

Report of the meeting of the Development Control Post-Committee Site
Inspection Panel held on 04-AUG-2015

REF NO: BN/13/15/PL

LOCATION: Saxons
33 Hill Lane
Barnham

PROPOSAL: Demolition of existing shed/garage & erection of 1 No. detached dwelling.

Present- Mrs Hall (Chairman), Haymes, Dillon, Charles, Bower, Mrs Maconachie, and Mr Maconachie.

A Parish Councillor was present representing Barnham Parish Council.

Apologies for absence: Councillor Stainton.

Since the report was repaired, a court decision has resulted in affordable housing contributions now being required for one or more dwellings again.

Emerging Local Plan Policy H SP2 "Affordable Housing" was approved for Development Management purposes by Full Council on 10/09/14. The policy states that: "For schemes of 7 units or less, the Council will require the payment of a commuted sum.". As no affordable housing payment has been offered the proposal fails to meet affordable housing requirement contrary to policy H SP2 of the emerging local plan. An additional reason for refusal shall be included:

The proposed development fails to make an adequate contribution towards affordable housing provision and is thereby contrary to the aims and objectives of the National Planning Policy Framework and emerging Local Plan Policy H SP2

Members assessed the planning merits of the case and voted 4 for the officers recommendation, 3 against.

RECOMMEND

BN/13/15/PL

Recommendation Report for Planning Permission**REF NO:** BN/13/15/PL**LOCATION:** Saxons
33 Hill Lane
Barnham**PROPOSAL:** Demolition of existing shed/garage & erection of 1 No. detached dwelling.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above. Proposed single storey dwelling, set back from the road, centrally within the site with barn hip style roof, flint walls and brick quoining. Driveway to front with parking for two cars.
SITE AREA	674m2
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	2.5m hedge.
SITE CHARACTERISTICS	The site currently includes a medium sized detached dwelling with half hipped roof and driveway with outbuildings to side. Agricultural barn being constructed on land to west of site the subject of planning application BN/32/13.
CHARACTER OF LOCALITY	Rural location. On the southern side are ad-hoc agricultural holdings and buildings with some sporadic residential dwellings of various styles and designs on the northern side. Farm to east of site.

RELEVANT SITE HISTORY

BN/18/03/	Single storey extension to utility porch to provide sheltered entrance from rear. Two storey extension to provide extended study and further bedroom on first floor.	ApproveConditionally 30-05-2003
BN/20/13/	Erection of agricultural barn	ApproveConditionally 18-09-2013

BN/32/13/

Two storey extension to rear of existing house

Refused

27-01-2014

REPRESENTATIONS

Representations received:

Barnham Parish Council

No objection.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Southern Water Planning

Engineering Services Manager

Engineers (Fluvial Flooding)

WSCC Strategic Planning

Consultations responses received:

ARUN DRAINAGE AND COASTAL ENGINEER

A culverted ordinary watercourse runs through number 33 approximately along the line of the proposed new boundary. The condition of this watercourse must be maintained, and a three metre easement is required between the watercourse and new buildings. This means that before the layout is approved, the exact location of the watercourse must be determined. Also, the position of any boundary treatment (fencing, hedges etc) must be well away from the watercourse to prevent damage (roots, fence post stakes) and allow access for maintenance. Therefore a plan should be provided showing the precise route of the watercourse, boundary and new building, and also details of the nature of the boundary.

A developer upstream is in discussions with us regarding upgrading the surface water culvert running along the approximate proposed boundary between the new building and number 33.

Discussions are at an early stage, however when the owner of number 33 was consulted by our engineer and the developer approximately a month ago, no mention was made of this proposed development.

The applicant states that surface water will be discharged to soakaway.

Please apply standard conditions ENGD2A, ENGD6A.

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 BRE 365, 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 30% 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 are also enclosed for information.

SOUTHERN WATER

We request that should this application be recommended for approval that the following informative is attached to the consent:-

"A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Adopted Local Plan
Outside Built up Area Boundary
No Public Sewer
Right of Way

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN12 GEN2 GEN3 GEN5 GEN7	Parking in New Development Built-up Area Boundary Protection of the Countryside Provision of New Residential Development The Form of New Development
Publication Version of the Local Plan (October 2014):		C SP1 Countryside D DM1 Aspects of Form and Design Quality D DM2 Internal Space Standards D DM3 External Space Standards D SP1 Design SD SP1 Sustainable Development SD SP2 Built-Up Area Boundary T SP1 Transport and Development
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES1		Applications for new development must meet the local drainage requirements
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES11		Energy efficiency of new development
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 GA4		Parking and new development

Barnham & Eastergate Neighbourhood Plan 2014 Windfall sites
POLICY H2
Barnham & Eastergate Neighbourhood Plan 2014 Integration of new housing into surroundings
POLICY H4
Barnham & Eastergate Neighbourhood Plan 2014 Outdoor space
POLICY H5
Barnham & Eastergate Neighbourhood Plan 2014 Attention to detail
POLICY H6
Barnham & Eastergate Neighbourhood Plan 2014 Drainage for new housing
POLICY H7

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel;

Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton.

Barnham & Eastergate has an adopted Neighbourhood Development Plan and its policies will be taken into account in the determination of this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to conflict with relevant Development Plan policies in that it would introduce new development into an area of countryside outside the built up area and have a materially adverse effect on the visual amenities of the locality and an adverse impact upon the established character of the surrounding area owing to its alien appearance within the street scene.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

The site is located outside the Built up Area Boundary within the countryside. As such there is an in principle objection to development in general. The aims of policy is to protect the character of the countryside and create sustainable development located within an area close to existing services, infrastructure and facilities. The proposal would directly conflict with these policies.

No justifiable reasons have been given as to why permission should be granted in this instance to make exception to policy. The proposal would also be a new build, not a conversion of an existing building so would add visual mass to the open area. Given no justification for an exception to policy has been given it is considered that the application is contrary to policies GEN2, GEN3 and emerging policies SD SP2 and CSP1.

DESIGN AND IMPACT ON THE STREET SCENE

This type of dwelling is not in character with the surrounding area which consists of either large detached dwellings or semi-detached dwellings and large barns. There are no examples of a detached, half hipped, small scale, single storey two bedroom dwelling in the area. As such the proposal is considered to be at odds with the character of the area and would be an alien feature in the street detrimental to its character and appearance. Properties in general are of red-brick and are two storey located to the front of sites not centrally.

The proposal is considered to adversely impact the visual amenities and pattern of development

in the area.

INTERNAL AND EXTERNAL SPACE STANDARDS

The proposal would meet standards for internal space and more than meet the requirement for external space.

IMPACT ON NEIGHBOUR AMENITY

The property is considered too modest in size and set far enough away to not have a detrimental impact on the amenities of the existing property of number 33 (Saxons). There are no other neighbouring properties nearby that would be affected by the proposal.

PARKING

Two parking spaces would be provided by the scheme and this meets the WSCC parking need requirement.

The application is recommended for refusal on the grounds of un-characteristic and out of character design in relation to the surrounding area and existing property and lack of reason to make exception to the in-principle objection to new dwellings outside of the built up area boundary within the countryside.

HUMAN RIGHTS ACT

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

The decision is considered to have a neutral impact.

RECOMMENDATION**REFUSE**

- 1 The site lies in a rural area outside of the built up area boundary and the proposal, being unrelated to the needs of agriculture, forestry, recreation, the extraction of minerals or disposal of waste, conflicts with policies GEN2 and GEN3 of the Arun District Local Plan 2003 and SD SP2 and C SP1 of the emerging Arun Local Plan 2011-2031 and H2 of the Barnham and Eastergate Neighbourhood Development Plan 2014-2029; which seek to protect the countryside, safeguard agricultural land, and ensure that the amount of land taken for development is kept to a minimum, consistent with the provision of high quality and adequate space within the built environment and to resist the consolidation of linear or sporadic development.
- 2 The proposal, because of its siting, scale, massing and design would affect adversely the visual amenities of the locality in that it would be out of character with the pattern of development in the area and obtrusive in the street scene from surrounding viewpoints in conflict with policy GEN3, GEN 7 of the Arun District Plan 2003, DM1 and DMSP1 of the emerging Arun Local Plan 2011-2031, H4 and ES6 of the Barnham and Eastergate Neighbourhood Development Plan 2014-2029.
- 3 The proposed development fails to make an adequate contribution towards affordable housing provision and is thereby contrary to the aims and objectives of the Interim Affordable Housing Policy (2010), the NPPF and emerging Local Plan Policy H SP2.
- 4 **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 with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.