall thereafter be implemented prior to occupation of the dwellings and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

Reason: In order to secure a reduction in the use of energy at the site in accordance with national planning policy and policy ECC SP2 of the Arun Local Plan.

- 15 No vegetation and building clearance shall be undertaken within the nesting bird season (March to September inclusive).

Should vegetation and building clearance be required within these times then any vegetation and/or buildings to be removed or disturbed should be checked by a suitably qualified ecologist for nesting birds within 24 hours prior to works commencing.

Reason: To safeguard protected birds, species and habitats on site in accordance with Policies ENV SP1, ENV DM1, ENV DM3 and ENV DM5 of the Arun Local Plan.

- 16 Any brush, compost and/or debris piles on site could provide shelter areas and hibernation potential for hedgehogs. These piles must be removed outside of the hibernation period mid-October to mid-March inclusive. The piles must undergo soft demolition. A hedgehog nesting box should be installed within the site to provide future nesting areas for hedgehogs.

Reason: To safeguard species and habitats on site in accordance with Policies ENV SP1, ENV DM1, ENV DM3 and ENV DM5 of the Arun Local Plan.

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

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

- 18 No demolition/construction activities shall take place other than from 08:00 hours until 18:00 hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no noisy work on Sunday or Bank/Public Holidays.

In addition to these hours of working the Local Planning Authority may approve in writing a schedule of activities where it is necessary to conduct works outside the hours specified in this condition.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of the Arun Local Plan.

- 19 If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol / diesel / solvent odour, underground tanks or associated pipework) is found to be present at the site, no further development (unless otherwise expressly agreed in writing with the Local Planning Authority) shall be carried out until it has been fully investigated using suitably qualified independent consultant(s). The Local

Planning Authority must be informed

immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented.

If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority.

Reason: To protect the amenity of local residents in accordance with Policy QE DM4 of the Arun Local Plan.

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

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

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

- 22 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The infiltration tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method. All design storms must include a climate change allowance of 40% on stored volumes or rainfall intensity. Infiltration structures must cater for the critical 1 in 10 year storm event, (plus40%) between the invert of the entry pipe to the soakaway and the base of the structure. The design must also have provision to ensure there is capacity in the system to contain the critical 1 in 100 year storm event (plus 40%).

Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest groundwater table in support of the design. The applicant is advised to discuss the extend of ground water monitoring with the council's engineers.

Supplementary guidance notes regarding surface water drainage are located at <https://www.arun.gov.uk/drainage-planning-consultations> on Arun District Council's website. A surface water drainage checklist is available on Arun District Council's website, this should be submitted with a Discharge of Conditions Application.

- 23 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

BACKGROUND PAPERS

The documents relating to this application can be viewed on the Arun District Council website by going to <https://www.arun.gov.uk/weekly-lists> and entering the application reference or directly by clicking on this link.

BN/16/22/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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