

Recommendation Report for Planning Permission

REF NO: BN/23/18/PL

LOCATION: 37 Hill Lane
Barnham
PO22 0BL

PROPOSAL: Redevelopment of brownfield site previously used for A1 retail to 2 No. dwellings, detached garage & associated works. This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

It is proposed to keep the existing dwelling, no. 37 with its existing garden but demolish all other buildings including the A1 retail unit on the frontage. A new two storey, 3 bedroom dwelling will then be located on the existing building line to the east of 37 with a two storey, 4 bedroom dwelling to the rear of this. A single storey detached triple garage will be added on land to the rear of 37. A total of 9 parking spaces will be provided, 3 each for the two new dwellings, 2 for no. 37 and an extra visitor space. The existing area of hardstanding to the front of the site will be grassed.

The application proposes to connect to the existing foul drainage system using a gravity system from the site to the adopted sewer system. In respect of surface water drainage, the scheme includes a detailed drainage strategy which proposes to discharge from the site by gravity via attenuation tanks and pipe drainage systems before discharging to the ditch along the site's southern boundary controlled by a hydrobrake flow control. The report states that soakaways are not possible due to poor infiltration rates, envisaged higher ground water level and the depth of made ground on site. It is noted that in order to ensure that the drainage system functions correctly, significant remedial work to the ditch network and culverted sections at highway crossings is required. This will require some works to be undertaken/paid for by third party owners.

SITE AREA

0.158 hectares (excluding the existing dwelling).

RESIDENTIAL DEVELOPMENT DENSITY (NET) 12.7 dwellings per hectare.

TOPOGRAPHY

Predominantly flat but approximately 1m higher than the road.

TREES

Existing tree in the rear garden of no. 37 and other scrubby trees to the rear of the site.

BOUNDARY TREATMENT

- 2-3m high hedge to the front side boundary with 36;

- 1m high hedge to the front side boundary with 38;
- Open to the road;
- 1.9m high close boarded fence to the rear side boundary with 36;
- 2m high hedge to the rear side boundary with 38;
- 1m high wire fence to the edge of 37's rear garden; and
- Post & wire fence to the field at the very rear.

SITE CHARACTERISTICS

Existing dwelling, retail shop and horticultural buildings. No. 37 is a two storey semi-detached house in red brick and clay tiles. It lies at the front of the site with a rear garden and is currently vacant. To the immediate south east (on the frontage) there is a grey/green painted timber pitched roof single storey building formerly used as a retail shop (originally used in connection with the former wholesale flower nursery business but more recently for the sale of antiques).

To the rear there are a collection of single storey horticultural buildings and features including a glasshouse, two shipping containers, two metal clad pitched roof buildings, 2 small sheds and two steel tanks. There is a large hardstanding parking/turning area to the front and more parking space within the rear of the site. Electricity power lines run along the eastern boundary.

CHARACTER OF LOCALITY

Rural area with a mix of dwellings fronting Hill Lane and agricultural/horticultural uses.

RELEVANT SITE HISTORY		
BN/53/18/HH	Two storey side extension	
BN/4/05/	2 storey rear extension.	ApproveConditionally 04-05-05
BN/53/04/CLE	Application for a certificate of lawfulness for an existing use - use of buildings for the sale of dried flowers and associated products together with parking.	Approve 07-01-05
BN/27/00/	Part use of existing nursery for the wholesaling of fresh flowers	ApproveConditionally 10-10-00
BN/10/90	Horticultural packhouse/store/ farmshop to replace existing building	ApproveConditionally 18-06-90

BN/14/70	Replace Existing Glass And Extension	ApproveConditionally 19-08-70
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BN/4/50	Glasshouse	ApproveConditionally 10-01-51
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The site was formerly in use as a wholesale flower nursery and this developed into a retail operation selling dried flowers from three buildings on the site. A Certificate of Lawfulness was granted in January 2005 for the "Use of buildings for the sale of dried flowers and associated products (use class A1) together with ancillary vehicle parking". The building on the front, the glasshouse and one of the two metal clad buildings were authorised for retail. The whole of the frontage of 37 Hill Lane was also authorised as a vehicle parking area in association with the lawful A1 use. It is understood that the Flower Barn ceased trading around 2012. Sometime after that, the retail building was used for the sale of antiques but this use has also ceased.

The approved two storey rear extension to 37 was never implemented but there is a current application before the Council for a two storey extension to 37's side. This extension would not include any flank windows and the only new rear facing windows would be secondary in nature (utility at ground floor, bathroom above).

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Barnham Parish Council

Barnham Parish Council

Barnham Parish Council

BARNHAM PARISH COUNCIL:

Originally accepted that the proposal could be considered in accordance with policy H2 of the Barnham and Eastergate Neighbourhood Development Plan (BENDP). However, raised objections on the grounds of overdevelopment, character (in terms of design & building line) and drainage.

Following re-consultation on the two dwelling scheme, commented that:

"At a meeting of Barnham Parish Council on Monday 3rd September the Council considered the amended application for this site and agreed to submit an objection to the application.

The Council recognise that the applicant has taken on board some of the comments made in respect of overdevelopment in terms of reducing the number of dwellings on the site which the Council welcome.

The main concerns and objection the Council wish to submit relates to the lack of a detailed plan for dealing with the surface water drainage (Policy ES1 Flooding, drainage and new development). The Council also still has concerns over the impact of the development on the neighbouring properties and how the development will fit in with the surrounding area.

The Parish Council were then notified of the applicants revised drainage assessment and made the following additional comment:

The Council was pleased that the drainage assessment had been undertaken prior to the application being considered. However, they wished to comment that they supported the concerns raised by the residents present in relation to the fact that if the development goes ahead there could be a considerable financial impact in respect of them having to pay for some drainage works to support the development and if that is the case this seems extremely unfair on those residents.

The application has also attracted 25 letters of objections although these include comments received before and after the re-consultation of the scheme (when it was reduced from 3 to 2 dwellings). Concerns include:

- (1) In the countryside/outside of nearest settlement boundary;
- (2) The application suggests that because it is '155m from an allowed future development area' that it too should be allowed;
- (3) No need to boost housing density in Barnham as already have a considerable increase in housing density in the village;
- (4) This will create a precedent for other glasshouse type sites in the area;
- (5) This is not a windfall site;
- (6) Overdevelopment;
- (7) Out of character with the area;
- (8) No dormers should be allowed in roof space;
- (9) Hill Lane adjoins the "Church Lane, Barnham" Conservation Area;
- (10) Proposals not in character with the nature & style of the lane;
- (11) Proposed houses are behind the existing building line;
- (12) Proposed houses have a higher ridge height than the existing buildings;
- (13) Proposal will add nothing to the quality of design and sustainability in this lane;
- (14) One of the dwellings will be forward of the building line and would alter the character of the lane;
- (15) Light loss to 38 & 39 as buildings will be as high as existing electric cables;
- (16) Loss of privacy to nos. 38 & 39;
- (17) Biodiversity not addressed correctly as all the properties in the Lane benefit from a wide diversity of flora & fauna including grass snakes, newts, slow worms, nesting and visiting birds;
- (18) Submitted test pit photo could have been taken anywhere;
- (19) No planned environmental or sustainable proposals for energy or water or other;
- (20) Increased traffic to a private road maintained by residents;
- (21) Harm to safety of pedestrians/children/cyclists/horse riders using the Lane as no pavement exists;
- (22) Not enough road frontage;
- (23) Planning Dept will need to fund road improvements;
- (24) Need agreement from residents to allow this due to private road;
- (25) The site road is marked as a diagonal and the tangential width does not meet the minimum 3.6m requirement;
- (26) Difficulties for longer vehicles to enter the rear of the site;
- (27) Garages are 0.8m not the required 1m from the westerly perimeter boundary;
- (28) Parking arrangement doesn't look practical for moving vehicles safely in and out;
- (29) Hill Lane is a very narrow and at places dangerous thoroughfare with blind bends and limited widths;
- (30) Previously little traffic to the Flower Barn;
- (31) Hill lane is constantly eroded with significant potholes and uneven surfaces continually in need of repair;
- (32) Impact on foul sewer;
- (33) Inadequate refuse and recycling bin collection locations;
- (34) The site must not be allowed to drain to roadside ditches;

- (35) Surface water flooding - no operable drainage system on Hill Lane and has previously flooded;
- (36) Drainage assessment (section 4.2.9.3) refers to riparian responsibilities for remedial actions and the plan in Appendix B sets out several required ditch and culvert works that require neighbouring properties and WSCC to undertake works at their expense to enable this development to go ahead;
- (37) Unacceptable to require other existing owners to pay so that the drainage for this application can take place;
- (38) Unlikely that WSCC will pay as have not contributed to road maintenance for years so unlikely that these works will take place;
- (39) Developer should pay for all necessary drainage improvement works;
- (40) Residents not consulted on the drainage plan;
- (41) Various flaws/inaccuracies with the drainage report;
- (42) Majority of properties receive services from the under the site frontage/road so will limit ability to dig ditches;
- (43) Confusion over drainage proposals;
- (44) Drainage report makes many incorrect assumptions;
- (45) Agricultural tie imposed on new dwelling at Horseshoe Cottage - would same not apply to this;
- (46) Covenants in place to prevent further development of no. 38 & other dwellings in the Lane - does this now apply to this site;
- (47) Road/hedge/ditch Maintenance is carried out by a residents maintenance group with an annual charge;
- (48) Plans are misleading as not all demolition is of buildings;
- (49) Retail area was not all of the on-site buildings;
- (50) Application has inaccuracies (a) non-contextual drawings, (b) unspecified ridge heights, (c) no marked site boundaries;
- (51) What is the correct site area? 1.58 ha, 0.158ha and 0.12ha are all stated;
- (52) New submission has not addressed the issues that have been already raised;
- (53) Unclear whether Barnham Parish Council will be able to consider the revised application; and
- (54) Applicants are only interested in making money and have no interest in how it impacts on peoples' lives.

COMMENTS ON REPRESENTATIONS RECEIVED:

PARISH COUNCIL:

Following the receipt of further comments, the Parish Council objections are considered to be as follows:

- (A) Character;
- (B) Impact on neighbouring properties; and
- (C) The financial impact of the drainage scheme on residents.

(A) & (B) will be considered within the report's conclusions. In respect of (C), please refer to the response of the Drainage engineer at the end of this section.

LOCAL RESIDENTS:

The following comments are offered in response to the local resident objections:

- (1) This will be considered within the report's conclusions;
- (2) The application does not put this forward as justification. The comment is made within the section of the planning statement that describes the site and its surroundings;
- (3) Noted;

- (4) All applications are considered on their own merits so although a permission here could be used as justification elsewhere, it would not automatically follow that a different site would be granted permission;
- (5) Windfall sites are sites which are not allocated for development but that come forward for development. This site is capable of being considered as a windfall site;
- (6) - (7) Character and overdevelopment will be considered within the report's conclusions;
- (8) There are no proposals to put dormers in the roof space. A condition could be imposed on any permission to remove permitted development rights for extensions/alterations;
- (9) The site does not adjoin the Conservation Area and indeed, is some 220m from the edge of the Conservation Area. It would not be considered to affect the setting of the Conservation Area;
- (10) - (11) Character will be considered within the report's conclusions;
- (12) - (13) Noted. Design will be considered within the report's conclusions;
- (14) The plans have been changed and the dwelling on the front will be on the same building line as no. 37;
- (15) - (16) Residential amenity issues will be considered within the report's conclusions;
- (17) Biodiversity will be considered within the report's conclusions but please also note the consultation advice of the Councils ecologist;
- (18) Noted;
- (19) Noted. A condition could be imposed to require the incorporation of such measures;
- (20) - (21) Highway safety, traffic and parking will be considered within the report's conclusions. The private nature of the road is not capable of being a material planning consideration;
- (22) Noted;
- (23) - (24) This is a private civil matter and is not capable of being a material planning consideration;
- (25) - (26) Noted however WSCC Highways have checked the plans and raise no objections/request no changes;
- (27) There is no minimum distance for the garages to be set in from the boundary;
- (28) Noted however WSCC Highways have checked the plans and raise no objections/request no changes;
- (29) Highway safety, traffic and parking will be considered within the report's conclusions;
- (30) Noted;
- (31) This is not capable of being considered as a material planning consideration as it relates to private maintenance requirements;
- (32) The impact on the foul sewer will be considered within the report's conclusions but please also note the consultation advice of Southern Water;
- (33) The proposed layout includes bin storage point for the individual houses plus a collection point towards the front of the site;
- (34) - (44) Surface Water Drainage is considered within the report's conclusions but please also note the consultation advice of the Councils drainage engineer and their response to the objections as provided at the end of this section;
- (45) Applications have to be considered on their own merits and the site in question is 270m from the application site. It would not be considered relevant to impose such a restriction unless there was a clear agricultural need;
- (46) Covenants exist separately to planning and are not capable of being considered as a material planning consideration;
- (47) This is a private civil matter and is not capable of being a material planning consideration;
- (48) Noted but it is considered that this is clear from the application documents;
- (49) The plan attached to BN/53/04/CLE includes the Flower Barn as well as the glasshouse and one of the two metal clad buildings were authorised for retail. Whilst not all of the existing buildings, this does represent most of them;
- (50) There is a contextual drawing and also measurements can be obtained by measuring from the plans;
- (51) The site has been measured as 0.158 hectares;
- (52) Noted;

(53) Barnham Parish Council have been notified of all changes to the application and have provided three different responses; and

(54) This is not capable of being considered as a material planning consideration.

RESPONSE TO CONCERNS WITH THE DRAINAGE STRATEGY:

The Council's Drainage engineer has provided the following response to the concerns raised by local residents and the Parish Council regarding the drainage strategy:

"The watercourses along Hill Lane are in a poor state with a lack of connectivity and as a result of insufficient maintenance having been carried out over many years. We have been involved with trying to resolve drainage issues in Hill Lane since 2010, i.e. well before this planning application. We were invited out to Hill Lane earlier this year to discuss drainage issues (not the development) by a Riparian Landowner before the planning application was submitted.

We have been and will be working to ensure land owners maintain the watercourses they are responsible for irrespective of the development. We are not requiring other owners to do work to facilitate the development, we are requiring them to do work they should be doing anyway as a result of the Land Drainage Act, i.e. even if the planning application is refused, the maintenance work detailed on the plans will occur. The watercourses in Hill Lane are critical to the functionality of the land drainage system in the area, i.e. draining fields, roads and pathways.

It is also worth noting that WSCC do not own Hill Lane, it is a private road, therefore they have no maintenance responsibility over the road. However, as a riparian landowner WSCC will need to carry out works to the watercourse which borders their land or contribute to somebody else doing it.

The developer has proposed to reinstate the culvert under the access way, clear out ditches in close vicinity and provide a new culvert under Hill Lane to re-connect the watercourses. It is my belief this is a significant contribution by the developer to help resolve the drainage issues within Hill Lane and it would be unacceptable to ask the developer to carry out any further works as it is the responsibility of the Riparian owners to keep their watercourses clear and free flowing. Furthermore, it is my belief that the works the developer is proposing will help to reduce the risk of flooding to Hill Lane itself and therefore the frequency resurfacing is required."

CONSULTATIONS

Southern Water Planning

Engineering Services Manager

Engineers (Drainage)

Arboriculturist

WSCC Strategic Planning

Ecology Advisor

CONSULTATION RESPONSES RECEIVED:

SOUTHERN WATER - No objections. Note the presence of a possible sewer within the site and state that no trees should be planted within 3m of the sewer sides, no soakaways within 5m of the public sewer and that the sewer should be protected during development works. Requests an informative regarding new connections to the foul sewer. Also comment on the need for a surface water drainage scheme that does not drain to the foul sewer.

WEST SUSSEX HIGHWAYS - No objections. Comment that:

- Hill Lane is a privately maintained road therefore comments are for information only;
- The applicant will need permission from the proprietor of Hill Lane for any access works;
- No issues with visibility at the junction of Hill Lane and Yapton Road;
- No accidents at the junction of Hill Lane and Yapton Road in the last 5 years;
- Therefore no safety concerns with that junction and no evidence to suggest that the proposal will exacerbate an existing safety concern;
- The parking spaces & garage spaces meet the required dimensions;
- The parking provision meets the Parking Demand Calculator;
- Vehicles can enter and exit in a forward gear;
- The site is not sustainably located and as such there will be a heavy reliance on the private car;
- Conditions requested regarding cycle storage and provision of vehicle parking & tuning.

COUNCIL'S ECOLOGIST - No objections. Comment that:

- The lighting scheme will need to take into consideration the presence of bats in the local area and minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding;
- Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season;
- Any trees removed should be replaced at a ratio of 2:1;
- Any gaps in tree lines or hedgerows should be filled in with native species;
- Bat and bird boxes should be installed on the site;
- Grassland areas should be managed to benefit reptiles;
- Log piles should be provided on the site; and
- Hedgehog friendly fencing should be used.

ADC DRAINAGE ENGINEERS - Originally stated no objections subject to the imposition of standard conditions ENGD2A, ENGD4A and ENGD6A. Requested that soakaways be investigated for surface water disposal. Further comments following the submission of the drainage strategy to say that:

"The drainage impact assessment outlines the proposed on site and off site drainage works. Based on this the development should not increase flood risk elsewhere and should in fact provide betterment to the drainage of Hill Lane. The drainage will be either lined or unlined following the results of winter groundwater monitoring. Therefore, I would still like the conditions to apply."

COMMENTS ON CONSULTATION RESPONSES:

All comments noted.

POLICY CONTEXT

Designations applicable to site:

Outside Built Up Area Boundary;
 Lidsey Treatment Catchment Area;
 Grades 1-3 Agricultural Land;
 Area of Special Control of Adverts;
 Horticultural Local Development Order*; and
 Flood Zone 1.

* This permits certain types of horticultural development within set site areas including this site.

DEVELOPMENT PLAN POLICES

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
GISP1	GI SP1 Green Infrastructure and Development
HSP1	HSP1 Housing allocation the housing requirement
HSP2C	H SP2c Inland Arun
LANDM1	LAN DM1 Protection of landscape character
QEDM2	QE DM2 Light pollution
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

<u>Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES1</u>	Applications for new development must meet the local drainage requirements
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 ES10	Trees and hedgerows
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES11	Energy efficiency of new development
Barnham & Eastergate Neighbourhood Plan 2014	Connection to sustainable transport

POLICY GA1

Barnham & Eastergate Neighbourhood Plan 2014 Parking and new development
POLICY GA4

Barnham & Eastergate Neighbourhood Plan 2014 Windfall sites
POLICY H2

Barnham & Eastergate Neighbourhood Plan 2014 Housing mix
POLICY H3

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 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.

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.

The relevant policies of the Barnham and Eastergate Neighbourhood Plan are considered within this report.

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 be in conflict with the relevant development plan policies in that it would result in new development within the countryside outside of the nearest settlement boundary and in an unsustainable location.

OTHER MATERIAL CONSIDERATIONS

Material considerations are discussed within the reports conclusions section below. However, it is not considered that any of these would warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE:

Objections have been raised by local residents in respect of the site's location outside of the settlement boundary and not being a site allocated for development.

The development plan for the Arun District currently comprises the Arun Local Plan 2011-2031, the Barnham & Eastergate Neighbourhood Development Plan and the West Sussex Waste and Minerals Plans.

Arun Local Plan:

The key policy considerations in the determination of this application are considered to be H SP1, SD SP1, SD SP2 and C SP1 of the Arun Local Plan (ALP).

Policy H SP1 "The Housing Requirement" sets out an overall provision of 20,000 new homes through the Local Plan phased over the plan period to 2031. It includes a reference to additional non-strategic allocations being made across the District through reviews of Neighbourhood Plans and through the publication of a "Non-Strategic Site Allocations Development Plan Document (DPD).

Paragraph 12.1.6 within the preamble to policy H SP1 sets out a figure of 847 homes to be achieved from windfall sites such as this. This will contribute to a total of 20,768 homes over the plan period to 2031.

Policy SD SP2 "Built up Area Boundary" states that outside the BUAB, apart from strategic, site specific and other broad allocations, development will not be permitted unless consistent with other plan policies. In addition, policy C SP1 "Countryside" states that residential development in the countryside outside of the BUAB will not be permitted unless in accordance with policies in the Plan which refer to a specific use or type of development.

As the proposed site does not form part of a proposed allocation and is not in accordance with another policy within the ALP, the exception under C SP1 would not apply and the proposal would be contrary to ALP policies SD SP2 and C SP1.

Barnham & Eastergate Neighbourhood Development Plan (BENDP):

The BENDP was made (adopted) in July 2014 on the basis of the saved policies in the 2003 Arun Local Plan and the draft policies in the 2014 publication version of the emerging Arun Local Plan. The BENDP does not set a built up area boundary and regard should therefore be had to the ALP in this respect. However, policy H2 allows for the development of small residential developments on infill and redevelopment sites within the two parishes and does not state that these must be within the built up area boundary.

It should also be noted that policy GA1 (Connection to sustainable transport) states that: "New

developments should integrate with the current green infrastructure network and provide access to public and community transport, to connect with the social, community and retail facilities of the villages."

Summary of Development Plan Position:

Section 38 (5) of the Planning and Compulsory Purchase Act 2004, states that: "If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document".

Therefore, the conflict between policy H2 of the BENDP (which would allow this small scale development in principle) and policy C SP1 of the ALP (which would not) would be resolved in favour of the ALP.

Sustainability:

Policy SD SP1 states that the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF).

Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and that (paragraph 8), to do this, there are three interdependent objectives which should be achieved (economic, social & environmental). Paragraph 9 states that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. This report will now consider whether the proposal represents sustainable development with reference to each of the three objectives.

(1) Environmental Objective

The Institute of Highway and Transportation (IHT) publication 'Guidelines for Providing Journeys on Foot 2000)' sets out recommended guidelines for walking distances and provide desirable, acceptable & preferred maximum distances. For town centres these range between 200 to 800 metres, for commuting/school 500 to 2000 metres and elsewhere 400 to 1200 metres. As this is not a town centre location the relevant distances would be 400m-1200m for day to day journeys and in respect of school/work commuting, 500m-2000m.

All of the following distances are measured from the position of the access onto Hill Lane and then using existing local roads. These distances represent the shortest route which may involve footpaths which may not be suitable during darkness hours or in wet weather.

It is noted that there is no street lighting on Hill Lane, on Church Lane to the west or on Yapton Road other than within the settlement of Barnham. Furthermore, neither Hill Lane nor Church Lane has a separate footpath whilst most of Yapton Road between Hill Lane and Barnham only has footpath on the north side. Therefore, it is not considered that walking would be an attractive alternative to the car either during the day or particularly at night.

The nearest schools would be:

- * St Philip Howard Catholic School (Secondary & 6th Form) - 1.49km;
- * Yapton CE Primary School - 2.2km;
- * Ormiston Six Villages Academy (Secondary) - 3.31km; and
- * Aldingbourne Primary School - 4.01km.

In terms of employment, it is considered that the following places/areas are all within around 2km of the

site:

- * Central Barnham (with access to a railway station); and
- * Various horticultural businesses on Lake Lane.

It would also be possible to take a bus from one of the nearby stops outside Barnham Community Hall (1km) or a train from Barnham Railway station (1.2km) and thus access additional locations without the use of a car.

There are no facilities within a walking distance of less than 400m from the access onto Hill Lane. The following facilities are available in the local area within a walking distance of between 400m and 1200m from the access onto Hill Lane:

- * Windmill Shopping Village - approx. 1km;
- * Barnham Community Hall - approx. 900m;
- * Murrell Arms Public House - approx. 850m;
- * Barnham Trading Post shop - approx. 1.1km; and
- * Barnham Tesco Express - approx. 1.2km.

The other environmental aspects of sustainable development such as impacts on trees, ecology and in respect of flooding/drainage are considered in detail in the report below but it is concluded that there are no adverse environmental impacts associated with any of these.

(2) Social Objective

It is considered that the proposal could help to support the local community by providing 2 new dwellings to help meet future needs. This factors weighs in the scheme's favour.

(3) Economic Objective

It is considered the proposal would likely result in economic benefits to the local area in the form of the following:

- * An increase in Council Tax receipts;
- * Potential 'New Homes Bonus' payments from the Government;
- * The creation/maintenance of construction jobs; and
- * Additional spending by new residents on local goods & services.

This would need to be weighed up against potential costs to the economy such as the loss of potentially high quality agricultural land (noting that the land is currently unused for such). However, this report considers elsewhere that the site has limited value for agriculture.

Assessment of Sustainable Development

It is considered that whilst the proposal would result in economic and social benefits with limited associated costs, the site is not in a sustainable location. The evidence set out above is clear that the occupiers of the two new houses are likely to be heavily reliant on the private car to access basic facilities and services. Although it would be possible to use alternative means to access such places, it is unlikely that walking along a single width road with no separate pavement and no lighting is likely to be attractive to the vast majority of persons. On balance, therefore, the proposal would not represent sustainable development thus being contrary to the aims/objectives of the NPPF and to policy SD SP1 of the ALP.

Material Considerations:

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.

Firstly, it should be noted that in order to bolster housing land supply in advance of the adoption of the current Local Plan, the Council previously (early 2017) resolved to invite planning applications on sites identified as being 'deliverable' by the HELAA where they were considered to be sustainable and would not prejudice the emerging local plan and/or infrastructure delivery. This site was assessed as part of a much larger land area (ref BA2) within the 2017 HELAA report but was not considered to be particularly suitable for development. An application submission on the BA2 area was not therefore invited.

The applicant has stated that although Arun District Council now has an up to date Local Plan, the housing land supply includes a windfall allowance of 847 dwelling which was included in light of the potential fragility of the Council's housing land supply in the short term. The applicant questions why this site is being dismissed so easily. However, the Council considers that such windfall sites should be sustainably located and that there is not currently any pressure on the Council to start allowing development in unsustainable locations. It is therefore not considered that any significant weight can be allocated to the material consideration.

The applicant also suggests that given the lawful retail use, alternative options for the site include replacing the commercial buildings with more substantial units in order to continue the retail activity. They state that this has the potential to generate a higher level of traffic movements than the proposed residential scheme and would also be at odds with the predominately residential properties along Hill Lane.

Whilst this potential future scenario is acknowledged, it should be noted that any proposal to redevelop the site with a more modern retail use would require planning permission and this would allow for an assessment of impact on character, amenity, highway safety etc (and control of such matters). Furthermore, the existing retail use has been present on the site for some time and although it may have not been a particularly intensive use, it is likely to have been accepted by other residents of Hill Lane. It is therefore not considered that this material consideration is capable of outweighing the harm identified elsewhere in this report.

The applicant also considers that weight should be applied to the brownfield (previously developed) nature of the site. It is acknowledged that ALP policy SD SP1a (Strategic Approach) states that:

"To maintain the District's unique character as a coastal location set against the South Downs whilst ensuring that the needs of the community are met through sustainable growth and the provision of suitable services, the spatial strategy for Arun District to 2031 is to: (g) encourage the effective use of previously developed land in accordance with the strategy, provided that it is not of high environmental value."

Also that paragraph 84 of the NPPF states that: "The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist. Paragraph 117 also states that objectively assessed housing needs should make as much use as possible of previously-developed land.

It is accepted that there is policy support for the use of brownfield land and for the maximisation of such opportunities. However, it is not considered that this outweighs the harm caused by the unsustainable location of the site.

Conclusion on Matters of Principle:

For the reasons given above, the application would conflict with policies SD SP1, SD SP2 & C SP1 of the Arun Local Plan but would be in accordance with policy H2 of the BENDP. However, as noted elsewhere in this report, where there is conflict between policies, the conflict must be resolved in favour of the policy which is contained in the most recent document. Therefore, compliance with the BENDP is outweighed by the conflict with the ALP.

Several arguments have been put forward by the applicant as to why the countryside policy should be given low weight in this balance. However, the Council does not consider that these material considerations are of significance weight either on their own or cumulatively to outweigh the principle established by the countryside policy within the ALP particularly given that the site is not located sustainably having regard to a reliance on the private car and the environmental harm that this would result in.

LOSS OF RETAIL USE:

It is understood that the Flower Barn (subject of the retail use permitted by the 2005 Lawful Use Certificate) ceased trading around 2012. Although the retail building on the frontage was subsequently used for the sale of antiques, this has also ceased.

Arun Local Plan policy RET DM1 "Retail development" is not relevant to this determination as it does not set out any protection for retail uses outside of town, village and suburban centres. Policy EMP DM1 "Employment Land: Development Management" does seek to protect existing employment premises and sites but is limited in its remit to B class (office/industrial) uses and so is not relevant to Class A1 retail uses. There is also no protection within the NPPF and instead, paragraph 84 sets out support for the development and diversification of agricultural and other rural businesses. As such there would be no conflict with the development plan in respect of the loss of the retail use.

AGRICULTURAL LAND:

The mapping data available via Defra's online Magic mapping tool is not accurate given the scale of the mapped data but does suggest that this area falls within grades 1-3. Therefore, it is necessary to consider policy SO DM1 of the ALP which states that:

"Unless designated by this Plan or a Neighbourhood Development Plan, the use of Grades 1, 2 and 3a of the Agricultural Land Classification for any form of development not associated with agriculture, horticulture or forestry will not be permitted unless need for the development outweighs the need to protect such land in the long term."

The applicant has not supplied any information to justify the proposal against the requirements of this policy. However, it is considered that this is a very small area of land (0.158 hectares) which would not on its own be viable for the purposes of the growing of crops. Modern agriculture and arable farming has changed to the extent that it is now larger in scale with an emphasis on large tracts of land as opposed to collections of individual fields. The land could be viable in connection with the larger tracts of agricultural land immediately to the north.

However, the agricultural use of the land could result in amenity conflicts with the adjoining residential properties. Furthermore, the site contains large area of hardstanding which would need to be removed and there are likely to be contamination issues to deal with which may impact on the ability to grow things within the soil. Therefore, despite the likely grade of soil, it is considered that the site is limited for

future agricultural use due to its size/workable area, nature of the land and relationship to adjacent houses.

Overall, it is considered that the proposed development would lead to the loss of grades 1-3 agricultural land, but that there are other material considerations that would outweigh this loss. Therefore, whilst the proposal is contrary to ALP policy SO DM1, it is not considered that this should result in a refusal.

HIGHWAY SAFETY & PARKING:

Objections have been raised by local residents in respect of the increased traffic, harm to the safety of pedestrians/children/cyclists/horse riders using the Lane and the increased risk of collisions between vehicles on Hill Lane.

Arun Local Plan policy T SP1 seeks to ensure that development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. In respect of highway safety, it states that:

"The Council will support transport and development which: Explains how the development has been designed to: (i) accommodate the efficient delivery of goods and supplies; (ii) give priority to pedestrian and cycle movements and have access to high quality public transport facilities; (iii) create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter."

In respect of parking, it states that:

"The Council will support transport and development which: Incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking"

In addition, policy T DM1 requires that new development be located within easy access of established non-car transport modes/routes and also seek to contribute to the improvement of such routes & facilities.

Paragraph 108 of the NPPF states that: "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Regard should also be had to paragraph 109 which states that: "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."

WSCC Highways have assessed the application submission and raise no objections. They do not consider that the proposed development will either exacerbate any existing vehicle/pedestrian safety issues or create new ones. They also consider that the parking provision meets the West Sussex County Council Parking Demand Calculator (which is the accepted standard for residential development within the Arun district).

In the absence of an objection from the Highway Authority, it is considered that the proposal is in accordance with the relevant development plan policies (and in respect with the guidance with the NPPF) and that despite the objections of local people, a refusal on highway grounds could not be sustained.

CHARACTER & DESIGN:

Objections have been raised by the Parish Council & local residents in respect of character, overdevelopment, houses being behind the front building line, houses having a higher ridge height than neighbouring dwellings and the proposal not contributing to the design quality of Hill Lane.

Arun Local Plan policy D DM1 requires that the Council have regard to certain aspects including:

(1) Character - "Make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features.";

(2) Appearance/attractiveness - "Demonstrate a high standard of architectural principles, use of building materials, craftsmanship and hard and soft landscaping to reflect the local area";

(13) Density - "The density of new housing will make efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. Proposals should take into account the density of the site and its surroundings. The density of large sites should be varied to guard against uniformity"; and

(14) Scale - "The scale of development should keep within the general confines of the overall character of a locality unless it can be demonstrated that the contrary would bring a substantial visual improvement."

Furthermore, policy D SP1 "Design" states that:

"All development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details. Development proposals should have been derived from: a thorough site analysis and context appraisal; adherence to objectives informing sustainable design (inclusivity, adaptability, security, attractiveness, usability, health and wellbeing, climate change mitigation and habitats); and the influence these objectives have on the form of the development. With major developments or allocated sites in the Development Plan, in addition to a Design and Access Statement, a context appraisal, context plan and analysis of the site will also be required"

BENDP policies ES5 (Quality of design), ES6 (Contribution to local character), ES8 (Buildings should be designed to reflect the three-dimensional qualities of traditional buildings), H4 (Integration of new housing into surroundings) and H6 (Attention to detail) are all considered to be relevant. These set out requirements for high quality design, the early integration of building features & details and development that reflects the design & character of surroundings. BENDP policy H3 states that no more than 25% of the housing units to be provided should have one or two bedrooms. However, this would not be relevant given that only two dwellings are proposed.

It is also necessary to consider the guidance within the National Planning Policy Framework. Paragraph 127 of the NPPF states that "Planning policies and decisions should ensure that developments: (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)." In addition, paragraphs 122, 130 and 180 are all relevant.

Paragraph 122 states that planning decisions should support development that makes efficient use of land but that the desirability of maintaining an area's prevailing character and setting should be taken into account. Paragraph 130 states that planning permission should be refused for development that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Paragraph 180 states that planning decisions should protect tranquil areas which have

remained relatively undisturbed by noise and are prized for their recreational and amenity value.

It should be noted that the application was amended during the course of its determination reducing the number of new dwellings from 3 to 2 and removing the dwelling that had been proposed forward of the building line established by nos. 37 & 38. This also better reflects the loose knit pattern of residential development along Hill Lane.

It is accepted that the proposal will result in a new dwelling and separate garage building which will be situated in the rear of the plot. This would normally be considered to be inappropriate. However, regard should be had to the presence of existing buildings to the rear of the plot as well as the presence of ancillary domestic and horticultural buildings to the rear of other houses along the Lane. It is not therefore considered that the siting of new residential buildings within the rear would be in principle out of character.

The dwelling to the front is to be sited on the same building line as 36/37. It is accepted that this will mean that it is behind the front building line of 38. However, there is to be some distance between the flank of the new dwelling and no. 38 and it is not considered therefore that this will result in adverse harm to that property. Furthermore, it has already been considered that two storey dwelling forward of the building line established by 36/37 would have a harmful dominating impact on the rural character of the streetscene.

It is acknowledged that the new dwellings will have two storeys and will therefore be higher than the existing buildings present in the rear of the plot and to the rears of other plots on Hill lane. However, it is considered that the new dwelling to the front will not be unacceptably higher than the existing dwellings (and features a roof hipped on all sides which reduces the impact to the streetscene). Furthermore, this new dwelling will screen views of the rearmost dwelling from the streetscene whilst the garage building is screened by the existing dwelling, no. 37. The new dwellings will be more visible to neighbouring properties but it is not considered that this will be harmful to local visual amenity particularly given the currently untidy nature of the site.

The proposed plot on the frontage is shown to have a mix of materials including red/orange bricks at ground floor, black stained cladding above and red/orange clay tiles to the roof. It is proposed to stain the timber windows black. The dwelling to the rear will have similar materials albeit different coloured windows and clay tile hanging at first floor. This choice of materials is not the same as nos. 36/37 or 38 but does take account of existing material within the Lane (including the existing timber outbuildings). As such, it is considered that the design would be appropriate in terms of the rural character.

Therefore, the proposal would be in accordance with the development plan and in particular policies D DM1, D SP1 of the Arun Local Plan, policies ES5, ES6, ES8, H4 & H6 of the BENDP and paragraphs 122, 127, 130 & 180 of the National Planning Policy Framework.

RESIDENTIAL AMENITY:

Objections have been raised by the Parish Council & local residents in respect of the impact on neighbouring properties including privacy and loss of light.

Arun Local Plan policy D DM1 requires that the Council have regard to certain aspects when considering new development including: (3) Impact - "Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance."

It is also considered necessary to have regard to paragraph 127 of the NPPF which states that:

"Planning policies and decisions should ensure that developments: (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."

ALP policies QE SP1 is also relevant:

"The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity, the natural environment or upon leisure and recreational activities enjoyed by residents and visitors to the District."

The neighbouring properties likely to be affected by the proposal would be as follows:

(1) No. 37 which has a rear shallow timber conservatory with bedroom windows above. It currently has no flank windows. Planning application ref BN/53/18/HH is currently with the Council and proposes to add a two storey extension to the eastern side. This extension would not include any flank windows and the only new rear facing windows would be secondary in nature (utility at ground floor, bathroom above);

(2) No. 36 which has the same layout as 37, also with a similar conservatory and bedrooms above. At the time of the site visit (June 2018), it was vacant and in the process of being sold; and

(3) No. 38 which is also a semi-detached cottage with a conservatory on the rear. It was not possible to see its flank or rear windows from the application site due to existing planting in combination with the presence of an outbuilding between the site and 38's western flank.

However notwithstanding the above, it is considered that the proposed dwellings have been sited in such a way as to prevent any direct overlooking to existing windows. It is noted that plot 1 at the rear is to be orientated to face west but with no windows on its rear eastern elevation. Plot will have a similar orientation but will present windows to the road frontage. There may be some overlooking between the windows of the two new houses (at a distance of only 16.5m) but this will not harm the amenity of any existing residents with new occupiers being aware of the relationship when they buy.

Local residents are also concerned about shading to their houses and gardens. It is noted that the houses are to be north of the road and therefore, there will be no impact on sunlight coming from the south. It is acknowledged that when the sun is in the west, there may be some shading of the land to the side of 38. However, it is not considered given the distance (over 15m) that there will be any shading of 38 itself or its immediate private rear garden. It is not considered that loss of light will have a harmful impact on the existing dwelling, no. 37 either.

It is therefore considered that the proposal complies with policies D DM1 & QE SP1 of the ALP and the guidance within paragraph 127 of the NPPF.

INTERNAL & EXTERNAL SPACE STANDARDS:

Arun Local Plan policy D DM2 states 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 Space Standards will provide guidance".

It is therefore necessary to assess the proposal against the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) in order to determine

whether the proposed replacement dwelling is suitable for residential use. However, it is noted that Policy D DM2 is clear that the national standards are there only to provide guidance. The proposed dwellings have been checked and both have floor areas in excess of the requirements therefore, there is no conflict with policy D DM2.

ALP policy D DM1 refers to the need for compliance with the Arun Design Guide. This is to replace policy D DM3 "External Space Standards" which was deleted at the request of the Local Plan Inspector. Until such time as this Design Guide is published, there is no policy within the Arun Local Plan regarding private gardens sizes. However, paragraph 127 of the NPPF states that: "Planning policies and decisions should ensure that developments: (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users;" In addition, policy H5 of the BENDP states that "Proposals for new housing development should include good quality outdoor amenity space - either private gardens or a shared amenity area."

The proposed houses will both have private rear gardens which are considered to be of an appropriate size and will have a useable area to them. No. 37 also retains a decent useable garden area. It is therefore considered that the scheme provides a good standard of amenity for future occupiers and that the proposal is therefore in accordance with policy H5 of the BENDP.

BIODIVERSITY:

There are local resident objections to the proposal on the grounds that biodiversity has not been properly addressed as all the properties in the Lane benefit from a wide diversity of flora & fauna including grass snakes, newts, slow worms, nesting and visiting birds.

Arun Local Plan policy ENV DM5 states that:

"Development schemes shall, in the first instance, seek to achieve a net gain in biodiversity and protect existing habitats on site. They shall also however incorporate elements of biodiversity including green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitats (whether designated or not). Development schemes shall also be appropriately designed to facilitate the emergence of new habitats through the creation of links between habitat areas and open spaces. Together, these provide a network of green spaces which serve to reconnect isolated sites and facilitate species movement. Where there is evidence of a protected species on a proposed development site, planning applications shall include a detailed survey of the subject species, with details of measures to be incorporated into the development scheme to avoid loss of the species. This involves consideration of any impacts that will affect the species directly or indirectly, whether within the application site or in an area outside of the site, which may be indirectly affected by the proposals. All surveys shall be carried out at an appropriate time of year and shall be undertaken by a qualified and, where appropriate, suitably licensed person. All developments shall have regard to Natural England's standing advice for protected species."

It is acknowledged that this site lies in the rural area where wildlife is more likely to be present, also that the existing former horticultural buildings may provide habitat for bats and birds (indeed a birds nest was noted during the site visit in one of the buildings).

The application includes a "Preliminary Ecological Appraisal Report with Preliminary Bat Roost Assessment". This concludes that the site has negligible habitat suitability for reptile species and negligible bat roost suitability. Overall, the report states that the site is considered to be of 'low ecological value' but does consider that the redevelopment offers great scope to increase upon this ecological baseline and recommends a series of enhancement measures.

This survey has been assessed by the Council's ecologist who has raised no objections subject to the mitigation & avoidance measures being secured by conditions. Given the advice of the Council's ecologist, it is not considered that an objection can be raised on these grounds and that the proposal is in accordance with Arun Local Plan policy ENV DM5.

SURFACE WATER DRAINAGE:

Objections have been raised by the Parish Council & local residents in respect of the concerns over surface water drainage and in particular the proposed drainage strategy. These concerns are set out elsewhere in this report.

Policy W DM2 of the Arun Local Plan states that:

"Development in areas at risk from flooding, identified on the latest Environment Agency flood risk maps and the Council's Strategic Flood Risk Assessment (SFRA) , will only be permitted where all of the following criteria have been satisfied:

- a. The sequential test in accordance with the National Planning Policy Guidance has been met.
- b. A site specific Flood Risk Assessment demonstrates that the development will be safe, including access and egress, without increasing flood risk elsewhere and reduce flood risk overall.
- c. The sustainability benefits to the wider community are clearly identified.
- d. The scheme identifies adaptation and mitigation measures.
- e. Appropriate flood warning and evacuation plans are in place; and
- f. New site drainage systems are designed to take account of events which exceed the normal design standard i.e. consideration of flood flow routing and utilising temporary storage areas."

And that:

"All development proposals must take account of relevant Surface Water Management Plans, Catchment Flood Management Plans and related Flood Defence Plans and strategies such as the Lower Tidal River Arun Strategy. The council may require financial contributions from development on sites where measures to address flood risk or to improve the environmental quality of watercourses have been identified by these Plans and Strategies."

In addition, policy ES1 of the BENDP "Flooding, drainage and new development" states that:

"New development should aim to reduce the overall level of flood risk in the area. Development, other than minor domestic or commercial extensions, will not be supported:

- without clear evidence provided of there being no flood risk (either to the development site or to other land) arising from the carrying out and use of the development; and
- should take account of the Surface Water Management Plan for Lidsey Catchment and the Aldingbourne and Barnham Rife Strategy when published."

Furthermore, the NPPF states that:

"Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere" (paragraph 155)

The application submission includes a "Drainage Impact Assessment" which was prepared following the concerns of the Parish Council. This is available on the Councils website to view in full but in summary:

- Soakaways are unlikely to be achievable due to recorded soil infiltration rates, the envisaged higher ground water and the depth of made ground on site;
- It is therefore proposed to discharge the surface water runoff from site to the ditch system along the southern boundary;
- Storm water flows will be restricted to 2l/s from the whole site, for storm return periods up to 100 years whilst taking into account a climate change allowance of 40%;
- The surface water drainage design proposed complies with the local planning guidance and the DEFRA 'Non statutory technical standards'; and
- The proposed storm water drainage layout and calculations have demonstrated that the site can be redeveloped without increasing the risk of surface water flooding in or around the development, whilst not increasing the load on the existing sewer system.

The application has been assessed by the Council's Drainage Engineers who raised no initial objections but who have nevertheless reviewed the Drainage Impact Assessment and consider that it will not increase flood risk elsewhere and should in fact provide betterment to the drainage of Hill Lane.

In the absence of any objections to the scheme by Council drainage engineers, it is not considered that an objection to the application can be sustained and it is considered that the proposal is therefore in accordance with ALP policy W DM2, BENDP policy ESD1 and with the guidance within the NPPF.

FOUL WATER DRAINAGE:

An objection has been raised by local residents in respect of the concerns over the impact on the foul sewer.

Part 3 of Arun Local Plan policy W DM1 is relevant. It states that:

"Major development within this area must also be accompanied by a full Drainage Impact Assessment which must take account of surface water disposal and foul water disposal." And that: "Where surface water and foul water drainage systems are approved as part of the consideration of a planning application, conditions may be imposed upon the permission relating to dates for implementation or other detailed technical requirements."

The application submission states that:

"Although the proposed foul flows from the development will increase, capacity or flooding issues within the adopted sewer network are not envisaged given that the head of the sewer starts at No 36 Hill Lane. On this basis it is not envisaged that Southern Water will not have any concerns with the proposed foul flows from the development, subject to a S106 sewer connection application."

The application has also been assessed by Southern Water who have raised no objections. It is therefore considered that the scheme is in accordance with development plan policy.

SUMMARY:

Overall, the principle of development on this site is contrary to the development plan in respect of the site's unsustainable location (resulting in a reliance on the private car) and also within defined countryside outside of the built up area boundary. It is accepted that the Council will need to allow windfall housing development on land outside of the built up area boundary in order to meet its housing land supply targets. However, it is not considered that residential development in this location can be supported despite this need and despite the approved retail use or previously developed status.

The proposal is also considered to conflict with agricultural land policy but it is not considered that objection could be sustained on appeal. There are no other instances of harm with the proposal in respect of character, amenity, highway safety, ecology or drainage. It is therefore considered that the application must be refused for the following reason.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

REFUSE

- 1 The development by reason of its location outside of an identified built up area boundary with limited access to local facilities and services by foot or public transport would encourage the use of private car and is not considered to be sustainable development contrary to Arun Local Plan policies C SP1, SD SP1 & T DM1, policy GA1 of the Barnham & Eastergate Neighbourhood Plan and the guidance on sustainability within the National Planning Policy Framework.
- 2 **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 reasons for the refusal, approval has not been possible.