

PLANNING APPLICATION REPORT

**REF NO:** BN/65/22/PL

**LOCATION:** Land at rear of Cedar End  
Eastergate Lane  
Eastergate  
PO20 3SJ

**PROPOSAL:** Sever land and erection of 1 No bungalow with new vehicular access (resubmission of BN/14/22/PL). This application is a Departure from the Development Plan and is in CIL Zone 3 and is CIL Liable as new dwelling.

<b>SITE AND SURROUNDINGS</b>
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<b>DESCRIPTION OF APPLICATION</b>	Planning permission is sought for the erection of a detached bungalow to the rear of Cedar End. The materials are brick work for walls and tiles for roofs. The site would be served via a proposed access point.
<b>SITE AREA</b>	300 square metres.
<b>RESIDENTIAL DEVELOPMENT DENSITY (NET)</b>	33 dwellings per hectare.
<b>TOPOGRAPHY</b>	Predominantly flat. Slightly sloping down from the west to the east.
<b>TREES</b>	Significant tree belts along western and northern boundaries of the site. No trees benefit from protection by way of an order.
<b>BOUNDARY TREATMENT</b>	The boundaries that run along the application site comprise a mixture of close board panel fencing, hedgerow, and tree planting.
<b>SITE CHARACTERISTICS</b>	Narrow landscaped rear garden of Cedar End with outbuildings. Cedar End is a detached bungalow with paved driveway. The property has brown brickwork, red tiled roof and white window frames.
<b>CHARACTER OF LOCALITY</b>	Rural location with a mix of commercial and residential properties on either side of Eastergate Lane. Eastergate Lane is a rural road and does not feature footpaths. Properties to the south of Eastergate Lane are more exposed than those to the north, owing to their two-storey form and lower lying boundary hedging. Properties to the north of Eastergate Lane are better screened owing to higher boundary hedging and their single storey chalet bungalow forms.
	To the north is a development of static caravans which are understood to be in holiday use. To the east is a plant nursery and to the west a new 4-bed detached dwelling on land Rear of Poachers, allowed on appeal (BN/46/20/PL).

<b>RELEVANT SITE HISTORY</b>
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BN/14/22/PL	1 No. 5 bed detached bungalow with new vehicular access. This application is within CIL Zone 3 and is CIL liable as new dwelling. This application is a Departure from the Development Plan.	Withdrawn 25-03-22
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The above application was withdrawn due to the request of CDC Environmental Officer to provide further bat emergence surveys to determine if bats are roosting onsite prior to determination. This survey needed to be undertaken by a suitably qualified ecologist during the active breeding period (May - September) and submitted for their approval with the planning application.

<b>REPRESENTATIONS</b>
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Barnham and Eastergate Parish Council: Objection.

- It is outside of the Barnham and Eastergate built-up area boundary.
- It is against the following neighbourhood policies: ES1b, ES10, ES7, ES16 and ES17.
- There is a concern about the access and egress to the site.
- The Parish Council would not like to see further trees removed and feel it is critical all trees are protected in this area.

3 letters of objection received:

- The landowner removed all trees before applying allowing spring storms to substantially blow down the eastern boundary fence.
- Request a condition to ensure that before any building works commence, the eastern boundary fencing is restored.
- The documentation submitted is incomplete and misleading not including any measure.
- Site plan does not show the existing accesses to from Bennetts/Dundarg directly opposite the proposed access.
- It is difficult to see how splay requirements could be met without removal of a large part of hedge bordering the road and possibly Easterly neighbours' vegetation/fencing as well.
- There are strong reservations over the access; the driveway conflicts with the RPA of the shared western boundary.
- Should make a determination based on information received by the closing date. Refuse the application or approve with conditions.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Comments noted. The issues are discussed in the conclusions.

<b>CONSULTATIONS</b>
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**CONSULTATION RESPONSES RECEIVED:**

WEST SUSSEX FIRE and RESCUE SERVICE (WSFRS): No objection. The plan showing the location of an additional fire hydrant satisfies requirements. Providing the property is fully sprinklered and a fire appliance can gain access to within 90m of the property it will be acceptable.

**DRAINAGE ENGINEERS:** The application is in the Lidsey Treatment Catchment therefore, surface water drainage design should be carefully considered. Infiltration must be fully investigated. The site is in a groundwater protection zone and the EA will need to be consulted on any proposals to infiltrate surface water to ground. Existing and proposed trees (root protection zones) must not conflict with suds features/pipework.

**PORTSMOUTH WATER:** The site is in the Source Protection Zone 1c (SPZ1c) for the local Public Water Supply Source. SPZ1c relates to subsurface activity only, where the Chalk aquifer is confined and may be impacted by deep drilling activities. There is a potential risk associated with groundworks in this area. The confined aquifer is of high sensitivity and consequently all measures to prevent pollution during and post construction are required in order to safeguard the local public water supply. A Construction Environmental Management Plan (CEMP) is advised to ensure water resources are not put at risk from fugitive emissions during construction.

**WSCC, HIGHWAYS (LHA):** Does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore, is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

**TREE OFFICER:** Approval recommended, subject to conditions.

**ECOLOGY:** No objection subject to securing biodiversity mitigation and enhancement measures.

**GREEN SPACE:** No landscape objection subject to submission of landscape details to provide ornamental and native tree improvements and potential biodiversity gain and to confirm tree protection methods (in and beyond the site boundary) that may be affected by the development proposals.

**COMMENTS ON CONSULTATION RESPONSES:**

Comments noted.

**POLICY CONTEXT**

Designation applicable to site:

- Lidsey Treatment Catchment;
- The Source Protection Zone 1c for the local Public Water Supply Source;
- Outside of Built-Up Area Boundary;
- WSCC Sharp Sand and Gravel Consultation Area;
- Singleton & Cocking Tunnels Special Area of Conservation 12km Buffer;
- CIL Charging Zone 3;
- Current & Future Flood Zone 1.

**DEVELOPMENT PLAN POLICIES**

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

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation

ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HSP1	HSP1 Housing allocation the housing requirement
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development
WSP1	W SP1 Water
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

<a href="#">Barnham &amp; Eastergate Neighbourhood Plan 2019 POLICY ES10</a>	Trees and Hedgerows
Barnham & Eastergate Neighbourhood Plan 2019 POLICY ES15	Green Infrastructure and Ecosystem Services
Barnham & Eastergate Neighbourhood Plan 2019 POLICY ES16	Dark night skies
Barnham & Eastergate Neighbourhood Plan 2019 POLICY ES17	Singleton and Cocking Tunnels SAC
Barnham & Eastergate Neighbourhood Plan 2019 POLICY ES1b	Reducing Flood Risk
Barnham & Eastergate Neighbourhood Plan 2019 POLICY ES5	Quality of design
Barnham & Eastergate Neighbourhood Plan 2019 POLICY GA4	Parking and new development
Barnham & Eastergate Neighbourhood Plan 2019 POLICY H4	Integration of new housing into surroundings
Barnham & Eastergate Neighbourhood Plan 2019 POLICY H5	Outdoor space
Barnham & Eastergate Neighbourhood Plan 2019 POLICY H8	Settlement boundary

#### 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 2011 - 2031, 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.



Relevant policies in the Barnham and Eastergate Neighbourhood Development Plan 2019-2031 have been taken into account in the determination of this application.

#### **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 would conflict with relevant Development Plan policies in that the site is located in the countryside.

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 other material considerations to be weighed in the balance with the Development Plan and these are set out in the conclusions section.

#### **CONCLUSIONS**

**PRINCIPLE:**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states applications should be determined in accordance with the development plan unless material considerations indicate otherwise. For this application, the development plan comprises the Arun Local Plan 2011-2031 (ALP), the BENDP and the West Sussex Waste and Minerals Plans.

Paragraph 14 of the NPPF states in situations where the 'presumption in favour of sustainable development' applies to applications involving the provision of housing, then the adverse impact of allowing development that conflicts with the neighbourhood plan will not significantly and demonstrably outweigh the benefits if four specific criteria apply.

In January 2022, the Council published its Authority Monitoring Report (AMR) for 2020/21 and this shows that the Housing Land Supply (HLS) has decreased from 3.3 years to 2.42 years. Based on the current HLS, para 14 of the NPPF does not apply and the relevant plan policies have reduced weight.

The Arun Local Plan:

Policy C SP1 states residential development in the countryside outside the built-up area boundary (BUAB) will not be permitted unless it accords with policies in the Plan which refer to a specific use or type of development. None of these relate to the application proposal. In addition, policy SD SP2 states development should be focused in the BUAB. The proposal conflicts with ALP policies C SP1 and SD

SP2.

Barnham and Eastergate Neighbourhood Development Plan:

The BENDP 2 in policy H8 Settlement boundary stresses: 'Land outside of the settlement boundary is considered to be countryside and development will only be allowed if it is the subject of a specific policy in this neighbourhood plan or can demonstrate a need to be located in the countryside, as set out in national and local policies. Due to the lack of suitable sites inside the settlement boundary this Plan allocates land detached from the boundary but does not extend the current boundary.' The proposal would clearly conflict with policy HP8 of the BENDP 2.

The National Planning Policy Framework (NPPF):

The NPPF is an important material consideration in determining applications. As the Council cannot demonstrate a 5-year HLS, para 11(d) of the NPPF and the application of the 'presumption' for sustainable development would be triggered.

Part (i) does not apply to this determination as the site does not lie in a protected area. The part (ii) test will be applied at the end of this report.

Other Material Considerations

The Council's Action Plan (June 2019) made a series of recommendations to boost housing delivery. It recommended the Council consider inviting applications from landowners / developers on 'deliverable' Housing & Economic Land Availability Assessment (HELAA) sites to re-establish the 5-year housing land supply. This site has not been promoted through the HELAA.

In February 2021, Arun published an Interim Policy Statement for Housing Delivery. This is not policy but is meant as a guide for developers proposing development on sites outside the BUAB and to inform planning decisions. It is stated to only apply to sites adjacent to settlement boundaries and so would not apply to this site.

It is material that the appeal for 1 dwelling was allowed on land rear of Poachers. This application is immediately to the east of Poachers. The Inspector in his report (APP/C3810/W/20/3262770) stated Eastergate Lane and the land around it retains a generally rural character and appearance and the appeal proposal would introduce new residential development into a rural location whose character remains largely one of open grazing land or horticulture, however, the grazing land has been identified as a possible housing allocation in the emerging Barnham & Eastergate Neighbourhood Development Plan 2 (land north of Spode Cottage, Eastergate Lane) and if this grazing land were to be developed it would result in the appeal site being wholly surrounded by other forms of development.

Sustainability

The NPPF is an important material consideration in determining applications. As the Council cannot demonstrate a 5-year HLS, the 'presumption' for sustainable development is triggered.

In terms of accessibility, the Inspector at Poachers (APP/C3810/W/20/3262770) stated the appeal site was within walking/cycling distance of local services and facilities, which are available in nearby settlements, and there is a pavement and a bus service running along the A29 Fontwell Avenue to the west and was sustainable development.

Conclusion on Matters of Principle:

The principle of development conflicts with the ALP and the BENDP 2. However, due to the Councils HLS being below 5 years, the application would instead fall to be determined by the NPPF presumption in favour of sustainable development. This will be assessed at the end of this report.

## VISUAL IMPACTS

Policy D SP1 of the Arun Local Plan (ALP) states development should reflect the characteristics of the site and local area, including in respect of scale, character, materials, finish. ALP policy D DM1 looks at aspects of form and design quality, including character, appearance, landscaping and scale.

Policy ES5 Quality of Design of the BENDP requires new residential developments to be of high-quality design and will only be permitted where they conserve and enhance landscape character, integrate with the local landscape and built environment; contribute to and conserve the features which contribute to the distinctive character, pattern and evolution of the landscape. Development will not be permitted where it would reduce the biodiversity, landscape and amenity value and character of historic rural roads. Physical impacts on historic rural roads may include the removal of portions of hedgerows and banks for new access points, or the construction of new kerbs and signage.

Policy ES10 stresses that trees and hedgerows are a major feature of Eastergate and Barnham and contribute to the open and pleasant feel of the villages, the parks, play areas and residential properties. The hedgerows are home to a wide range of species and contribute to the Green Corridors throughout the villages.

Part 4 of the B&E Design Guide (2020) refers to the size of a proposed development, whether of new properties or extensions to existing properties, should be appropriate to the size of the plot and the extent to which the development will 'urbanise' the street scene. Sufficient distances between properties must be maintained. The density and character of each part of the parish should be respected.

The Arun Design SPD (adopted 2021) Section Q.01 (Rural Development) states "Development within rural areas in particular must be sensitively and appropriately integrated into its landscape setting, which forms the dominant feature. This can be achieved through simple, unobtrusive design working with the topography of the site: ensuring that development is kept away from exposed locations or ridge lines to remain a subordinate feature and building along the contours of the landscape and using sufficient spacing to avoid merging development together."

Access to the site would be from Eastergate Lane. The scattered development along Eastergate Lane is separated from the defined settlements of Barnham/Westergate/ Eastergate to the south and Fontwell to the north by open farmland and horticultural cultivation under glasshouses. The frontage of the site consists of a dense hedge row screen that obscures the site from the public domain and the proposed access driveway would require pruning and removal of a portion of existing hedging, contrary to paragraphs 5.10 and 5.11 of policy ES5 of the BENDP.

A well-set back bungalow style detached dwelling in the former rear garden of Cedar End accessed from Eastergate Lane via 71m long and 3m wide driveway along the shared western boundary is proposed. The dwelling would be within a separation distance of 3 - 3.4m from the western boundary, 3 - 3.5m from the eastern boundary and set back from southern boundary by 13 m and would be characterised by gable roof above a U-shaped building with front and rear projection. The ridge of the main roof would be 6m high, roof above the small side additions to the rear would be lowered by approximately 1.5m and above part of front 'wing' by 0.7m. The structure would be 30.8m deep and up to 13.7m wide, would not be visible from the Lane due to its position behind Cedar End of a similar appearance and a dense hedgerow screen that obscures the views.

The dwelling would be of an appropriate design and would have an acceptable impact in this countryside location. The street scene would be largely unaffected by the development with the exception of the access provision and required visibility splays required to facilitate access into the site.

The development would respect the countryside character of its location and would comply with policies D SP1 and D DM1 of the Arun Local Plan and broadly with policies ES5, and H4 of the Barnham and Eastergate Neighbourhood Development Plan and relevant paragraphs of the NPPF.

## RESIDENTIAL AMENITY

Policy QE SP1 (ALP) requires development to ensure it does not have a significantly negative impact upon residential amenity. Policy D DM1 (ALP) requires development to have a minimal impact to users and occupiers of nearby property and land.

The dwelling would be single storey within a reasonable distance of 12.5m from the nearest residential property to the west. This would be assisted by existing vegetation along the western boundary of this property. Cedar End would be within a separation distance of 43m and Swallowfield to the south-east 48m. To the east of the bungalow there are polytunnels of Grinstead Nursery. Given the design, position and height of the proposed dwelling there would be no harm in this respect.

The development would not have an unacceptable adverse impact to users and occupiers of nearby properties resulting in terms of harm upon the neighbouring amenity by way of overshadowing, overbearing and by limiting their outlook. Therefore, it would accord with policies D DM1 and QE SP1 of the Arun Local Plan, Arun Design Guide and para 130 of the NPPF.

## QUALITY OF ACCOMMODATION

Policy D DM2 of the Arun Local Plan requires internal spaces to be an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards provide the current guidance.

Proposed spaces would substantially exceed the minimum thresholds proposing 235 sqm for a 4 bed 1 storey dwelling whilst 117 sqm is required. The development accords with policy D DM2 of the Arun Local Plan.

Policy H5 of the BENDP stresses that proposals for new housing development should include good quality outdoor amenity space - either private gardens or a shared amenity area.

Arun Design Guide Part H.04 advises on Residential Outdoor Amenity & External Space Standard and requires rear gardens with a minimum depth of 10.5m.

The size of the plot is large enough to allow a sufficient Residential Outdoor Amenity which would satisfy the requirement of Arun Design Guide and complies with policies D DM1 and D DM2 of the Arun Local Plan and with the guidance in the NPPF (para. 130).

## ACCESS & PARKING:

ALP policy T SP1 seeks to ensure development provides safe access on to the highway network; contributes to highway improvements (where appropriate) and promotes sustainable transport. Schemes should accommodate the efficient delivery of goods and supplies; give priority to pedestrian and cycle movements, be accessed by high quality public transport facilities, create safe and secure layouts for

traffic, cyclists and pedestrians and provide appropriate levels of parking. ALP policy T DM1 requires new development be located in easy access of established non-car transport modes/routes.

Paragraph 110 (NPPF) states it should be ensured safe and suitable access to the site can be achieved for all users. Paragraph 111 (NPPF) states development should only be 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.

The applicant proposes to implement a new 9m (Kerbside) vehicle cross-over access (VCO). WSCC Highways raised concern due to width of the VCO reminding the applicant that VCO's under 4.5m or over 6.4m are generally not accepted at the licensing stage. In this instance, as the Highways pointed out in their comments, such a provision is not considered a highway safety concern. The applicant should be mindful that this may result in a planning permission that cannot be implemented. Provided visibility splays of 2.4 x 205 m (Eastbound) and 2.4 x 260 m (Westbound) are appropriate for road speeds up to 60 mph. There is no concern with regards to highway safety or 'severe' cumulative impacts of proposal on the operation of the highway network.

The Council's Parking Standards SPD sets a need for 3 parking spaces and visitor parking at a ratio of 20% of the total number of residential units will be required. The plan indicates 2 parking spaces within a double garage and 3 allocated on the site with provision for electrical charging of vehicles which would satisfy the requirement of ADC Parking Standards.

The Arun SPD requires cycle storage to cater for 2 cycles per dwelling. The application proposes to supply NIL cycle parking provision. A condition will be imposed.

Taking into account the above, the development provides for the transport demands created in accordance with paragraphs 110 and 111 of the NPPF, Policy T SP1 of the Arun Local Plan, Policy GA4 of the BENDP and Arun District Council Parking Standards subject to suggested conditions.

#### **WATER, FLOODING & SURFACE WATER DRAINAGE:**

The site is currently not affected by flooding from rivers/sea and is in Flood Zone 1. The Council's climate change mapping shows it would not be affected by 2111. It is not necessary to require a sequential site assessment in this instance.

Portsmouth Water pointed out that SPZ1c relates to subsurface activity only, where the Chalk aquifer is confined and may be impacted by deep drilling activities which may pose a risk to groundwater quality at the local public water supply source. Further information was requested on surface water drainage including a pollution mitigation, management and maintenance plan.

They would have no objection to piling if the piles terminate within the Clay cover, if the piles penetrate the full depth of the Clay cover, a piling risk assessment and method statement would be expected to be approved in writing in consultation with Portsmouth Water. Conditions will be imposed to safeguard the public water supply.

The site is 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.

Policy ES1b of the BENDP highlights that planning permission will only be supported for new development subject to a drainage condition(s) in accordance with ADC standard conditions.

Arun District Council's Drainage Engineers have not objected subject to pre-commencement condition and informatives which are imposed.

The development would comply with those aspects of policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan and policy ES1 of the B&ENP and paragraph 167 of the NPPF.

## PROTECTION OF TREES

Policy ENV DM3 of the Local Plan (section 17.3.1) underlines the importance of trees as producers of oxygen and in urban settings groups of trees can contribute significantly to the successful integration of new dwellings into the landscape. The retention of mature trees can contribute to amenity and more attractive developments as well as retaining important wildlife habitats and should be considered at the design stage of all developments.

The BENDP policy ES10 points out at proposals which significantly affect sites with existing trees or hedgerows. They 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.

There is a significant quantity of off-site/3rd party trees which overlap the development and all along the west boundary. Trees of low quality are to be removed to facilitate development. This is reasonable and of itself would not incur undue detriment to the visual amenity of surrounding area.

The Tree Officer is of the opinion that the principle of development is achievable without undue detriment to retained on and off-site trees. Arboricultural information submitted meets the requirements of BS5837:2012 and provides a suite of tree protection measures sufficient to ensure retained trees can survive during and flourish post-development.

Approval is recommended, subject to conditions addressing the above and, on that basis, the development would comply with policies ENV DM3 and ENV DM4 of the Arun Local Plan, policy ES10 of the Barnham and Eastergate Neighbourhood Plan and NPPF's paragraph 131.

## NATURAL ENVIRONMENT

Arun Local Plan policy ENV SP1 encourages and promotes the preservation, restoration and enhancement of biodiversity and the natural environment through the development process and particularly through policies for the protection of both designated and non-designated sites. The Council will ensure through policy ENV DM1, that the intrinsic features of particular interest are safeguard or enhanced.

Policy ES17 of the Barnham and Eastergate Neighbourhood Development Plan states proposals for the development of sites which in 12km of Singleton and Cocking Tunnels SAC must evaluate whether there is potential for an adverse effect to arise to qualifying species associated with the SAC due to loss of suitable foraging habitat and/or the severance of commuting flight lines, such as in the form of mature tree lines, hedgerows, and watercourses.

The site is approximately 11km from the Singleton and Cocking Tunnels Special Area of Conservation (SAC) which is inside the 12km buffer zone as shown in the Sussex Bat SAC Planning and Landscape scale Enhancement Protocol. The Preliminary Ecological Appraisal (Greenspace Ecological Solutions, May 2022) has not acknowledged that the site is within the wider area of this SAC. However, the report has conducted further bat surveys of the site and provided the results, which indicated low levels of activity, with no Barbastelle Bats recorded. The submission has been recommended for approval by Ecological Consultant subject to conditions.

The development complies with requirements of ALP policies ENV SP1 and ENV DM1 and paragraph 174 of the NPPF.

## **BIODIVERSITY**

Policy ENV DM5 of the Local Plan requires development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. They shall 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).

Policy ES10 of the Barnham and Eastergate Neighbourhood Plan requires development proposals to be designed to incorporate biodiversity in and around developments and protect and enhance ecological networks, seeking to retain wherever possible ancient trees, trees of good arboricultural and amenity value and hedgerows to contribute to the Government's target to halt the decline in biodiversity by aiming for a net gain for nature.

The proposal is for a new building on garden land. An Ecological Assessment has been included and Ecology Consultant did not object subject to securing biodiversity mitigation and enhancement measures. ADC's Greenspace Officer did not have a landscape objection subject to submission of landscape details. The impact of the proposal could be blended into the environment; landscape provision to the dwelling and improvement with native species infill plus further boundary screening is required and information on Biodiversity Net Gain will need to be provided.

A condition will be imposed to ensure this takes place. The proposal complies with policy ENV DM5 of the Arun Local Plan and relevant paragraphs of the NPPF.

## **CLIMATE CHANGE:**

ALP policy ECC SP2 requires residential development be energy efficient and incorporates decentralised, renewable and low carbon energy supply systems.

The applicant in their Planning Policy Statement states the proposed development will incorporate renewable and low carbon energy supply systems, designed to adapt to impacts arising from climate change. Such measures include solar panels, greywater recovery etc. The final specification is yet to be agreed.

As there are no details of the technologies or precise materials, a condition would be necessary to secure compliance with the policy. A condition is proposed to ensure an electric car charge point is provided.

## **SUMMARY & TILTED BALANCE:**

The principle of development on this site conflicts with the ALP and the BENDP. Given that the HLS is below 5 years (2.42), the application would fall to be determined by the NPPF presumption in favour of sustainable development.

The proposal represents sustainable development and the only unresolved policy conflicts are those relating to development in the countryside. It is material that the appeal for dwelling on land rear of Poachers was allowed and that the HLS has fallen further since that decision. The proposal will make a small contribution to the HLS shortfall and secure other social, environmental, and economic benefits. The adverse impacts identified do not significantly and demonstrably outweigh the benefits and there is



no conflict with other policies within the NPPF. Therefore, applying paragraph 11(d) of the 2021 Framework, planning permission should be granted in accordance with 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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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:

Dwg No 1671-SYM-00-ZZ-DR-A-0200 P01, Location Plan;  
Dwg No 1671-SYM-00-ZZ-DR-A-0201 P01, Block Plan;  
Dwg No 1671-SYM-00-ZZ-DR-A-0204 P03, Proposed Floor Plan;  
Dwg No 1671-SYM-00-ZZ-DR-A-0205 P01, Proposed South and East Elevations;  
Dwg No 1671-SYM-00-ZZ-DR-A-0206 P01, Proposed North and West Elevations;  
Dwg No 1671-SYM-00-ZZ-DR-A-0207 P03, Proposed Site Plan;  
Dwg No 1671-SYM-00-ZZ-DR-A-0208 P01, Site Section.

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 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 building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity/and character and appearance of the area by endeavouring to achieve a building of visual quality in accordance with policy D DM1 of the Arun Local Plan.

- 4 No development above damp-proof course (DPC) level shall take place until details of screen walls and/or fences have been submitted to and approved by the Local Planning Authority and the dwelling shall not be occupied until such screen walls and/or fences associated with them have been erected.

Reason: In the interests of amenity in accordance with policy D DM1 of the Arun Local Plan.

- 5 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. Design considerations must take full account of the 'Supplementary Requirements for Surface Water Drainage Proposals' produced by Arun District Council, and are an overriding factor in terms of requirements. 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.

- 6 No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the submitted plans.

Reason: In the interests of road safety and in accordance with policy T SP1 of the Arun Local Plan.

- 7 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided. The facilities shall thereafter be retained in perpetuity.

Reason: To provide alternative travel options to the use of the car in accordance with policies T SP1 of the Arun Local Plan.

- 8 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use and in accordance with policy T DM1 of the

Arun Local Plan.

- 9 The use of the access shall not commence until visibility splays of 2.4 x 205 m (Eastbound) and 2.4 x 260 m (Westbound) have been provided at the site vehicular access onto Eastergate Lane in accordance with plans and details submitted to the Local Planning Authority. The splays shall be maintained and kept free of all obstructions over a height of 0.6 m above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety and in accordance with policy T SP1 of the Arun Local Plan.

- 10 Prior to the occupation of the dwelling, 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 points shall thereafter be permanently retained and maintained in good working condition.

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

- 11 The dwelling shall not be occupied unless and until a scheme has been submitted for approval by the Local Planning Authority to demonstrate that the development will incorporate energy efficiency measures that reflect standards at the time of submission, together with decentralised, renewable and low carbon energy supply systems. The approved scheme shall thereafter be implemented prior to occupation and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

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

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

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

- 13 No development shall be commenced until a Construction Environmental Management Plan (CEMP) have been submitted to and approved in writing by the Local Planning Authority. The plan should detail all pollution mitigation measures to be adopted during the construction phase. This should include management of overland runoff, storage of hazardous materials, chemical and hydrocarbons on site and temporary drainage infrastructure. Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: To ensure that water resources are not put at risk from leaks or spillages in accordance with policy W SP1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure water resources are not put at risk from fugitive emissions during construction.

- 14 Before the site is occupied or any machinery is introduced to the site or demolition work or construction work or alterations to existing ground levels takes place, written confirmation is required from the Arboricultural Expert representing the site owner(s), confirming the following:  
I) Tree protective fencing has been inspected and found to be 'Fit for Purpose' as required under British Standard 5837:2012 and been erected and positioned exactly as shown on the

Tree Protection Plan, dwg no. TPP.CE.0767.V1, 28/07/2022.

II) Installation of 'No-dig' construction for driveway across RPAs has been completed under arboricultural supervision, utilising a cellular confinement system and finished with a temporary hard-wearing course - all as described in the approved AMS and to act as ground protection throughout the construction phase of development.

Reasons: To comply with BS5837:2012 and ensure the retention and maintenance of trees and vegetation which are an important feature of the area, in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition as the protection and retention of trees goes to the heart of the planning permission.

- 15 All activity at the site is to be carried out in strict accordance with: - Arboricultural Method Statement, ref. AMS.CE.0767.V1, 29 July 2022.

Reasons: To comply with BS5837:2012 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area in accordance with policy ENV DM4 of the Arun Local Plan.

- 16 Prior to the occupation of the dwelling a Wildlife Sensitive Lighting Design Scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. The use of timed black out blinds and/or low transmission glazing is required for all roof lights.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), in accordance with the ALP policy ENV DM1 and relevant paragraph of the NPPF.

- 17 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Greenspace Ecological Solutions, May 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), in accordance with the ALP policy ENV DM1 and relevant paragraph of the NPPF.

- 18 No development shall be commenced until a construction environmental management plan (Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Containment, control and removal of any Invasive non-native species present on site.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species), in accordance with policy ENV DM1 of the Arun Local Plan and relevant paragraph of the NPPF. It is considered necessary for this to be a pre-commencement condition as the biodiversity goes to the heart of the planning permission.

- 19 No development above damp-proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy D DM1 of the Arun Local Plan.

- 20 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

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

- 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, as per <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>, 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. All surface water drainage designs must also have provision to ensure there is capacity in the system to contain the critical 1 in 100 year storm event (plus 45%).

Freeboard is to be provided between the base of the infiltration structure and the highest recorded groundwater level identified in that location. Ideally this should be 1 metre where possible, as stated in the CIRIA Suds Manual guidance. However, on the coastal plain in particular, where geology dictates and where shallow perched/tidally influenced water tables are often present, this is unlikely to be achievable irrespective of this, infiltration must still be fully considered. Therefore, to maximise this potential and avoid utilising other less favourable methods of surface water disposal, the bases of infiltration structures are permitted to be immediately above the peak recorded groundwater levels where it is deemed necessary.

In areas where an aquifer is to be protected (subject to guidance from the Environment Agency) then a minimum 1 metre freeboard must be provided.

Suitable water treatment is required upstream to the point of discharge in all circumstances to minimise any groundwater pollution risk or detriment to the drainage network.

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. Reference should also be made to the 'West Sussex LLFA Policy for the Management of Surface Water'.

- 23 INFORMATIVE: Vehicle Crossover License - WSCC Local Area Office. The Local Highways Authority (LHA) advises the applicant that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee the permission of a Vehicle Crossover (VCO) licence. Please see the following link on details pertaining to the licence application process:

<https://www.westsussex.gov.uk/carriageways-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/>

Online applications can be made at the link below, alternatively please call 01243642105.

<https://www.westsussex.gov.uk/carriageways-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-application-form/>

- 24 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of

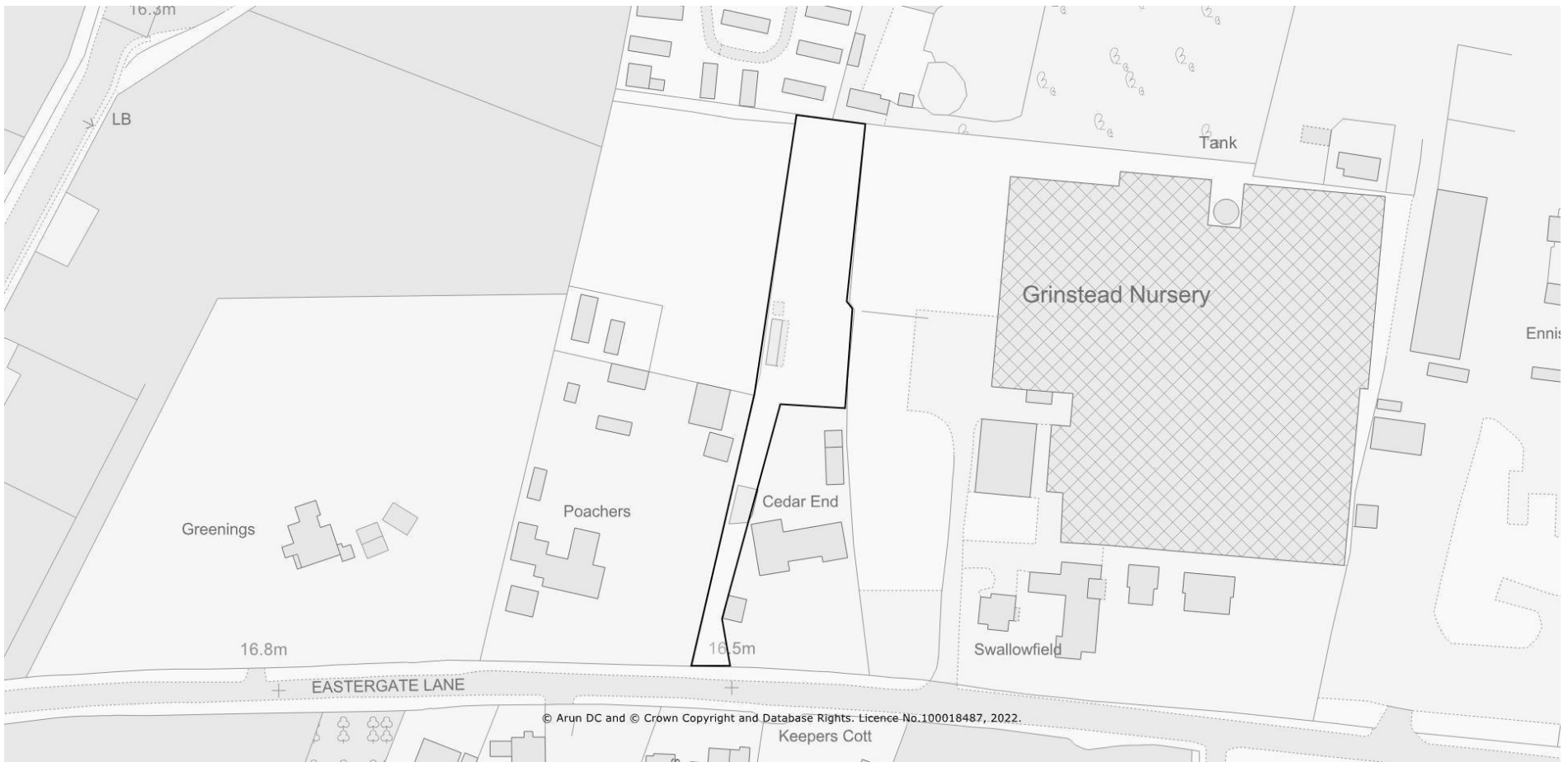
concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

<b>BACKGROUND PAPERS</b>
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[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.](https://www.arun.gov.uk/weekly-lists)



**BN/65/22/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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