

Recommendation Report for Planning Permission

REF NO: BN/19/16/PL

LOCATION: Land at Pollards Nursery
 Lake Lane
 Barnham
 PO22 0AF

PROPOSAL: Demolition of vacant office building & erection of 7 No. dwellings with associated garaging & landscaping. This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The erection of 7 dwellings with associated garaging and landscaping following the demolition of a vacant office building. This application comprises the re-development of a former office building and the associated external area, which is no longer required as part of the main nursery business at the former Pollards Nursery site.

The current application forms a natural extension to the residential scheme to the west which has the benefit of outline planning permission and requisite reserved matters approval on the former Pollards Nursery site.

The Accommodation Schedule as amended comprises:

- * 1 Canterbury four bedroom detached house (Plot 1)
- * 2 Cambridge four bedroom detached houses (Plots 2 and 7)
- * 1 Oxford four bedroom detached house (Plot 3)
- * 1 Worcester four bedroom detached house (Plot 4)
- * 2 Ludlow three bedroom semi-detached houses (Plots 5 and 6).

SITE AREA

The application site is approximately 0.3ha in area within the larger former Nursery site.

RESIDENTIAL DEVELOPMENT
DENSITY (NET)

23 dwellings per ha

TOPOGRAPHY

Predominantly flat.

TREES

Previous surveys have shown substantial numbers of trees on the application site. These have virtually all been removed.

BOUNDARY TREATMENT

The site is bordered by existing properties to the north which front onto Lake Lane. The access to this site, which also serves as the through route to the adjacent residential development site to the west, is from Lake Lane to the north. To the east and south are various business properties and the

remains of the Nursery (much of which has been been sold in relation to the residential scheme to the west.) To the west is the Redrow proposed residential site.

SITE CHARACTERISTICS

The site is the existing entrance to a number of business and industrial premises. The topography is quite flat, and the majority of existing vegetation and trees have recently been removed, despite having been shown as part of the outline permission BN16/12 which was granted on appeal.

CHARACTER OF LOCALITY

Lake Lane is a relatively narrow rural road which has had considerable ribbon type development over the years. In addition there are a number of large businesses along this road, such as adjacent to the application site, so the residential and business and commercial traffic is mixed on this route.

RELEVANT SITE HISTORY

BN/52/16/RES	Approval of reserved matters following outline consent BN/16/12 & BN/21/14 for appearance, landscaping & scale for erection of 107 dwellings, car parking including garages, internal access roads, footpaths, parking & circulation areas, hard & soft landscaping, formal & informal play areas & public open spaces, attenuation basins, sewage treatment plant & other associated infrastructure & engineering - Duplicate application of BN/51/16/RES	
BN/51/16/RES	Approval of reserved matters following outline consent BN/16/12 & BN/21/14 for appearance, landscaping & scale for erection of 107 dwellings, car parking including garages, internal access roads, footpaths, parking & circulation areas, hard & soft landscaping, formal & informal play areas & public open spaces, attenuation basins, sewage treatment plant & other associated infrastructure & engineering	ApproveConditionally 22-09-17
BN/59/16/PL	Erection of a temporary sales cabin & associated parking area	Withdrawn 23-01-17
BN/15/16/RES	Approval of reserved matters following outline consent BN/16/12/ for the reconfiguration of site layout to include the resitting of 4 No. residential buildings.	Withdrawn 17-02-17
BN/21/15/RES	Approval of reserved matters following outline consent	ApproveConditionally REPORT(ODB)

BN/16/12/ for the construction of 107 No. residential dwellings with associated internal access roads, footpaths, boundary treatments, attenuation ponds, pumping station, landscape & open space (including allotments).

02-12-15

BN/16/12/ Outline application with some matters reserved for a development of up to 107 no. residential units (this application is a Departure from the Development Plan)

Refused
22-11-12

Appeal: Allowed+Conditions
17-10-13

The application site, along with the land to the west, was granted permission for a development of up to 107 dwellings, with all matters reserved except for access. Permission granted to BN/16/12 on 17th October 2013 on appeal after refusal by the LPA. A further application S73 (BN/21/14) was submitted to vary condition 4 of the outline permission to change to site boundary. This application was for the exclusion of the area now covered by this current application. Since this time, the many trees, originally shown at the outline consent stage, to be retained on the site, have been removed.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Barnham Parish Council

The Parish Council raised no objection but would like to see the number of properties reduced from 7 to 5 by removing the proposed houses closest to the existing properties, and in so doing create a green space in that area to make it a less urban landscape, in keeping with the area. The Parish Council still has concerns about the flooding issues in this area and the impact these additional houses will have on the existing main sewer.

3 letters of representation have been received from residents of Lake Lane objecting to the proposed development on the following grounds:

- * There have been problems with the main sewer and treatment plant, which already struggles to cope, and the proposed development will make this worse.
- * The new properties will make the flood risk on Lake Lane worse - there are already severe flooding problems in the area.
- * More houses would increased the disruption for local residents.
- * The loss of the trees and vegetation from the site will increase run-off and therefore flood risk.
- * Existing properties to the north of the site are already around a metre lower than the proposed development - run-off from the site would naturally flow into our gardens and houses. Soakaway systems are fine at times of low rainfall, but when ground levels are high as they often are in this area, the gardens in the area are characterised by pools of water which can take a long time to drain away. Clearing trees to the north of the site will significantly increase the risk of flooding to the properties to the north.
- * Some of the properties will be able to look directly into the adjacent existing properties along Lake Lane. This intrusion is increased due to the greater height of the proposed properties in relation to the existing.
- * The site is at the entrance to the Pollards Nursery - where articulated lorry movements are frequent which is a safety risk to residents.

* The proposed development would be contrary to the Barnham and Eastergate Neighbourhood Plan: Policy ES1 Flooding, drainage and new development; and be contrary to ADC Policy GEN9 Foul and Surface Water Drainage.

COMMENTS ON REPRESENTATIONS RECEIVED:

The comments are noted and dealt with under the "Conclusions" section of this report.

CONSULTATIONS

Engineering Services Manager
Engineers (Drainage)
WSCC Strategic Planning
Southern Water Planning
Environment Agency
Ecology Advisor
Environmental Health
Arboriculturist
Southern Water Planning
West Sussex -Landscape/Ecology
Planning and Housing Strategy
Parks and Landscapes
Engineers (Drainage)
Portsmouth Water PLC
Southern Water Planning
Southern Water Planning

CONSULTATION RESPONSES RECEIVED:

LOCAL HIGHWAY AUTHORITY:

No objection raised. The Local Highway Authority requested the imposition of conditions relating to car parking space, garages and cycle parking.

ENVIRONMENT AGENCY

No objection raised.

The applicant should fully investigate connection to mains foul sewerage, either via the statutory sewerage undertaker (Southern Water) or via an OFWAT appointed sewerage undertaker (NAV).

SOUTHERN WATER:

No objection raised subject to the imposition of a condition regarding foul and surface water sewerage disposal. Initial investigations indicated that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer. It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part 3 of the Building Regulations prioritises the means of surface water disposal in the following order: a) adequate soakaway or infiltration system; b) water course; and c) where neither of these is practicable sewer. Southern Water supports this stance and seeks through appropriate planning conditions to ensure that appropriate means of surface water

disposal are proposed for each development. It is important that discharge to sewer occurs only where this is necessary and where adequate capacity exists to serve the development. When it is proposed to connect to a public sewer the prior approval of Southern Water is required. Submitted drawing number C75102-D-300 Rev. A shows the diversion of an existing sewer serving neighbouring property and crossing the proposed site (not shown on Southern Water's records). The details of the proposed diversion needs to be agreed and approved by Southern Water before implementing on site. An application under Section 185 (sewer diversion) of the Water Industry Act 1991 needs to be submitted by the applicant.

PORTSMOUTH WATER:

No comments to make.

ADC DRAINAGE ENGINEER:

No objection raised following the submission of further information and calculations in relation to the proposed enlarged pond, which is part of another approved application.

ADC ENVIRONMENTAL HEALTH

No objection raised following the submission of information on a storage tank to the south of the site which proved there was no risk of contamination. Environmental Health requested the submission of an amended Noise Report and the applicant submitted the requisite document in February 2017, which was found to be acceptable by Environmental Health. Site contamination concerns have now been resolved.

ADC HOUSING:

No objection raised.

The ADC Housing Strategy and Enabling Officer initially requested the provision of one affordable house amongst the seven proposed houses, which would ideally have been a 2-bedroom dwelling for either affordable rent or intermediate housing.

ADC GREENSPACE:

No objection raised.

The provision of Public Open Space, measuring 537 square metres, would be required under the new standards, or a commuted sum for off-site provision or off-site enhancements. The applicant claims that the public open space on the revised layout, located along the western boundary of the application site, west of plot 1, measures 478 square metres, which exceeds the local requirement. It has been agreed that, as the current application is part of the wider development on the former Pollards Nursery site, which has planning permission for a LEAP, allotments and public open spaces; the current proposal to provide an additional 478 square metres of POS on-site is acceptable.

ECOLOGY:

No objection raised.

The Ecological Advisor agrees with the Ecological Appraisal findings and endorses the proposed enhancements. Breeding birds are protected by the Wildlife and Countryside Act (1981). The prescribed methodology in the Ecological Appraisal is acceptable and is in keeping with the Wildlife and Countryside Act, 1981, which must be adhered to.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and addressed in the "Conclusions" section of this report.

POLICY CONTEXT

Designation applicable to site:

Outside of Built Up Area Boundary (BUAB)

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

DEV17	Affordable Housing
GEN12	Parking in New Development
GEN2	Built-up Area Boundary
GEN20	Provision of Public Open Space within New Development
GEN21	Renewable Energy
GEN3	Protection of the Countryside
GEN33	Light Pollution
GEN5	Provision of New Residential Development
GEN7	The Form of New Development
GEN8	Development and the Provision of Infrastructure
GEN9	Foul and Surface Water Drainage

Publication Version of the Local Plan (October 2014):

D DM1	Aspects of Form and Design Quality
D DM2	Internal Space Standards
D DM3	External Space Standards
D SP1	Design
ECC DM1	Renewable Energy
ECC SP1	Adapting to Climate Change
ECC SP2	Energy and climate change mitigation
ENV DM5	Development and Biodiversity
ENV SP1	Natural Environment
GI SP1	Green Infrastructure & Development
H DM1	Housing Mix
H SP2	Affordable Housing
INF SP1	Infrastructure provision and implementation
QE DM1	Noise Pollution
QE DM2	Light Pollution
QE DM3	Air Pollution
QE SP1	Quality of the Environment
SD SP2	Built -Up Area Boundary
T DM1	Sustainable Travel and Public Rights of Way
T SP1	Transport and Development
W DM3	Sustainable Urban Drainage Systems

Barnham & Eastergate Neighbourhood Plan 2014 POLICY CLW3

Recreation facilities

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 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 GA1	Connection to sustainable transport
Barnham & Eastergate Neighbourhood Plan 2014 POLICY GA2	Footpath and cycle path network
Barnham & Eastergate Neighbourhood Plan 2014 POLICY GA3	Contributions to maintain and improve the network
Barnham & Eastergate Neighbourhood Plan 2014 POLICY GA4	Parking and new development
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H2	Windfall sites
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H3	Housing mix
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
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H7	Drainage for new housing

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.

A new Local Plan is in preparation and constitutes a material consideration when determining planning applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was suspended whilst Arun District Council addressed matters

raised by the Inspector but it resumed on 17th September 2017 and has now concluded. The District Council is awaiting the Inspector's report which is due in Spring 2018.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account. The examination ended in Autumn 2017 following publication of modifications to the Plan.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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 (Regulation 14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the Ministerial Statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

The Barnham and Eastergate Neighbourhood Development Plan 2014-29 has been finalised and "made".

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 proposed development is located outside the built up area boundary (BUAB) of Barnham and is therefore considered to be contrary to the relevant Development Plan policies. However, there are significant material considerations that would weigh in favour of the proposals and the policies within the development plan that relate to the supply of housing are out-of-date.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background as detailed in the Conclusion section. These include the National Planning Policy Framework (NPPF) and associated Guidance, the lack of a 5 year housing land supply provision for Arun, the Written Ministerial Statement on Neighbourhood Plans (December 2016), and the Secretary of State's decision on the Call-in Inquiry for the Fontwell planning application.

CONCLUSIONS

PRINCIPLE:

The development plan for Arun District currently comprises the Arun District Local Plan (2003) (saved policies) and the Barnham and Eastergate Neighbourhood Plan.

Arun District Local Plan 2003 (ADLP):

The policies of most relevance are saved policies GEN2 and GEN3 of the Arun District Local Plan. Outside the BUAB development will not be permitted unless it is consistent with other ADLP policies. ADLP Policy GEN3 - Protection of the Countryside states that except for several categories of development, none of which relate to the application proposal, development will not be permitted outside the BUAB. As this site lies outside the BUAB it is categorised as countryside for policy purposes and the scheme would conflict with ADLP Policies GEN 2 and GEN 3.

The Barnham and Eastergate Neighbourhood Plan (B&ENP) was made (adopted) in May 2014 on the basis of the saved policies in the ADLP and the draft policies in the emerging ADLP (2014). The site is located outside the built-up area boundary for Barnham and is therefore contrary to Policy ES3 (The Local Gap/Green Infrastructure) and Policy ES4 (Protection of open views) of the B&ENP. The application site is therefore classed as countryside. The scheme conflicts with the B&ENP and fails to protect the countryside in accordance with those policies.

The application site is therefore classified as countryside and the B&ENP anticipates that the countryside restrictions in the adopted Local Plan (2003) would apply to any applications. As set out above, the scheme conflicts with the ALP policies GEN 2 and GEN 3 and therefore conflicts with the B&ENP to protect countryside in accordance with those policies.

Emerging Development Plans:

This includes the emerging Arun District Local Plan 2011-2031 Publication Version October 2014 (eADLP) as modified in March 2017 ('the modified eADLP').

The eADLP was submitted for examination in January 2015. Following a material increase in the Objectively Assessed Need (OAN) for housing the eADLP examination was temporarily suspended until September 2017 to allow ADC to review potential locations for housing development. The proposed Modifications were approved by Full Council and consultation took place between 10 April - 30 May 2017. The examination resumed on Monday 18th September 2017 and the Council is currently awaiting the Inspector's report.

Policy H SP1 - Housing Allocation of the modified eALP sets out the overall provision of 20,000 new homes through the Local Plan phased over the plan period to 2031.

Policy SD SP2 - Built Up Area Boundary (BUAB) states that outside the BUAB apart from Strategic, Site Specific and Broad Allocations, development will not be permitted unless consistent with other plan policies.

The application site - comprising land at the former Pollards Nursery site - is not identified as a Strategic Site in the modified eALP and should be considered as a windfall site.

Planning Balance:

The following sets out whether there are any material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

Given the significant shortfall in housing supply it is considered that only limited weight should be given to the conflict with out-of-date ADLP Policies GEN 2 and GEN 3. Policy GEN 2 is clear that the boundaries of the built-up area were defined 'for the purposes of the West Sussex Structure Plan and this District Local Plan'. The built-up areas were drawn for the purposes of defining the extent of the built-up areas and countryside. This was done with the background of the required number of dwellings for the plan making period being provided within the built-up areas or on allocated sites (up to 2011).

There has been an almost doubling of the Objectively Assessed Need (OAN) to 919 dwellings per annum (dpa) and the current housing land supply figure for Arun District is around 2.09 years. This demonstrates that there is a pressing need to identify and bring forward deliverable sites for housing and that ADC cannot demonstrate a 3 or 5 year supply of deliverable housing sites. In recognition of this, the Local Plan Sub-Committee resolved in December 2016 to invite planning applications on sites identified as being 'deliverable' within the Housing and Employment Land and Availability Assessment (HELAA) where they are considered sustainable and will not prejudice the emerging local plan and/or infrastructure delivery.

Absence of a 5 year housing land supply:

Given the absence of a 5 year housing land supply, paragraph 14 of the NPPF is engaged. In accordance with paragraph 14 of the NPPF, planning permission should be granted unless (a) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole or (b) specific policies in the Framework indicate development should be restricted. As the Council cannot demonstrate a 3 year supply of deliverable housing sites, the Written Ministerial Statement on Neighbourhood Planning (12 December 2016) does not apply. Paragraph 49 of the NPPF is also engaged, which states that the relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a 5-year housing land supply.

The Inspector at the Burndell Road Appeal commented that when considering paragraph 198 of the NPPF: "Where a planning application conflicts with a neighbourhood plan that has been brought into being, planning permission should not normally be granted". However, in the case of Arun District Council, which has a severe housing land supply shortfall of approximately 2.09 years, the District is not considered "normal" and planning permission should be granted for the housing to assist it in meeting its 5 year housing supply.

AFFORDABLE HOUSING PROVISION

Policy DEV17 of the Arun Local Plan (ALP) requires the provision of affordable housing. Policy AH SP2 of the modified emerging Local Plan (eALP) specifies: "for all developments of 11 residential units or more the Council will require a minimum 30% of the total number of units proposed on site to be provided

as affordable housing on the same site in the first instance"; and Policy H3 of the Barnham and Eastergate Neighbourhood Plan (B&ENP) promotes housing mix. The ADC Housing Strategy and Enabling Officer initially requested the provision of one affordable house amongst the seven houses proposed. This is a stand-alone full planning application for 7 units only. The Development Plan policy does not require contributions for units of less than 25 dwellings. The Emerging Local Plan does lower the level to 11 units or more and this application is for only 7 dwellings. Notwithstanding this, the request would not be consistent with the NPPG which confirms that such obligations should not be sought for schemes of below 10 units. Therefore there is no policy basis to request affordable housing on this application site. This position has been agreed with the ADC Housing Strategy and Enabling Officer.

SCALE AND BUILDING HEIGHTS

Policy D DM1 of the modified eALP promotes aspects of form in terms of scale of new buildings and Policy ES8 of B&ENP says that buildings should be designed to reflect the three dimensional qualities of traditional buildings. Apart from the new housebuilding that is going on in the adjoining part of the former Pollards Nursery site, there are limited surrounding dwellings to this site and these are to the north and west. Dwelling types in the vicinity are a mixture of two-storey and some single storey. There is also other non-residential horticultural development nearby to the east. The site itself for the most part enjoys good separation from surrounding development and good screening from nearby residential development. The predominance of two storey dwellings on this site is in keeping with the character of the surrounding area and ensures that the development reflects the surrounding built form, in compliance with Policy ES8 of the B&ENP.

SITE LAYOUT AND CHARACTER

Policy GEN7 of the ALP says that "Planning permission will only be granted for schemes displaying high quality design and layout". Policy D DM1 of the modified eALP requires proposed developments to "deliver or contribute to the ease of navigation within a new or existing development scheme through use of focal points (landmarks, gateways, vistas, corner buildings, active edges, existing topography), and/ or a variety of detail within the public realm".

The proposed layout of the 7 houses (BN/19/16/PL) comprise a gateway along the access road to the larger development of 107 houses on the former Pollards Nursery site. The proposed layout and character is considered to be acceptable and would enhance the residential development on the application site and create a visually pleasing gateway development into the larger housebuilding development on the adjacent site, in accordance with Policy GEN7 of the Arun District Local Plan and Policy D DM1 of the emerging Local Plan (eALP).

Open space is provided along the western boundary of the application site and it is readily accessible from the new dwellings. There is also good surveillance of the small tract of open space from the dwelling on Plot 1 on the wider site; the principle elevation of which will look out onto the site.

The access road is characterised by detached dwellings and an avenue of trees. The main access route will have a generally spacious appearance, with gaps between dwellings and landscape planting. The layout is not formal and it mirrors the layout of the 107 houses that have approval and are being constructed on the larger part of the former Nursery site. The scheme is laid out with detached dwellings along the main access road through the site, linking up with the 107 houses that have already been approved. The layout of the 7 houses on the site is in keeping with the development approved on the adjoining site and it would not constitute an urban landscape as described by the Parish Council but a suburban landscape. The development seeks to reflect the green character of Barnham, with hedgerow and tree planting to create a strong green character with 5 detached houses and 2 semi-detached houses within their own plots.

It is considered that the proposed layout of the 7 houses reflects the guidance in the NPPF, in respect of

the need to create a high standard of environment for residents, which is also reflected in the requirements of the adopted and emerging Arun District Local Plans and that the current planning application accords with Policy GEN7 of the Arun District Local Plan, Policy D DM1 in the eALP and Policies H4 and H6 of the B&ENP

DESIGN AND FORM OF BUILDINGS

The NPPF indicates that good design should contribute positively to making places better for people. Policy GEN7 of the ALP says: "planning permission will only be granted for schemes displaying high quality design and layout". Policy D SP1 of the eALP requires "all development proposals should be of good quality and demonstrate a high standard of design". Policies ES5, ES6 and H6 in the B&ENP promote high quality design, ensure a contribution is made to local character, and attention to detail respectively.

The proposed building designs and use of materials are considered to sympathetically respond to its location. The development will have its own distinctive character and quality, whilst at the same time reflecting the local vernacular. The applicant has proposed a series of dwelling types of mixed design and materials. Materials include brick and render for walls, tile hanging and timber boarding; gable fronted dwellings with barge boards; together with generous landscaped front gardens. The buildings will have traditional elements of roof forms, with punctuating design details which reflect the local vernacular. A consistent pallet of materials would be utilised and this would result in a consistent character overall.

The proposed street scene demonstrates a variety of housing types and finishes, which creates interest and presents an organic feel to the proposed dwellings; demonstrating a sensitive and acceptable approach to design. It is considered that the proposed design of all 7 dwellings comply with Policy GEN7 of the ALP, Policy D SP1 of the eALP and Policies ES5, ES6 and H6 in the B&ENP.

HIGHWAYS AND TRANSPORT

Policy T SP1 of the modified eALP says that "to ensure that growth in the District strengthens Arun's economic base, reduces congestion, works to tackle climate change and promotes healthy lifestyles; the Council will ensure that development: provides safe access on to the highway network; contributes to highway improvements and promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network".

A Transport Assessment Addendum was submitted with the planning application, which comprises additional information to the Transport Assessment and the RSA which were submitted and approved with the outline planning permission on the adjacent site. The current planning application would utilise the approved access arrangements onto Lake Lane, which would be used to access the adjoining residential development and the Transport Assessment Addendum demonstrates that the traffic generated by the additional 7 dwellings would be accommodated safely at the junction and the level of traffic generation would not lead to any demonstrable level of harm on the existing highway network.

Trip Generation

Using a TRICS assessment, it would be anticipated that the 7 proposed dwellings would generate a net increase of 4 vehicular movements within the peak AM hours and 3 vehicular movements within the peak PM hours. The Local Highway Authority anticipates that the 7 dwellings would generate an increase of 33 vehicular movements across a typical working day. The net increases in trip generation over and above the approved scheme would be considered to be within the natural fluctuation of traffic flow and are acceptable and accords with Policy T SP1 of the modified eALP.

Car Parking

The applicant is proposing to provide 14 car parking space and 5 garage spaces; and 1 visitor space would be provided in a layby on the access road. The proposed development has been assessed against

the WSCC car parking demand calculator and it is anticipated that the 7 dwellings would generate the need for 21 car parking spaces. The proposed 20 car parking spaces is one short of the anticipated demand, it is considered that the proposed quantum of car parking spaces would meet the needs of the 7 dwellings. The Local Highway Authority has requested that a slight modification be made to ensure all hard-standing parking spaces measure 2.4 x 4.8 metres or 4.8 x 4.8 metres for double spaces; and is satisfied that these modifications could be secured by means of a condition. Consequently, the proposed car and cycle parking provision would be in accordance with Policy GEN12 of the ALP, Policy T SP1 of the modified eALP and Policy GA4 of the B&ENP.

EMERGING DWELLING SPACE STANDARDS

Policy D DM2 of the eALP requires that "the planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Standards will provide guidance but development will be encouraged to make the most efficient use of land". The 7 proposed house types comply with National Space Standards.

In terms of the emerging external space standards private gardens all meet the minimum required depth of 10 metres so provide sufficient and suitable private outdoor amenity space. Larger dwellings generally have larger back gardens. Consequently, it is considered that the proposed development complies with Policy D DM3 of the eALP.

NIEIGHBOURING AMENITY

Neighbouring residents have objected claiming that some of the properties will be able to look directly into the adjacent existing properties along Lake Lane. There is approximately 20 metres stand off distance from the rear elevations of the two proposed houses on the northern side of the application site and the nearest properties on Lake Lane, which is more than sufficient to ensure privacy and avoid overlooking.

NOISE

The NPPF, Policy GEN32 of the ALP and Policy QE DM1 of the modified eALP emphasise that noise sensitive development will not be permitted if its users would be affected by noise by proposed noise generating uses.

The initial Noise Report was inadequate as it did not provide sufficient information for an adequate noise appraisal. In particular it missed out consideration of the noise from surrounding industrial buildings, and the numerous HGV lorries now accessing the businesses adjacent to this site. The applicant submitted an amended Noise Report in February 2017 which was found to be acceptable by Environmental Health.

Consequently, it is considered that the proposed development complies with Policy GEN32 of the ALP and Policy QE DM1 of the modified eALP.

CONTAMINATED LAND

The contaminated land report submitted was initially incomplete, however the further data required has now been provided and it is considered by Environmental Health that there is no significant risk to public health.

FLOODING

Policies GEN23, GEN25 and GEN26 of the ALP require the protection of the water environment; and the NPPF requires that development does not give rise to an unacceptable risk of flooding detrimental to human health or property. Policy W DM2 of the modified eALP requires the submission of a site specific Flood Risk Assessment (FRA) which demonstrates that the development will be safe without increasing flood risk elsewhere and reduce flood risk overall; consider flood flow routing and utilise temporary storage areas.

The applicant has submitted a revised Flood Risk Assessment and Outline Drainage Strategy, dated 20th May 2016 which identified that the site is located in Flood Zone 1 where land is assessed as having less than a 1 in 1000 annual probability of river and tidal flooding (low probability). The Strategy recommends mitigation measures including the finished floor levels of the 7 dwellings will be set at least 300mm above the existing ground levels, where appropriate, which will be achieved by way of a condition.

It is considered that the proposed residential development complies with Policies of GEN23, GEN25 and GEN26 of the ALP and Policy W DM2 of the modified eALP

DRAINAGE

GEN9 of the ALP deals with foul and surface water drainage: development which will materially increase foul and/or surface water discharges will be refused unless the LPA is satisfied that either adequate drainage capacity exists or appropriate drainage capacity can be provided as part of the development.

Drainage both surface and foul are of extreme concern to local residents, as the area has a high water table, and is prone to flooding; and discussions have finally resolved this matter.

Southern Water's initial investigations indicated that there were no public surface water sewers in the area to serve the proposed development; and that alternative means of draining surface water from this development were required; which should not involve disposal to a public foul sewer.

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

The applicant has submitted a schematic drainage strategy with the planning application for the 7 dwellings and, following negotiations, Southern Water is satisfied with the proposed connection of the 7 dwellings to the public surface water sewer. Consequently, it is considered that the proposed drainage for the residential development on the site complies with Policy GEN9 of the ALP, Policy W DM1 of the modified eALP and Policies ES1 and H7 of the B&ENP.

LANDSCAPING

Policy ENV DM4 of the modified eALP says: The planting of new trees shall form an integral part of the design of any development scheme". Policy ES10 of the B&ENP promotes the retention of trees and hedgerows.

The amended Design and Access Statement sets out the Landscape Strategy for the application site which comprises the continuation of 'The Avenue' character area from the adjoining approved residential development, as this forms the entrance and spine of the site. This is emphasised by the proposed avenue tree planting and long front gardens with hedge planting to the front of the plots.

The applicant is proposing a small area of open space, measuring 0.03ha immediately west of the two houses located north of the access road, which would provide an area for informal play. ADC Greenspace has accepted this level of on-site provision bearing in mind the approved public open spaces, allotments and LEAP which are being delivered by the same house-builder on the adjoining residential site within the former Pollards Nursery site.

The submitted Landscape Management Plan and the Landscape plan cover the current application site on the former Pollards Nursery site and promotes the planting of trees in the 7 private gardens and the open space to the west of the houses.

The Landscape Character and Visual Impact Assessment which accompanied the outline planning application for the former Pollards Nursery site proposed mitigation measure to soften and filter views of the residential development along the existing boundary vegetation to the northern edge, adjacent to the southern edge of the residential gardens would be retained and enhanced with native tree and shrub planting.

No explanation has been provided as to why the tree survey provided by the applicant at the time of the outline application in 2012 which recommended the retention of the majority of trees on this site, was later changed to a recommendation for removal of the trees. The removal of the trees has already taken place on the site, thereby greatly reducing its nature conservation and amenity value. It is local planning policy that development should retain and enhance any pre-existing ecological value on development sites. The applicant is proposing to plant 18 trees on the application site including 4 trees in the public open space to the west of Plot 2 at the western end of the application site.

The proposed landscaping on the larger site, which already has the benefit of planning permission includes the provision of a LEAP, areas of open space, together with allotments. The landscaping proposals for the site of the 7 dwellings are acceptable and comply with Policy GEN7 of the ALP, Policy ENV DM4 of the modified eALP and Policies ES5, ES10, H4 and H5 of the B&ENP.

ECOLOGY

The applicant submitted a Preliminary Ecological Appraisal comprising an Extended Phase 1 Habitat Survey and a Protected Species Assessment with the current application for the 7 dwellings on the site. The Ecological Advisor agrees with the Ecological Appraisal findings and has endorsed the proposed ecological enhancements, in compliance with Policy ENV DM5 of the eALP.

CONCLUSION

Overall, the principle of development on this site is contrary to the development plan, however, as the Arun District Local Plan policies GEN2 and GEN3 are out-of-date, in accordance with paragraph 49 of the NPPF then they carry reduced weight. The material considerations set out above, including the lack of a 5 year housing land supply and the proposed allocation of the site to contribute to supply, are considered to weigh in favour of granting permission. The sustainability of the site is considered to accord with paragraph 14 of the NPPF. Therefore, it is considered that significant weight in the planning balance should be given to the contribution to housing.

Some policies of the Framework are cast in terms which indicate that in certain circumstances planning permission should be restricted. These, in this case, relate principally to foul water drainage, flooding and neighbour amenity impact. Having regard to the tests set out in the NPPF in relation to these issues, and in the context of the content of this report, it is considered that the circumstances are such that none of these issues amount to a reason for withholding planning permission either because the matter can be controlled by suitable conditions or because the public benefit outweighs the harm in respect of the issue at hand.

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.

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 planning permission relates to the following approved plans:

- Drawing Number SLP-01 Site Location Plan
- Drawing Number SL-01 Site Layout
- Drawing Number 2600-LA-06 P4 - General Arrangement Plan
- Drawing Number 2600-LA-07 P4 - Illustrative Landscape Masterplan
- Drawing Number SS-01 Rev C. - Street Scenes
- Drawing Number EF-CAMB-DM.4.ep1 - Cambridge Elevations (render)
- Drawing Number EF-CAMB-DM.4.ep2 - Cambridge Elevations (brick)
- Drawing Number EF-Oxf+-DM.3.e - Oxford + Elevations
- Drawing Number EF-Oxf+-DM.3.p - Oxford + Floor Plans
- Drawing Number EF-Worc+-DM.2.e - Worcester Elevations
- Drawing Number EF-Worc+-DM.2.p - Worcester Floor Plans
- Drawing Number EF-Cant+-DM.4.e - Canterbury Elevations
- Drawing Number EF-Cant+-DM.4.p - Canterbury Floor Plans
- Drawing Number EF-Letc+-SM.3.e - Ludlow Elevations
- Drawing Number EF-Letc+-SM.3.p - Ludlow Floor Plans
- Drawing Number 2600-PP-06 P4 - Planting Plan

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Policy GEN7 of the Arun District Local Plan.

- 3 Prior to commencement details of the materials and external finishes of the dwellings should be submitted to the Local Planning Authority for approval in writing. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity, in accordance with Policy GEN7 of the Arun District Local Plan.

- 4 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,

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of effective wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area. It is considered necessary for this to be a pre-commencement condition because the Construction Management Plan needs to be submitted and approved before work commences on site, in accordance with Policy GEN7 of the Arun District Local Plan.

- 5 Development shall not commence 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, the recommendations of the SuDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan. It is considered necessary for this to be a pre-commencement condition because the site needs to have adequate drainage.

- 6 A Landscape and Management Plan is submitted for approval in writing by the Local Planning Authority, which details the ongoing management and aftercare of the site once construction is complete. The Landscape and Management Plan should include the following requirements:
- any trees removed should be replaced at a ratio of 2:1.

The approved details in the Landscape and Management Plan should be implemented in full prior to the occupation of the dwellings and be maintained on site thereafter.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Policy GEN7 of the Arun District Local Plan.

- 7 All finished floor levels will be set at least 300mm above the existing ground levels.

Reason: To prevent flooding, in accordance with Policy GEN7 of the Arun District Local Plan.

- 8 No dwelling shall be occupied until the car parking spaces and the covered and secure cycle

parking spaces have been constructed in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles, and to provide alternative travel options to the use of the car in compliance with current sustainable transport policies in accordance with Policy GEN7 of the Arun District Local Plan.

- 9 The garage buildings shall be used only as private domestic garages for the parking of vehicles incidental to the use of the properties as dwellings and for no other purposes.

Reason: To ensure adequate off-street provision of parking in the interests of amenity and highway safety, in accordance Policy GEN7 of the Arun District Local Plan.

- 10 Development shall not commence until details of the proposed means of foul sewerage system have been submitted to, and approved in writing by the Local Planning Authority in consultation with the statutory sewerage undertaker. This shall include details of its siting, design and subsequent management / maintenance. No unit shall be occupied until works for the disposal of sewage have been fully implemented in accordance with the approved details.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with Policies GEN7 and GEN9 of the Arun District Local Plan. It is considered necessary for this to be a pre-commencement condition because the site needs to be effectively drained before construction commences. It is considered necessary for this to be a pre-commencement condition because the site drainage needs to be approved and implemented before the units are built and occupied.

- 11 Within 3 months of the date of this decision, a Bin Collection Strategy Plan shall be submitted to and be approved by the Local Planning Authority. The dwelling(s) to which the Bin Collection Points relate shall not be occupied until the bin collection points for those dwellings have been provided in accordance with the details so approved.

Reason: To ensure that adequate and satisfactory provision is made for the storage and collection of bins in accordance with policy GEN7 of the Arun District Local Plan

- 12 INFORMATIVE: Submitted drawing no. C75102-D-300 Rev. A, shows the diversion of an existing sewer serving neighbouring property and crossing the proposed site (not shown on Southern Water's records). The details of the proposed diversion need to be agreed and approved by Southern Water before implementing on site. an application under Section 185 (Sewer diversion) of the Water Industry Act 1991 needs to be submitted by the applicant.

- 13 INFORMATIVE: All adoptable drainage should be designed and constructed in accordance with SfA standards and Southern Water requirements.

- 14 INFORMATIVE: Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel. 0330 303 0119) or www.southernwater.co.uk