

Recommendation Report for Planning Permission

REF NO: BN/114/21/PL

LOCATION: Land to rear of Highground House &
Orchard End, Highground Lane
Barnham

PROPOSAL: Creation of 1 No. 1.5 storey dwelling on brownfield (previous use commercial car parking / children's play area associated with holiday let business) (resubmission following BN/53/21/PL). 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	As above. The new dwelling would be detached, 1.5 storey in height with ground floor and roof level accommodation, and would have a pitched gable ended roof. It would be constructed of brick elevations (brick colour to match neighbouring properties), with flint infill panels and brick detailing around openings and corners, small clay roof tiles (colour to match neighbouring properties), with white UPVC casement windows and French doors, stained hardwood main entrance door and utility side-door, black aluminium rooflights, timber clad dormers and solid fuel flue. The site access would be through an existing vehicular access from the private un-adopted road off Highground Lane. A gravel and block paved driveway with parking for at least 2 cars would be provided, the boundary treatment would consist the existing medium height hedgerow, and landscaping and a garden would be provided around and to the north of the site.
SITE AREA	0.22 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	4-5 dph.
TOPOGRAPHY	Predominantly flat.
TREES	Hedgerows around perimeter of site, and Eucalyptus and Ash trees just off-site.
BOUNDARY TREATMENT	Medium height post and wire fencing and hedgerows.
SITE CHARACTERISTICS	The site consists an open green field, enclosed by hedgerow and post and wire fencing, within a cluster of existing dwellings to the south, east and north-west. This land was previously approved/used as a parking area and children's play area associated with the neighbouring holiday lets (BN/67/06/PL) which have since become dwellings (C3 use) under BN/10/16/PL.
CHARACTER OF LOCALITY	Rural hamlet.

RELEVANT SITE HISTORY

BN/53/21/PL	Creation of 1 No. new dwelling on brownfield (previous use commercial car parking/children's play area associated with holiday let business). This application is a Departure from the Development Plan & is in CIL Zone 3 & is CIL Liable as new dwelling.	Withdrawn 30-06-21
BN/10/16/PL	Application for removal of condition no.2 following grant of planning application BN/67/06 relating to holiday use	Refused 19-05-16 Appeal: Allowed 04-08-17
BN/67/06/	Detailed planning application for replacement of former agricultural buildings with four holiday cottages and associated office. Re-submission of BN/22/06. (Departure from the Development Plan).	ApproveConditionally 10-01-07

This land was previously approved/used as a parking area and children's play area associated with the neighbouring holiday lets (BN/67/06/PL) which have since become dwellings (C3 use) under BN/10/16/PL.

REPRESENTATIONS

Barnham & Eastergate Parish Council -
No objection.

No other representations were received.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ENVIRONMENTAL HEALTH OFFICER:

No objection. Recommended planning conditions for potentially contaminated land, unexpected contamination, dust assessment, railway noise mitigation scheme and EVCP provision.

WSCC HIGHWAYS:

No objection. The 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. Recommend conditions to secure car/cycle parking and

EVCP provision.

DRAINAGE ENGINEER:

No objection. Recommend condition and informative to secure surface water drainage scheme based on winter groundwater monitoring and infiltration testing.

SOUTHERN WATER:

No objection. Advisories; applicant needs to consult with SW regarding exact position of public sewer within site access and ensure all existing infrastructure is protected during the course of construction works, the impact of any works within the highway/access road on public apparatus shall be assessed and approved, in consultation with Southern Water, under a NRSWA enquiry in order to protect public apparatus, a formal application needs to be made by the developer to SW for connection to the public sewer network, and due to surface water inundation issues in the Lidsey Catchment the applicant is advised to adopt, where appropriate, the measures set out in the table "Practical measures to reduce the potential impacts of development". The developer should look to protect the public sewerage system from inundation and infiltration, which contribute to flooding in unfavourable conditions.

TREES OFFICER:

No objection. Recommend planning conditions to ensure protective fencing is inspected and found to be 'fit for purpose', that all activity must be undertaken in strict accordance with the submitted report, and that any tree pruning must meet BS standards.

ECOLOGY ADVISOR:

No objection. Recommend planning conditions to secure an appropriate lighting scheme to minimise the impact on bats, construction buffer strip around hedgerows and infilling of gaps, works to trees or vegetation clearance to take place outside of wild birds breeding season, and installation of new bat bricks and bird boxes.

WSCC FIRE & RESCUE:

Sections of the access road appear too narrow to allow a fire engine to gain access in case of an emergency and it will need to comply with Building Regulations standards. Also issue that the nearest fire hydrant does not meet the distance standards and if an alternative supply of water for firefighting is proposed this will need to comply with Building Regulations standards.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and addressed in Conclusions section of report.

POLICY CONTEXT

Designation applicable to site:

Countryside

Lidsey Wastewater Treatment Works Catchment Area

DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
SDSP2	SD SP2 Built-up Area Boundary
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design

LANDM1	LAN DM1 Protection of landscape character
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air 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
ECCDM1	ECC DM1 Renewable Energy
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	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 ES4

Protection of open views

Barnham & Eastergate Neighbourhood Plan 2014
POLICY ES5

Quality of design

Barnham & Eastergate Neighbourhood Plan 2014
POLICY GA4

Parking and new development

Barnham & Eastergate Neighbourhood Plan 2014
POLICY H5

Outdoor space

Barnham & Eastergate Neighbourhood Plan 2014
POLICY H6

Attention to detail

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework

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 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 adopted policies within the Barnham and Eastergate Neighbourhood Plan 1 (made 2104) and the emerging policies within the draft Barnham & Eastergate Neighbourhood Plan 2 (stage Reg. 17) are 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."

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.

The proposal is considered to conflict with the relevant Development Plan policies in that it is for a new dwelling in the countryside which is unacceptable in principle, as per Arun Local Plan policies C SP1 and SD SP2. However, as the application is for the supply of new housing, an other material consideration is the Council's current lack of a 5 year housing land supply, which means the NPPF's presumption in favour of sustainable development is engaged. Since the proposals would not result in any significant and demonstrable adverse impacts which would outweigh the benefits of the scheme, the proposals are acceptable in accordance with the NPPF's presumption in favour.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS**KEY ISSUES:**

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

- Principle of development in the countryside
- Visual amenity impact
- Residential amenity impact
- Quality of residential accommodation
- Site access and parking provision
- Drainage
- Tree impacts
- Ecology impacts

PRINCIPLE:

The site is located outside the Build-Up Area Boundary (BUAB), in the designated Countryside. New development should be focussed within the BUAB, according to Arun Local Plan (ALP) policy SP SD2. New dwellings in the countryside are normally precluded by ALP countryside policy C SP1, and considered unacceptable in principle. However, policy C SP1 contains several exception tests, where countryside development is justified. The proposal for a new dwelling in this location in this case does not meet any of the exception tests of policy C SP1 and is in conflict with policies SD SP2 and C SP1, so is unacceptable in principle, according to the Development Plan.

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."

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.

In this case, given the application relates to the supply of new housing, an other material consideration in the determination of this application is the Council's current lack of a 5 year housing land supply (3.3 years) which means the NPPF's para 11 'presumption in favour of sustainable development' is engaged.

Paragraph 8 of the NPPF sets out the three objectives of 'sustainable development'; economic, social and environmental. The proposal is considered to overall represent 'sustainable development' since it would satisfy the objectives in the following ways:

Economic objective - proposals would result in; an increase in Council Tax receipts; potential 'New Homes Bonus' payments from the Government; financial contributions towards local libraries, education establishments, healthcare facilities and play areas via CIL; the creation of new or maintenance of existing construction jobs; and additional spending by new residents on local goods & services.

Social objective - proposals would result in; the supply of a new home to help meet future housing needs.

Environmental objective - proposals are located in a relatively sustainable location with local bus routes, railway station at Barnham and local shops and facilities being accessible by foot, and would not result in significant visual harm to the countryside.

Paragraph 11 of the NPPF states that there is a 'presumption in favour of sustainable development' and that where development policies are out of date (including for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of

deliverable housing sites) planning permission will be granted unless:

(i) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

(ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

(i) does not apply to this determination as the site does not lie in a protected area/landscape and is not or near a protected heritage asset that would be significantly affected. The part (ii) test, adverse impacts, are considered in detail in the proceeding sections. It is concluded that in this case there would not be any adverse impacts of granting permission which would significantly and demonstrably outweigh the benefits (set out above) and so in the tilted balance the NPPF's presumption outweighs the conflict with the Development Plan and the proposals can be granted planning permission.

VISUAL AMENITY:

Para 174 of the NPPF (2021) states decisions should protect and enhance valued landscapes and recognise the intrinsic character and beauty of the countryside. Para 130 requires that applications for developments (b) are visually attractive as a result of good architecture and (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting. Para 134 states "Development that is not well designed should be refused".

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, appearance, density, scale, innovation, adaptability, residential amenity impact, trees and crime prevention. 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 and seek, wherever possible, to reinforce or repair the character of those areas.

Policy ES5 of the B&ENP requires that all new development must be of a high quality design and respond to the specific character of the site and local surroundings (B&ENP 2 policy amended to reflect B&E Design Guide in Appendix D). ES4 seeks to protect open views towards and across the countryside and open spaces (B&ENP now identifies these views in Appendix B).

Arun District Council Design SPD (2021) provides detailed design guidance for developments in the District.

The proposed new dwelling would be located on a piece of land which currently has some existing hardstanding (gravel parking area) and structures (large storage shed) on it, given its former use for car parking and a children's play area associated with the nearby former holiday cottages. The site is also separated and differentiated from the adjacent open countryside by mature hedgerows on its boundaries making it quite visually contained. It is also located in close proximity and is enclosed on 3 sides by an existing cluster of dwellings to the south, east and north-east. As such, it is a relatively physically and visually enclosed and contained site and the addition of a new appropriately scaled building on this land is considered would not appreciably encroach into the open countryside, nor significantly harm open views towards and across the countryside or harm the character of the countryside and landscape. This conclusion is supported by recent decisions at 32 Hill Lane Barnham (ref.BN/24/20/PL allowed on appeal) and The Cottage (ref. BN/17/21/PL) just to the north of the application site.

The proposed 1.5 storey height, overall scale and form (with pitched/gable ended roof form) would reflect

and be sympathetic to the surrounding cottages. The proposed materials/finishes and architectural detailing, including the use of brick and tiles with colour to match properties nearby, flint sections, brick detailing, clay roof tiles, and timber clad dormers, would reflect the local vernacular and provide the new dwelling with a rural characterful appearance sympathetic to its landscape setting. It would be visually attractive and of a high quality design. The new building, by reason of its scale, form, design and materiality, would be harmonious with its surroundings and successfully integrate with the surrounding environment.

In conclusion, the proposals would have an acceptable impact on the character of the countryside, landscape setting, and visual amenity of the area, in accordance with the NPPF, ALP policies D SP1, D DM1 and LAN DM1, B&ENP policies ES4 and ES5, and the ADC Design Guide. A planning condition will be applied requiring a schedule of materials (including photos and product specifications) to be submitted to and approved by the LPA, to ensure a high quality development is achieved. A standard planning condition will also be applied requiring an Energy Statement to be submitted to demonstrate a 10% reduction in energy emissions, to accord with sustainable construction and design ALP policies ECC SP1, ECC SP2 and ECC DM1 and B&ENP policies ES11 and ES13.

RESIDENTIAL AMENITY:

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

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 the need for impacts from development to be controlled.

The ADC 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 distances 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).

Given the siting, scale (ridge height 6.5m with pitched roof form) and separation distances from neighbouring properties (i.e. Pippin, Bramley, Russet, The Cottage, and Orchard End) being over 21m the new building would not result in any significant or harmful overbearing, overshadowing and loss of outlook and daylight/sunlight to these neighbouring occupants.

No side facing windows are proposed facing toward Pippin, Bramley or Russet. Given the siting and orientation of the openings on the the rear elevation of the building these would not give any direct angles of views into Russet or The Cottage and would also be well separated from these properties. While the openings to the front elevation of the building would face directly toward the rear of Orchard End and its garden and toward the cottage between Orchard End and Highground Orchards, the separation distance would be such (60m and 25m respectively) that it would exceed minimum front-back separation distances set out in the ADC Design SPD and would not give rise to any harmful overlooking.

The Council's Environmental Health Officer has raised no objection to the application and recommended planning conditions for potentially contaminated land, unexpected contamination, dust assessment and railway noise mitigation scheme. A condition for a Construction Management Plan will also be added given the existing narrow access and to avoid noise, lighting and air pollution to neighbouring residents

and localised traffic issues.

In conclusion, the proposals would maintain acceptable levels of residential amenity for neighbouring occupants, in accordance with the NPPF, ALP policies QE SP1 and D DM1 and the ADC Design SPD guidance.

QUALITY OF RESIDENTIAL ACCOMMODATION:

Policy D DM2 of the Arun Local Plan states that internal spaces of new development should be of an appropriate size and that the national internal space standards set out in 'Technical Housing Standards - Nationally Described Space Standards' (2015) provide guidance. Section J.08 of the ADC Design SPD re-iterates the need to comply with the national internal space standards. National standards advise that for a 2 storey 3 bedroom 6 person dwelling it should have a minimum GIA of 102sqm. The GIA for the new dwelling is indicated as approximately 182sqm so well exceeds the minimum national internal space standards. The accommodation is well laid out and provides built-in storage and a good quality of outlook and light levels to future occupants. It also provides 1 bedroom with en-suite shower room at ground floor level which makes the dwelling adaptable to meet the needs of different occupiers e.g. disabled or elderly users etc.

There are no specific policies in the Arun Local Plan with regard to external amenity space. Section H.04 of the Arun Design SPD (Jan 2021) advises that outdoor amenity spaces should be of an appropriate size and shape and be usable and enjoyable for 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 new home would be provided with a private generous sized garden of regular square shape, which would be of a good size and shape to be functional and enjoyable and serve the occupants of a 3 bed dwelling.

Policy WM DM1 of the Arun Local Plan requires new residential development to ensure that kerbside collection is possible for municipal waste vehicles and bin storage provision is made as follows:- Each unit should be provided with the equivalent of 240 litres of residual waste storage/bins. The same amount of storage space/bins for recyclable materials is required to be provided. It is recommended that any waste storage provision is located near or adjacent to the highway, so that the maximum refuse pulling distances and refuse vehicles access requirements are complied with. Section H.07 of the Design SPD, requires that attractive bin storage (providing screening for bins) should be integrated into the design of new housing. Policy H6 of the B&NP 1 & 2 states the design of new housing should give full consideration to bin stores and recycling facilities. The Proposed Block Plan does not indicate bin storage to serve the new dwelling, however this could be secured by condition to ensure the proposal would comply with WM DM1 of the Arun Local Plan, policy H6 of the B&ENPs and the ADC Design SPD.

Subject to a planning condition to secure details of bin storage/collection, the proposals would provide 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.

SITE ACCESS AND PARKING:

Para 110 of the NPPF states in assessing specific applications for development it should be ensured that (b) safe and suitable access to the site can be achieved for all users. Para 111 of the NPPF states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would

be severe.

Policy T SP1 of the Arun Local Plan requires development proposals to provide safe access on to the highway network and to incorporate appropriate levels of parking in line with adopted planning policies. ALP policy T DM1 requires development to make provision for facilities for sustainable modes of transport such as cycling, to meet the parking standards, including cycle storage. 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.

Policy GA4 of the B&ENP 1 and 2 states proposals will be supported where they include the maximum level of off-street parking consistent with the standards under the Local Plan.

The Local Highways Authority (WSCC) have raised no objection to the application. The application site is found on a private access road which supplies multiple developments. 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. An inspection of data supplied to WSCC by Sussex Police over a period of the past five years reveals that there have been no recorded injury collisions within the vicinity of the Highground Lane/Church Lane junction. Therefore, there is no evidence to suggest that the existing junction access is currently working unsafely. The junction serves a significant number of dwellings and some agricultural uses already, and therefore the increased use from 1 additional dwelling would not be significant or result in a material intensification of use and the LHA would not expect that the proposal would generate a highways safety concern at the existing junction. 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.

The ADC Parking SPD would expect a minimum of 2 car parking spaces for a residential development of this size in this location. While the application form states nil parking provision, the Proposed Block Plan shows a gravel and tarmac driveway with parking for at least 2 vehicles, and the provision of these 2 spaces will be conditioned. The ADC Parking SPD standards for cycle parking would be a minimum of 2 spaces for a dwelling of this size. The Proposed Block Plan does not show any cycle parking provision so a planning condition will be applied to secure undercover, secure cycle parking with minimum 2 spaces. A planning condition will also be applied requiring 100% of the car parking spaces to provide Electric Vehicle Charging Provision EVCP, as per the ADC Parking SPD, to provide alternative methods of transport to private car and improve air quality.

The proposals, subject to planning conditions, will have an acceptable impact on highways safety and operation, and will comply with parking standards, in accordance with the NPPF, ALP policies T SP1 and T DM1, B&ENP policy GA4, and the ADC Parking SPD.

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 Wastewater 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 had advised that given this location, surface water drainage design should be carefully considered and infiltration must be fully investigated. They recommend a planning 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 planning condition is recommended to secure details of the foul water drainage scheme to serve the new dwelling.

Subject to planning 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:

ALP policy ENV DM4 seeks to protect trees with TPOs, identified as Ancient Woodland, in Conservation Areas, or that contribute to local amenity. Policy ES10 of the B&ENP requires that development proposals must maintain trees or hedgerows of good arboricultural or amenity value.

There are established hedgerows around the perimeter of the site, and Eucalyptus and Ash trees just off-site. An Arboricultural Impact/Method Statement and Tree Protection Plan has been submitted with the application. The Council's Tree Officer has been consulted on the application. They have commented that the report and TPP provide for effective protection and enhancement of retained vegetation, and conclude that the development would have a negligible impact on hedgerows and trees both on and overlapping the site, subject to the arboricultural recommendations being implemented. They recommend planning conditions to ensure protective fencing is inspected and found to be 'fit for purpose', that all activity must be undertaken in strict accordance with the submitted report and TPP, and that any tree pruning must meet BS standards.

Subject to planning conditions, the development would adequately protect hedgerows and trees, in accordance with British Standards, ALP policy ENV DM4 and B&ENP policy ES10.

ECOLOGY:

In terms of legislation, development will need to avoid impacts on legally protected species, and where this is not possible, mitigation or compensation will be necessary and a Licence from Natural England may be required. Paras 174 and 180 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.

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.

An Ecological Assessment has been submitted with the application. The Council's Ecology Advisor has been consulted on the application. They have raised no objection to the proposals on ecology grounds, and recommend planning conditions to secure an appropriate lighting scheme to minimise the impact on bats, construction buffer strip around hedgerows and infilling of gaps, works to trees or vegetation clearance to take place outside of wild birds breeding season, and installation of new bat bricks and bird boxes.

Subject to planning conditions, the development would protect habitats and wildlife and result in a net

biodiversity gain, in accordance with the NPPF, relevant legislation, ALP policy ENV DM5 and the B&ENP objectives.

OTHER MATTERS:

The County Council's Fire & Rescue Officer has commented that sections of the access road appear too narrow to allow a fire engine to gain access in case of an emergency and it will need to comply with Building Regulations standards. Also raises the issue that the nearest fire hydrant does not meet the distance standards and if an alternative supply of water for firefighting is proposed this will need to comply with Building Regulations standards.

It is considered likely that fire sprinklers will need to be installed on site, to deal with the issue of site access and distance to nearest fire hydrant. An informative will be added to the decision so the applicant is reminded that the development will need to accord with Fire Safety legislation as set out in the Building Regulations, which may include the provision of fire sprinklers or hydrant on site, since the proposed access road appears not to be sufficiently wide enough to accommodate a fire emergency vehicle, as identified by the WSCC Fire Officer.

SUMMARY:

The proposal is considered to conflict with the relevant Development Plan policies in that it is for a new dwelling in the countryside which is unacceptable in principle, as per Arun Local Plan policies C SP1 and SD SP2. However, as the application is for the supply of new housing, an other material consideration is the Council's current lack of a 5 year housing land supply, which means the NPPF's presumption in favour of sustainable development is engaged.

The proposals would have an acceptable impact (subject to planning conditions) on visual and residential amenity, quality of new residential accommodation (including space standards, waste provision and sustainable construction), highways and parking, drainage, trees and ecology, and accord with relevant Development Plan policies in these respects. Since the proposals would not result in any significant and demonstrable adverse impacts which would outweigh the benefits of the scheme, the proposals are acceptable in accordance with the NPPF's presumption in favour.

The application is therefore recommended for approval, subject to the following conditions;

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

- Proposed Block Plan (L102_P01 Rev P1)
- Proposed Floor Plans and Elevations (L103_P01 Rev P1)

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 and QE SP1 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 include photos and product specifications) to be used for the external walls, roof, window and door frames and rooflights of the proposed 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 visual amenity by endeavouring to achieve a building of visual quality in accordance with the National Planning Policy Framework, policies D SP1 and D DM1 of the Arun Local Plan, policies ES4 and ES5 of the Barnham & Eastergate Neighbourhood Plan and the Arun District Council Design SPD.

- 4 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. Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority before any development above damp proof course (DPC) level begins. 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 in accordance with national planning policy, and in accordance with Policy ECC SP2 of the Arun Local Plan.

- 5 No 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.

Reason: To protect the amenity of local residents in accordance with Policies QE SP1 and QE DM1 of the Adopted Arun Local Plan 2011 - 2031.

- 6 No development shall commence, 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. An indicative programme for carrying out of the works
 - b. Details of the arrangements for public engagement / consultation both prior to and continued liaison during the construction works
 - c. 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)
 - d. Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination
 - e. The anticipated number, frequency and types of vehicles used during construction,
 - f. The method of access and routing of vehicles during construction,
 - g. The parking of vehicles of site operatives and visitors
 - h. Loading and unloading of plant, materials, and waste, including permitted times for deliveries
 - i. Storage of plant and materials used in constructing the development
 - j. The provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulations Orders)
 - k. measures to control the emission of dust and dirt during construction
 - l. 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 and ensure acceptable highways impacts in accordance with policies QE SP1, T DM1 and T SP1 of the Adopted Arun Local Plan and the National Planning Policy Framework. This is required to be a pre-commencement planning condition as it is necessary to secure these details regarding impact on highways operation/safety and local residents amenity prior to development works commencing.

- 7 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 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 from land contamination in accordance with Policy QE DM4 of the Adopted Arun Local Plan 2011 - 2031.

- 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 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.

- 10 No part of the development shall be first occupied until covered and secure cycle parking spaces (minimum of 2 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.

- 11 No part of the development shall be first occupied until the required electric vehicle charging spaces (100% of all vehicle parking spaces) have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority. These spaces and charging facilities shall thereafter be retained and maintained in good working order 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, and to improve air quality in accordance with policy QE DM3 of the Arun Local Plan.

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

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a

pre-commencement condition because it is necessary to agree and implement the surface water drainage system prior to commencing any building works.

- 13 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.

- 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 that all 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. BJH 03/04, July 2021.

Reason: To ensure the retention of trees and hedgerow which are an important feature of the area in accordance with Policy D DM1 and ENV DM4 of the Arun Local Plan and ES10 of the Barnham & Eastergate Neighbourhood Plan. It is considered necessary for this to be a pre-commencement condition as the protection and retention of trees and hedgerow goes to the heart of the acceptability of the scheme and the planning permission.

- 15 All activity at the site is to be carried out in strict accordance with: Arboricultural Impact/Method Statement, ref. 2003.bjh.July21.

Reason: To comply with BS5837 and to ensure that retained trees and hedgerow 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 policies D DM1 and ENV DM4 of the Arun Local Plan and ES10 of the Barnham & Eastergate Neighbourhood Plan.

- 16 Any tree pruning considered essential to enable the agreed development must meet the requirements of BS3998:2010 Tree work - Recommendations:

- Where whole branches are to be removed and final cuts made close to the trunk or branch union they are to be made as shown in Figure 2 of BS3998:2010

- Where branches are to be shortened back the final cuts are to be made at the correct angle shown in BS3998:2010 and adjacent to a live bud or lateral.

Reason: In the interest of continued health and vitality of trees and to accord with current industry guidelines, sound arboricultural practice, policies D DM1 and ENV DM4 of the Arun Local Plan and ES10 of the Barnham & Eastergate Neighbourhood Plan.

- 17 No external lighting shall be installed until details of this external lighting scheme have been submitted to and approved in writing by the Local Planning Authority, prior to its installation. This submission shall include a layout plan with beam orientation and a schedule of light equipment (luminaire type, mounting height, aiming angles and luminaire profiles). The

approved scheme shall be installed and fully assessed when operational to ensure no light creep/bleed by a competent individual and operated in accordance with the approved details unless the relevant planning authority gives its written consent to the variation.

Reason: To protect the appearance of the area, local wildlife including bats and local residents from light pollution, in accordance with policies D DM1, LAN DM1, ENV DM5, QE SP1 and QE DM2 of the Arun Local Plan.

- 18 Prior to commencement of development, a buffer strip of 5m with protective fencing around the existing hedging must be installed and maintained in situ for the duration of the construction works.

Reason: To protect local wildlife, in accordance with the relevant legislation and policy ENV DM5 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to ensure adequate protection of wildlife is in place prior to commencing any building works.

- 19 Prior to first occupation, gaps to existing hedgerows should be filled in using native hedge species to improve connectivity for local wildlife.

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

- 20 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.

- 21 Prior to first occupation, the biodiversity enhancements set out on the Proposed Block Plan (L102_P01 Rev P1) must be implemented in full, and will include:

- A bat brick integrated into the building onsite facing south/south westerly positioned 3-5m above ground.
- A bird box to be installed on the house and/or a tree within the garden of the property.

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

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

- 23 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 event plus 40% on stored volumes/rainfall intensity (allowance for climate change) 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 storm event plus 40%

on stored volumes/rainfall intensity. 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 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.

- 24 INFORMATIVE: Southern Water records show the approximate position of an existing public foul sewer within the access of the development site. The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water. The following should be noted:

- The 350 mm public foul sewer requires a clearance of 3 metres on either side of the gravity sewers to protect it from construction works and to allow for future access for maintenance.

- No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.

- No soakaway, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public sewer.

- All existing infrastructure should be protected during the course of construction works.

Please refer to: southernwater.co.uk/media/3011/stand-off-distances.pdf.

- 25 INFORMATIVE: It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, 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.

- 26 INFORMATIVE: The impact of any works within the highway/access road on public apparatus shall be assessed and approved, in consultation with Southern Water, under a NRSWA enquiry in order to protect public apparatus. Please send these enquiries to: Developer.Services@southernwater.co.uk.

- 27 INFORMATIVE: Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. To make an application visit: southernwater.co.uk/developing and please read our New Connections Services Charging Arrangements documents which are available on our website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements.

- 28 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". Developer should look to protect the public sewerage system from inundation and infiltration, which contribute to flooding in unfavourable conditions.

- 29 INFORMATIVE: The applicant is reminded that the development will need to accord with Fire Safety legislation as set out in the Building Regulations, which may include the provision of fire sprinklers or a fire hydrant on site, since the proposed access road appears not to be sufficiently wide enough to accommodate a fire emergency vehicle, as identified by the WSCC Fire Officer.