

PLANNING APPLICATION REPORT

REF NO: BN/17/21/PL

LOCATION: The Cottage
Highground Lane
Barnham
PO22 0BT

PROPOSAL: 1 No. new dwelling. This application is a Departure from the Development Plan & is in CIL Zone 3 & is CIL Liable as new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The dwelling is a two storey, 3 bed detached property with a dual pitched gable roof with coloured render walls, plain clay tile roof, dark grey UPVC window and door frames, a porous tarmac driveway, timber fencing and brick walls. The dwelling would be in the grounds of the existing residential curtilage of The Cottage, off Highground Lane. A front drive and garage are proposed for car parking, bin storage is shown in the front driveway, and a lawned area with trees and area for wild flowers and grasses is to the front/north of the dwelling.
SITE AREA	0.05 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	20 dph.
TOPOGRAPHY	Predominantly flat.
TREES	Established trees and hedges both on and off-site.
BOUNDARY TREATMENT	Brick walls and timber fencing.
SITE CHARACTERISTICS	Garden land, hardstanding driveway and detached garage in the residential curtilage of The Cottage.
CHARACTER OF LOCALITY	Semi-rural, cluster of dwellings on a private access road off Highground Lane, to the south of and about 800m from Barnham village centre.

RELEVANT SITE HISTORY

BN/139/20/PL	1 No dwelling. This application is a Departure from the Development Plan & is in CIL Zone 3 and is CIL Liable as new dwelling.	Withdrawn 13-01-21
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Site history noted.

REPRESENTATIONS

Barnham & Eastergate Parish Council - Objection. Over-development of site in rural location, visual detriment to area and nearby properties. Concerns about access and increased traffic.

No other representations received for this application.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted and issues addressed in Conclusions section of report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ENVIRONMENTAL HEALTH:

No objection in principle, but following matters must be considered: precautionary land contamination and asbestos removal conditions, control of construction hours and requirement for a Construction Management Plan. Recommend informative regarding statutory nuisance.

WSCC HIGHWAYS:

No objection. Do not consider the 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 NPPF (paragraph 109), and there are no transport grounds to resist the proposal. Recommend conditions to secure car/cycle and Electric Vehicle Charging provision.

ADC DRAINAGE:

Site is in the Lidsey Treatment Catchment Area and surface water drainage design should be carefully considered and infiltration must be fully investigated. Recommend condition and informative to secure details of surface water drainage scheme based on winter groundwater monitoring and infiltration testing to ensure the development would be adequately drained and not increase flood risk elsewhere.

SOUTHERN WATER:

Require a formal application to be made in order to connect to the public sewer system.

TREE OFFICER:

Objection due to lack of arboricultural information submitted with and insufficient information to ensure established trees will be protected from development. An Arboricultural Impact Assessment (AIA), to include full Tree Survey setting out a schedule of trees, root protection area schedule, and a Tree Constraints Plan, is required. In the event the RPA of any tree proposed for retention overlaps the development, then an Arboricultural Method Statement (AMS) and a Tree Protection Plan is required.

ECOLOGY OFFICER:

No objection subject to conditions to secure an external lighting scheme (to protect bats), installation of a bat box to the building, require hedgehog piles to be removed outside of hibernation period and undergo soft demolition, installation of a hedgehog nesting box, restricting works to trees/vegetation clearance to outside wild nesting bird season, bird box to be installed on building or tree on site.

WSCC FIRE & RESCUE SERVICES:

Recommend condition the need for 1 fire hydrant to be installed on site.

NETWORK RAIL:
No objection.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and addressed in Conclusions section of report.

POLICY CONTEXT

Designation applicable to site:
Outside Built-Up Area Boundary - Countryside
Lidsey Catchment Area
CIL Zone 3

DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCDM1	ECC DM1 Renewable Energy
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WDM1	WM DM1 Waste Management
WSP1	W SP1 Water
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment

Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES1	Applications for new development must meet the local drainage requirements
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES10	Trees and hedgerows
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES11	Energy efficiency of new development

Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES13	Renewable energy schemes
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES5	Quality of design
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES6	Contribution to local character
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES8	Buildings should be designed to reflect the three-dimensional qualities of traditional buildings
Barnham & Eastergate Neighbourhood Plan 2014 POLICY GA4	Parking and new development
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H4	Integration of new housing into surroundings
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H5	Outdoor space
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H6	Attention to detail

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, the South 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 policies contained within the Barnham & Eastergate Neighbourhood Plan (made 2014) and the Barnham & Eastergate Neighbourhood Plan Version 2 (at Reg 14 stage) are also relevant 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 fails to comply with relevant Development Plan policies in that it would constitute residential development outside the Built-Up Area Boundary in the designated Countryside, contrary to policies C SP1 of the Arun Local Plan and H8 of the Barnham & Eastergate Neighbourhood Plan 2.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations (the Council's current lack of a 5 year housing land supply) to be weighed in the balance with the Development Plan.

CONCLUSIONS

The main issues in the determination of this application are as follows:

- Acceptability in principle of residential development in the Countryside.
- Visual impacts of the proposal on the appearance and character of the area.
- Acceptability of the scheme in respect of residential amenity impacts, quality of proposed living accommodation, highways and parking, drainage, trees, and ecology.

PRINCIPLE:

The site lies outside the Built-Up Area Boundary and is defined as being in the Countryside. The proposal does not meet any of the exception tests set out in the Arun Local Plan (ALP) policy C SP1 to justify countryside development. According to policies in the Development Plan, the proposal for development in this location is unacceptable in principle, and would conflict with ALP policy C SP1 and Barnham & Eastergate Neighbourhood Plans (B&ENP) 2 policy H8. The principle of development in this location is not acceptable.

Despite conflict with these Development Plan policies there are material considerations, given the Council's lack of a 5 year housing land supply and application of the NPPF's 'presumption in favour of sustainable development', which warrant a determination being made not in accordance with the Development Plan. This is detailed further in the conclusions in the Summary section of the report.

Recent appeals decisions for single dwellings outside the BUAB at 32 Hill Lane, Barnham and Poachers, Eastergate need to be borne in mind when determining this application. The Inspectors conclusions on these appeals were;

- Given the domestic garden appearance of the appeal site, that the proposed dwelling would be located and viewed within the context of an existing cluster of buildings.
- The proposed development would be well screened by vegetation, that it would be well integrated visually and would not impede or harm open views of the countryside
- Given the Council's current lack of a 5 year housing land supply the NPPF's "presumption in favour of sustainable development" was triggered.
- Given the small scale and limited extent of the harm that would be caused by the proposal, cannot conclude that the adverse impacts of the development would significantly and demonstrably outweigh the benefits.

VISUAL AMENITY & DESIGN:

Policy D SP1 of the ALP states development should seek to make efficient use of land but reflect the characteristics of the site and local area. ALP policy D DM1 looks at aspects of form and design quality, including; character, attractiveness, residential amenity impact, adaptability, density, and scale. New buildings should be harmonious with their surroundings and successfully integrate with the surrounding environment. ALP policy LAN DM1 states that development should respect the particular characteristics and natural features of the relevant landscape character areas. Policy ES5 of the B&ENP requires that development should be designed to respond to the specific character of the site and local surroundings.

ES4 seeks to protect open views across the countryside and open spaces.

The Arun District Council Design SPD includes detailed guidance on Building Design (Section J) including form and character, scale and massing, building frontages and roofs, and includes guidance on Ensuring Quality (Section L) including materials, details and high quality development. This includes that new buildings should have a form and character that reflect their setting and reflect the scale of existing buildings in the area, the need to use attractive detailing and high quality materials and that traditional materials will be actively encouraged to reflect the local vernacular of the area, the utilisation of simple roof forms with one of the prevailing roof form in the district being double pitched gable ended, and that high quality design should be maintained throughout the process from planning to delivery. Section P.01 (Infill Development) states that "Infill development is more common within rural contexts, where the surrounding landscape setting must inform the location, character and boundary treatments of any proposed development.

The dwelling would be in the grounds of the residential curtilage of "The Cottage", where there is also an existing garage building and the application site is 'read' as part of the domestic garden. "The Cottage" is located in a small cluster of residential dwellings. The site is partially screened from views from the private access road off Highground Lane by brick boundary walls, timber fencing and vegetation. The plot has been increased in size, compared to withdrawn scheme BN/139/20/PL, and no longer appears as 'overdevelopment' or to have a cramped appearance. Taking into account the existing garage building on site, the proximity of surrounding development, boundary treatments partially enclosing and screening the site, and the size of the plot, it is concluded the new dwelling would not appear visually prominent and would integrate successfully with its surroundings. It would have limited visual impact on the appearance and character of the local area, and would not harm open views of the countryside nor the landscape character and rural quality of the area. This conclusion on visual impacts accords with recent appeal decisions on dwellings in the countryside at 32 Hill Lane, Barnham (W/20/4001228) and Poachers, Eastergate (W/20/3262770) as set out in the Principle section of the report.

The detached, two storey, footprint and form of the building and the plot size would reflect the general density, pattern, scale and form of development in the area.

The proposals would have an acceptable impact on the visual amenity and character of the area, landscape character and would not impede open views over countryside, and subject to a condition to secure high quality materials would be of an appropriate design and quality, in accordance with policies D SP1, D DM1 and LAN DM1 of the Arun Local Plan and policies ES5, ES6, ES8 and H4 of the B&ENP 1 & 2, the Parish Design Guide and the ADC Design SPD.

SUSTAINABLE CONSTRUCTION & CLIMATE CHANGE:

ALP policy ECC SP1 states "The Council will support development which is located and appropriately designed to adapt to impacts arising from climate change such as the increased probability of tidal and fluvial flooding; water stress; health impacts as a result of extreme temperatures and a decline in the quality of habitats and richness in biodiversity". ALP policy ECC SP2 sets out a number of sustainability measures to promote renewable energy and energy efficiency. Policies ES11 and ES13 of the B&ENP seek to promote renewable energy schemes and energy efficiency. Section K of the ADC Design SPD sets out the requirements for new development to consider energy and carbon reduction measures, water efficiency and re-use and the design of buildings to be adapted to climate change.

No information or plans have been submitted with regard the design of the building being adapted to climate change or proposed energy efficiency/renewable energy measures. A planning condition is recommended requiring the submission of details to secure energy efficiency and conservation, the use of renewable sources, and sustainable construction methods. This will ensure the development would be

sustainable and reduce climate change impacts, in accordance with policies ECC SP1 and ECC SP2 of the ALP, the ADC Design SPD and policies ES11 and ES13 of the B&ENP 1 & 2.

RESIDENTIAL AMENITY:

Policy D DM1 of the ALP states 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. QE SP1 states the Council requires development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity. Policies QE DM1, QE DM2, QE DM3 and QE DM4 relate to noise, light, air and land pollution and need for impacts from development to be controlled. Para 127 (f) of the NPPF states development should have a high standard of amenity for existing and future users.

The Arun District Council Design SPD includes detailed guidance on the protection of residential amenity, including setting out the required distances between properties to accord with the 45 and 25 degree tests for daylight, sunlight and overlooking (Section G.03), required separation distance between habitable rooms to ensure privacy (Section H.04), measures to maintain privacy (Section J.02) and minimisation of impacts of noise and overshadowing (Section J.06).

The dwelling would be two storey with a pitched roof sloping away from the boundary to the cottage directly to the south-east, 'Russett'. The elevation of this neighbouring property facing the application site consists of 1 kitchen window (habitable room, but not the sole window to that room) and 2 small bathroom windows (non-habitable rooms), and a rooflight at first floor level. The new dwelling would be set away from the garden boundary with 'Russett' by around 1.2m, set away from 'Russett' itself by approximately 6m and would have an eaves height of approximately 2.4m. Given its separation from "Russett", the eaves height and pitched roof form sloping away from the boundary, and taking account of what rooms the nearest neighbouring windows serve (i.e. non-primary or non-habitable room windows), it is concluded that the new dwelling would not result in significant or harmful overbearing or overshadowing and resultant loss of outlook or daylight to "Russett". The neighbouring property to the north, "The Cottage" is a bungalow and consists of 6 windows (serving living room, study and bedrooms) on the front/side elevations facing toward the application site at ground floor level and a rooflight at first floor. Given the separation distance (15m) of the new dwelling to "The Cottage", the new building would not have an overbearing or overshadowing impact on those occupants.

In terms of privacy the new dwelling would have 3 ground floor windows on the south east elevation facing toward the boundary with "Russett". Given their location at ground floor level, screened behind boundary fencing, it would not give rise to harmful overlooking toward the windows and garden of "Russett". The north-west elevation of the new dwelling has two windows, an entrance door and garage personnel door at ground floor level, and 3 rooflights at first floor level. Given the separation distance from the garden boundary and property at "The Cottage", and the height of the rooflights above 1.7m from finished floor level, these would not give rise to any material overlooking toward the garden or property of "The Cottage". The new dwelling would have a first floor level window facing south-west toward the garden of "Russett". As indicated on the plans this window would serve an 'attic store' rather than the first floor main bedroom and would be unlikely to result in significant overlooking toward the garden of "Russett".

Subject to EH conditions, the proposals would maintain the residential amenity of existing and future occupants, in accordance with NPPF para 127, Arun Local Plan policies D DM1, QE SP1, QE DM1, QE DM2, QE DM3 and QE DM4, and the ADC Design SPD.

QUALITY OF LIVING ACCOMMODATION:

Policy D DM2 of the Arun Local Plan states 'The planning authority will require internal spaces to be an appropriate size.... Nationally Described Space Standards will provide guidance'. The new dwelling would be two storey and have 3 bedrooms. The dwelling has a GIA of approximately 133sqm so exceeds national standards and provides good size accommodation for future occupants.

Policy H5 of the B&ENP 1 & 2 states 'Proposals for new housing development should include good quality outdoor amenity space' and 'The amount of land used for garden or amenity space should be commensurate with the size and type of dwelling and the character of the area, and should be of appropriate utility (for play and recreation) and quality'. The ADC Design SPD (H.04) sets out external space standards and states that 'Amenity spaces should be of an appropriate size and shape to be usable and enjoyable. Private rear gardens should have a minimum depth of 10.5m...'. The plot has been increased in size, compared to withdrawn scheme (BN/139/20/PL), and the garden size increased. The square section to the front of the dwelling with a lawned area, wildflower garden and trees (which would function as the main private garden area) has a depth of 10.5m-13.4m from the property elevation to the garden boundary. The garden would be an appropriate size and shape to be usable and enjoyable and to serve a 3 bed dwelling.

Policy H6 of the B&NP 1 & 2 states the design of new housing should give full consideration to bin stores and recycling facilities. As required by ALP policy WM DM1, provision should be made for kerbside collection (from the access road or Highground Lane) for municipal waste vehicles. A condition is recommended to secure the provision of bin storage and kerbside collection.

Subject to condition to secure details of bin storage/collection, the proposals provides good quality living accommodation, with adequate internal/external space and waste storage provision to accord with policies D DM2 and WM DM1 of the Arun Local Plan, policies H5 and H6 of the B&ENP 1 & 2, and the ADC Design SPD.

HIGHWAYS:

Regard should be had to para 109 of the NPPF which states: "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe". Policy T SP1 of the ALP supports development which incorporates appropriate levels of parking in line with WSCC guidance on parking provision. Arun District Council adopted its own Parking Standards SPD (Jan 2020). Policy GA4 of the B&ENP states proposals will be supported where they include the maximum level of off-street parking consistent with the standards under the Local Plan. Policy T SP1 and T DM1 support the inclusion of sustainable modes of transport. The ADC Design SPD (Sections I.01, I.02 and I.03) includes guidance on the provision and design of car parking, electric vehicle bays and charging points, and cycle parking.

The access utilises a driveway/entrance serving "The Cottage" located off a private access road off Highground Lane. WSCC Highways comment that the access road and Highground Lane (both unadopted) are private and access to the adopted highway network would occur at the junction with Church Lane. This junction serves a significant number of dwellings and some agricultural uses, and therefore the increased use from 1 additional dwelling would not be significant or result in a material intensification of use at this access point. WSCC raise no concerns with regard to the safe and effective operation of the highways network and the proposal accords with ALP policy T DM1, which requires safe and suitable site access, and the NPPF which requires development would not result in an unacceptable impact on the highways network.

Plans show the dwelling would be provided with a garage and front driveway laid. WSCC comment that the garage (dimensions 3m x 5m) would not meet the required 3m x 6m to be considered a suitably sized parking space and even garages of 3m x 6m only count as 0.5 of a parking space in the ADC Parking

SPD, since they are often used for storage rather than parking of vehicles. Notwithstanding this WSCC conclude the driveway is large enough to accommodate the parking of 2 vehicles, which meets the car parking requirements for this size of property in this location to accord with the ADC Parking SPD.

The ADC Parking SPD requires a minimum of 2 cycle parking spaces on site. No cycle storage has been indicated on the plans. WSCC conclude the garage can be considered to provide cycle parking storage, and it would be accessible, undercover and secure..

Subject to conditions to secure car/cycle and Electric Vehicle Charging Point provision, the proposals have an acceptable impact on highways and parking and accord with policies T SP1 and T DM1 of the Arun Local Plan, B&ENP policy GA4, the Arun Parking SPD and the NPPF.

DRAINAGE:

ALP policy W DM2 sets out the requirements for development in areas at risk of flooding, including; the need for the sequential test, an FRA, adaptation and mitigation measures, flood warning and evacuation plans and site drainage plans. ALP policy W DM3 states that all development must identify opportunities to incorporate a range of Sustainable Urban Drainage (SUDs) systems. Policy ES1 of the B&ENP requires that new development should reduce the overall level of flood risk in the area, which includes taking account of the Lidsey Water Treatment Works Catchment Area. The ADC Design SPD (Section K.04) requires that development incorporate Sustainable Drainage Systems (SUDs) and flood risk mitigation.

The site is in Flood Zone 1 (lowest risk of flooding) and the plot is smaller than 1 hectare and as such a Flood Risk Assessment nor flood mitigation measures are required. The site is in the Lidsey Treatment Catchment Area, and the Council's Drainage Engineer advised that given this location, surface water drainage design should be carefully considered and infiltration must be fully investigated. They recommend a condition and informative to secure details of the surface water drainage scheme based on winter groundwater monitoring and infiltration testing.

Southern Water confirm they require a formal application to be made to connect to the public sewer system. Informatives to cover Southern Waters advice are recommended. A condition is recommended to secure details of the foul water drainage scheme to serve the new dwelling.

Subject to conditions, the development would be adequately drained from surface water and foul water and would not increase flood risk elsewhere, in accordance with policies W DM2 and W DM3 of the Arun Local Plan, policy ES1 of the B&ENP and the NPPF.

TREES:

Policy ENV DM4 seeks to protect trees with TPOs, identified as Ancient Woodland, in Conservation Areas, or contributing to local amenity. Policy ES10 of the B&ENP requires that development proposals must maintain trees or hedgerows of good arboricultural or amenity value. Section E.02 of the ADC Design SPD requires that schemes are informed by arboricultural surveys carried out by a qualified professional at the time of site appraisal.

The Tree Officer confirmed that established trees are likely to be destroyed or adversely affected to facilitate the proposals. There is no supporting arboricultural information submitted with the application - a requirement of BS5837:2012. Were this development to proceed the Council would not have sufficient information to guarantee trees have been adequately considered and, if necessary, protected. The Landscape Plan is indicative only. An Arboricultural Impact Assessment (AIA), to include full Tree Survey setting out a schedule of trees, root protection area schedule, and a Tree Constraints Plan, is required. In

the event that the RPA of any tree for retention overlaps the development, then an Arboricultural Method Statement (AMS) and a Tree Protection Plan is needed. The Tree Officer confirms that they are unable to support the scheme and have registered an objection.

Given the Tree Officer confirmed that the principle of development is achievable without undue detriment to on and off-site trees, and given there is sufficient time between the time of writing this report and Committee, the applicant is being given the opportunity to resolve this issue. An update note will be provided ahead of Committee.

Subject to this issue being resolved and adequate tree protection measures being secured by condition prior to a decision being made at Committee, trees would be adequately protected and respected, in accordance with the British Standards, Arun Local Plan policy ENV DM4, policy ES10 of the B&ENP 1 & 2 and the ADC Design SPD.

ECOLOGY:

ALP policy ENV DM5 states development shall seek to achieve a net gain in biodiversity and protect existing habitats on site. The B&ENP emphasises the importance of the protection and enhancement of local wildlife. Paras 170, 174 and 175 of the NPPF indicates that developments should aim to protect or enhance, minimise impacts, and provide net gains to biodiversity. Net Biodiversity Gain is an important aspect of the Environment Bill and the NPPF. Section E.03 of the ADC Design SPD seeks to protect and enhance biodiversity within the development site and the wider area.

The Council's Ecology Officer confirmed no objection to the proposal subject to conditions to secure details of an external lighting scheme (to protect bats), installation of a bat box to the building, require hedgehog piles to be removed outside of hibernation period and undergo soft demolition, installation of a hedgehog nesting box on site, restricting works to trees/vegetation clearance to outside wild nesting bird season, and a bird box to be installed on the building or tree in the site.

A Landscape Plan shows a number of biodiversity enhancements, including bird nesting boxes, bat boxes and insect boxes on existing/proposed trees, and a garden area designated to wild meadow flowers and grasses. The Landscape Plan is indicative only and does not include all biodiversity enhancement measures recommended by the Ecology Advisor e.g. bat box on building (rather than tree) and hedgehog nesting box. It is recommended a condition is used to secure details of Biodiversity Net Gain in the form of a BNG plan to be submitted.

Subject to conditions, the proposals protects and enhance ecology and biodiversity, in accordance with the Environment Bill, NPPF, Arun Local Plan policy ENV DM5, B&ENP 2 policy ES15 and the ADC Design SPD.

SUMMARY:

The principle of new residential development in this location is unacceptable, as set out in Development Plan policies C SP1 of the Arun Local Plan and H8 of the Barnham & Eastergate Neighbourhood Plan 2.

A relevant material planning consideration is the Council's lack of a 5 year Housing Land Supply (currently 3.3 years). 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'. For development proposals to be considered 'sustainable' they have to satisfy the environmental, economic and social tests as per paragraph 8 of the NPPF. The proposal for a dwelling meets the economic objective, in terms of providing employment during the construction phase and potential local spending, and these economic benefits weigh in the schemes favour. The proposal meets

the social objective, making a contribution of 1 new home to the District's housing supply. CIL receipts could be used to contribute financially towards infrastructure a further benefit to the local community. This social benefit weighs in the schemes' favour. The site is in a relatively environmentally sustainable location (from a transport perspective) given the short distance to bus routes, railway station at Barnham and local shops by foot or cycle. On balance, the proposals would satisfy the environmental test of sustainable development.

Since the proposals would constitute 'sustainable development', the NPPF's 'presumption in favour of sustainable development' would apply. It is concluded there would not be any adverse impacts which would significantly and demonstrably outweigh the benefits of the scheme. The proposal is therefore recommended for approval, subject to the following planning 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:

- Proposed Plans, Elevations, Section and Site/Location Plans (Drawing no. HL.PL001 Rev C), February 2021

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D SP1, D DM1, D DM2, LAN DM1, QE SP1, T DM1 and T SP1 of the Arun Local Plan and policies ES4, ES4, GA4, and ES10 of the Barnham & Eastergate Neighbourhood 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, roofs, window and door frames of the building have been submitted to and approved in writing 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 by endeavouring to achieve a building of visual quality in accordance with policies D SP1 and D DM1 of the Arun Local Plan and policies ES4 and ES5 of the Barnham & Eastergate Neighbourhood Plan.

4 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) not previously identified, 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 and in writing 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 and future occupants in accordance with Policy QE DM4 of the Adopted Arun Local Plan.

5 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- a) Route and maneuvering for construction vehicles
- b) Loading and unloading of plant and materials, including permitted times for deliveries;
- c) The parking of vehicles of site operatives and visitors;
- d) Storage of plant and materials used in constructing the development;
- e) Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s);
- f) Measures to control the emission of dust and dirt during construction;
- k) A scheme for recycling / disposing of waste resulting from demolition and construction works i.e. no burning permitted.

Reason: To protect the amenity of local residents in accordance with Policies QE SP1, QE

DM1, QE DM2 and QE DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to secure details of the mitigation of construction impacts prior to commencing any building works.

- 6 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 Policies QE SP1, QE DM1, QE DM2 and QE DM3 of the Arun Local Plan.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking or enacting that Order) no windows or other openings (other than those shown on the plans hereby approved) shall be formed in the walls and roof of the building without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities of adjoining residential properties in accordance with policy D DM1 of the Arun Local Plan.

- 8 Prior to first occupation of the dwelling hereby permitted, drawings shall be submitted to and approved in writing by the Local Planning Authority of the proposed bin storage (to consist a minimum of 1 x 240l refuse bin and 1 x 240l recycling bin) and indicating the arrangements for kerbside collection. The approved bin storage provision shall be retained thereafter.

Reason: To ensure the dwelling is served by adequate waste storage and collection provision, in accordance with policy WM DM1 of the Arun Local Plan.

- 9 No development above damp proof course (DPC) level shall take place unless and until details and a timetable in the form of an Energy Statement (including details of physical works on site, sustainable construction methods, energy conservation and energy efficiency measures and renewable energy sources), have been submitted to and approved in writing by the Local Planning Authority. At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources (as described in the glossary at Annex 2 of the NPPF) unless it can be demonstrated that a fabric-first approach would achieve an equivalent energy saving. The development shall be implemented in accordance with the approved details and timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to secure on site renewable energy, reduce energy use, and ensure the development is sustainable, in accordance with national planning policy, and in accordance with Policies ECC SP1 and ECC SP2 of the Arun Local Plan and policies ES11 and ES13 of the Barnham & Eastergate Neighbourhood Plan.

- 10 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 spaces for the occupants and visitors of the new dwelling, in accordance with policies T DM1 of the Arun Local Plan, policy GA4 of the Barnham & Eastergate Neighbourhood Plan and the Arun Parking SPD.

- 11 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies including the National Planning Policy Framework, and policies T SP1 and T DM1 of the Arun Local Plan.

- 12 No part of the development shall be first occupied until the electric vehicle charging space(s) have been provided in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies including the National Planning Policy Framework, and policies T SP1 and T DM1 of the Arun Local Plan.

- 13 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 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.

- 14 Development shall not commence, other than works of site survey and investigation, until full details of the proposed foul water disposal, in the form of a Foul Drainage Assessment (FDA), are submitted to and approved in writing by the Local Planning Authority. The applicant must first investigate the option of connection to the nearby public sewer network. If a private septic tank is proposed, the FDA must include the applicants justification for non-connection to the mains public sewer, and details of the proposed sewer package treatment plan, and the means of discharge.

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. It is considered necessary for this to be a pre-commencement condition to ensure that the foul water disposal scheme is agreed before construction commences.

- 15 Prior to commencement of development, a Biodiversity Enhancement Site Plan detailing the proposed biodiversity enhancement measures on site (to include the provision of at least 1 bat box on the new building, 1 bird box on the new building or a tree on site, 1 hedgehog nesting box) shall be submitted and approved in writing by the Local Planning Authority. The approved enhancement measures must be implemented and retained thereafter.

Reason: To ensure the proposals would result in Biodiversity Net Gain, in accordance with the Environment Bill and policy ENV DM5 of the Arun Local Plan.

16 Any brush pile, compost and 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.

Reason: To protect local wildlife, in accordance with policy ENV DM5 of the Arun Local Plan.

17 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. If works are required within this time an ecologist will need to check the site before any works take place (within 24 hours of any work).

Reason: To protect local wildlife, in accordance with the relevant legislation and policy ENV DM5 of the Arun Local Plan.

18 **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.

19 **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 percolation tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. 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 winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes regarding surface water drainage are located here <https://www.arun.gov.uk/surfacewater> on Arun District Councils website. A surface water drainage checklist is available here <https://www.arun.gov.uk/drainagechecklist> on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.

20 **INFORMATIVE:** A formal application for connection to the public sewerage system is required in order to service this development. Please read Southern Water's New Connections Services Charging Arrangements documents which has now been published and is available to read on the website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements. For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119). Website: southernwater.co.uk or by email at: developerservices@southernwater.co.uk

21 **INFORMATIVE:** The applicant is reminded that 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.

22 **INFORMATIVE:** Due to surface water inundation issues in the Lidsey Catchment the applicant is advised to adopt, where appropriate, the measures in the table "Practical measures to reduce the potential impacts of development". The developer should look to protect the public sewerage system from inundation and infiltration, which contribute to flooding in unfavourable

conditions.

- 23 **INFORMATIVE:** The applicant is reminded that the development will need to accord with Fire Safety legislation as set out in the Building Regulations, which includes the provision of appropriate access for emergency vehicles and/or which may require the provision of a fire hydrant on site.

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.](https://www.arun.gov.uk/weekly-lists)

BN/17/21/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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