

Recommendation Report for Planning Permission

REF NO: BN/26/22/PL

LOCATION: Land East of Eastmere House
Eastergate Lane
Eastergate
PO20 3SJ

PROPOSAL: Construction of 1 No. two storey detached dwelling house on existing paddock. This application is a Departure from the Development Plan and is in CIL Zone 3 and is CIL Liable as new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Erection of a two storey, 4 bed dwelling of a contemporary design in an existing paddock to the east of Eastmere House. Access will be from Eastergate Lane where there is an existing informal gated access. This will be upgraded to provide a new 6.3m wide vehicle crossover. The access will open into a large driveway providing space for vehicle parking. The remainder of the frontage area will provide for private garden and include a small cycle store. There will be further private garden to the eastern side and a limited amount to the rear. The dwelling will be approximately 14.5m wide and a maximum of 12.6m deep. It will sit around 17.7m from the front boundary and between 1.5m and 6m from the side boundaries. The ridge height would be 8.5m and the eaves, 6m.
SITE AREA	659m ² .
RESIDENTIAL DEVELOPMENT DENSITY (NET)	15 dwellings/hectare.
TOPOGRAPHY	Predominantly flat.
TREES	Some hedging to the front and sides but no trees affected by the development.
BOUNDARY TREATMENT	Low post & rail fence to the eastern side (with part hedgerow) and also the rear. Part hedgerow and part low close-boarded fence on the western boundary with Eastmere House. Low close boarded fence and iron gates to the front.
SITE CHARACTERISTICS	The site consists of open grassland with few features.
CHARACTER OF LOCALITY	Rural location with sporadic housing on Eastergate Lane. Farming and equestrian uses are in the vicinity. There is a large dwelling (Ryburn Farm) opposite, very well set back from the lane sited centrally in a spacious plot. Eastmere House, a one and half storey dwelling abuts the western boundary of the site. The use of Eastmere Stables has been changed from equestrian yard to storage. There is a horticultural nursery to

the east.

RELEVANT SITE HISTORY

EG/75/87	Outline Application for erection of one bungalow	Refused 23-09-87
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An outline application for a dwelling on this site was refused in 1987. More recently, pre-application advice was issued in February 2022 and stated:

"Based on the above comments, it is concluded that were an application for permission to be submitted it would be likely to be recommended for approval by officers. The site is contrary to Development Plan policy due to its location and impact on character but given the lack of housing land supply the planning balance the limited harm would not significantly or demonstrably outweigh the benefits gained from the provision of one dwelling. This approach reflects and an appeal decision at Poachers, Eastergate, Lane (BN/46/20/PL). At that time, the LPA could demonstrate a higher housing land supply than at present. Therefore para 11 d ii) of the NPPF would be material in the determination of the application.

This would be subject to ensuring an appropriate design and the submission of sufficient details as discussed above. You should ensure that you read the contents of the Local Plan, Neighbourhood Plan (both made and emerging versions) and the Arun Design Guide to ensure your submission reflects all relevant policy requirements."

REPRESENTATIONS

Barnham and Eastergate Parish Council objected in May 2022 but their further comments in November 2022 stated support. There are three letters of support from local residents stating that it would tidy the area up, and prevent it being used by unwanted people; and the house would be attractive and in keeping with the neighbourhood.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

SOUTHERN WATER: request an informative regarding a foul sewer connection.

WSCC HIGHWAYS: originally requested further information regarding visibility splays including a speed survey. Following receipt of this, they advise no objection subject to standard conditions raising the following comments:

- The applicant proposes to utilise an existing informally laid vehicular access to serve the dwelling.
- This needs to be formalised through means of a vehicle crossover (VCO) subject to a licence obtained through the local Highway Area Office.
- The speed survey data shows 85th percentile speeds to be 39.3 mph Eastbound and 37.7 mph

Westbound.

- Visibility splays of 2.4m x 98.1m to the west and 2.4m x 91.6 to the east have been demonstrated to reflect the recorded 85th percentile speeds, to the satisfaction of Highways.
- The development will not lead to a significant material intensification of use of the existing access and there are no safety concerns in this location.
- The dwelling should provide at least three car parking spaces and the plans demonstrate this.
- On-site turning has also been satisfactorily demonstrated
- The applicant has demonstrated a cycle store, which appears of suitable size to accommodate at least two cycles in accordance with Arun Parking Standards.
- The site is in walking/cycle distance of local services and amenities within the Eastergate & Fontwell area. Bus stops on the A29 do provide links to larger urban areas, and Barnham Train Station is within cycle distance; and
- Eastergate Lane lacks footways and is unlit, which may encourage the use of the private car for some residents.

ADC DRAINAGE ENGINEERS: the application is in the Lidsey Treatment Catchment Area and the site is in an outer groundwater protection zone therefore the EA and Portsmouth Water should be consulted about proposals to infiltrate surface water. Also highlight that the soakaway appears to be outside the red line boundary for the site. Recommend a standard condition.

ADC ENVIRONMENTAL HEALTH: no objection subject to conditions regarding construction hours and unexpected contamination.

COUNCIL'S ECOLOGY ADVISOR: no objection subject to conditions. State that although the site lies in the 12km buffer zone of the Singleton and Cocking Tunnels Special Area of Conservation (SAC), there is no connectivity from the site to the wider landscape and there will be no severance or significant impacts on Barbastelle bats. Therefore, advise that LPA can record a conclusion of no likely significant effect on the SAC in its HRA screening report.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted except as discussed below:

WSCC HIGHWAYS: A cycle parking condition is not necessary as the submitted plans include full details of this.

ADC DRAINAGE ENGINEERS: Neither the EA nor Portsmouth Water have been consulted but they can be allowed to comment on the detail of the drainage scheme at condition discharge stage. This will be made clear in the condition.

POLICY CONTEXT

Designation applicable to site:

Outside Built Up Area Boundary.

Flood Zone 1.

Area of Special Control (Adverts).

Lidsey Treatment Catchment Area.

WSCC Mineral Consultation Area.

Within 12km of the Singleton & Cocking Tunnels Special Area of Conservation (SAC); and

CIL Zone 3.

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ENVDM5	ENV DM5 Development and biodiversity
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
HSP1	HSP1 Housing allocation the housing requirement
QESP1	QE SP1 Quality of the Environment
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QEDM4	QE DM4 Contaminated Land
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

<u>Barnham & Eastergate Neighbourhood Plan 2019</u> <u>POLICY ES1b</u>	Reducing Flood Risk
Barnham & Eastergate Neighbourhood Plan 2019 POLICY ES1c	Sewage
Barnham & Eastergate Neighbourhood Plan 2019 POLICY ES5	Quality of design
Barnham & Eastergate Neighbourhood Plan 2019 POLICY ES10	Trees and Hedgerows
Barnham & Eastergate Neighbourhood Plan 2019 POLICY ES16	Dark night skies
Barnham & Eastergate Neighbourhood Plan 2019 POLICY ES17	Singleton and Cocking Tunnels SAC
Barnham & Eastergate Neighbourhood Plan 2019 POLICY GA1	Connection to sustainable transport
Barnham & Eastergate Neighbourhood Plan 2019 POLICY GA4	Parking and new development
Barnham & Eastergate Neighbourhood Plan 2019 POLICY H4	Integration of new housing into surroundings
Barnham & Eastergate Neighbourhood Plan 2019 POLICY H5	Outdoor space
Barnham & Eastergate Neighbourhood Plan 2019 POLICY H8	Settlement boundary
Barnham & Eastergate Neighbourhood Plan 2019 POLICY EE8	Support and retain Equine businesses

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
NPPDG	National Design Guide

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The relevant policies in the Barnham and Eastergate Neighbourhood Development Plan 2019-2031 have been taken into account in the determination of this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal conflicts with relevant Development Plan policies in that the site is in the countryside and there is a policy conflict relating to water quality. However, it will result in a development of an appropriate scale and appearance which is not harmful to the character & appearance of the area, to the amenities of existing/future residents or the existing road network.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

- (2) in dealing with an application for planning permission the authority shall have regard to -
- (a) the provisions of the development plan, so far as material to the application,
 - (aza) a post examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan other than as set out in the report below.

CONCLUSIONS

PRINCIPLE:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states applications should be

determined in accordance with the Development Plan unless material considerations indicate otherwise. For this application, the Development Plan comprises the Arun Local Plan 2011-2031 (ALP), the Barnham & Eastergate Neighbourhood Development Plan (BENDP) and the West Sussex Waste and Minerals Plans.

Section 38(5) of the Planning and Compulsory Purchase Act 2004 states: "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, any conflict between the ALP and the BENDP (made in March 2022) should be resolved in favour of the latter.

Paragraph 14 of the NPPF states in situations where the 'presumption in favour of sustainable development' applies to applications involving the provision of housing, then the adverse impact of allowing development that conflicts with the neighbourhood plan will not significantly and demonstrably outweigh the benefits if four specific criteria apply.

In January 2023, the Council published its Authority Monitoring Report (AMR) for 2021/22 and this shows that the Housing Land Supply (HLS) has slightly decreased from the previous 2.42 years to 2.36 years. On the basis of the current HLS, para 14 of the NPPF does not apply and the relevant plan policies have reduced weight.

The Arun Local Plan:

Policy H SP1 sets out an overall provision of 20,000 new homes through the Local Plan phased over the plan period to 2031. It includes reference to additional non-strategic allocations being made across the District, through reviews of Neighbourhood Plans and in cases where there is no up-to-date Neighbourhood Plan, through the publication of a "Non-Strategic Site Allocations Development Plan Document". It is no longer planned to prepare this document or to review the Local Plan however, the recently made BENDP does allocate additional land for housing (75 dwellings).

Policy C SP1 states residential development in the countryside outside the built-up area boundary (BUAB) will not be permitted unless it accords with policies in the Plan which refer to a specific use or type of development. None of these relate to the application proposal. In addition, policy SD SP2 states development should be focused in the BUAB. The proposal conflicts with ALP policies C SP1 and SD SP2.

Barnham and Eastergate Neighbourhood Development Plan (BENDP2):

The BENDP2 as made in March 2022 also sets a BUAB, and the site lies outside of this. Policy H8 refers to development in the countryside and has a similar wording to ALP C SP1. Policy H2 allows for windfall sites but only where these are in the BUAB. The proposal is in conflict with these policies.

The National Planning Policy Framework (NPPF):

The NPPF is an important material consideration in determining applications. As the Council cannot demonstrate a 5-year HLS, para 11(d) of the NPPF and the application of the 'presumption' for sustainable development would be triggered.

This states where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date (including for applications involving the provision of housing where a 5-year HLS cannot be demonstrated), planning permission should be granted unless (i) the application of policies in the NPPF that protect areas or assets of particular importance provides a

clear reason for refusing the development proposed; or (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

Part (i) does not apply to this determination as the site does not lie in a protected area. The part (ii) test will be applied at the end of this report.

Other Material Considerations:

The Council's Action Plan (June 2019) made a series of recommendations to boost housing delivery. It recommended the Council consider inviting applications from landowners / developers on 'deliverable' Housing & Economic Land Availability Assessment (HELAA) sites to re-establish the 5-year housing land supply. This site has not been promoted through the HELAA.

In February 2021, Arun published an Interim Policy Statement for Housing Delivery (IHS). This is not policy, but it meant as a guide for developers proposing development on sites outside the BUAB and to inform planning decisions. The intention is for development to come forward on sites adjacent to settlement boundaries as these are likely to be sustainable locations. The IHS states it applies only to sites adjacent to settlement boundaries. Although the site is only 15m from the edge of the BUAB to the south (this being the northern edge of the strategic allocation to the south), it is not physically connected to this and would not be seen as adjacent to it particularly given access is onto Eastergate Lane to the North.

In January 2022, the government published Arun's most recent Housing Delivery Test (HDT) results and showed that Arun achieved 65% triggering the application of the presumption in favour of sustainable development (although this is already being applied due to the HLS shortfall).

Sustainability

ALP policy SD SP1 "Sustainable Development" states the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Para 8 of the NPPF states that in order to achieve sustainable development; economic, social, and environmental gains should be sought jointly and simultaneously through the planning system. ALP policy T DM1 requires new development be located in easy access of established non-car transport modes/routes and BENDP2 policy GA1 requires that new developments provide access to public and community transport.

In an appeal decision from March 2021 concerning a site at the western end of Eastergate Lane (BN/46/20/PL), the Inspector stated "In terms of accessibility, the appeal site is within walking or cycling distance of local services and facilities, which are available in the nearby settlements, and there is a pavement and a bus service running along the A29 Fontwell Avenue to the west of the site. Eastergate Lane which links the site to Fontwell Avenue does not have any pavements and is unlit" and "Although the lack of pavements and lighting along Eastergate Lane is a material consideration, the section of the lane linking the site with Fontwell Avenue is short, reasonably straight with good visibility in both directions, and has grass verges on either side."

This site is some 355m to the east of that appeal site (as the crow flies) but the situation on the ground is similar in that Eastergate Lane is relatively straight and has some grass verges to walk on. There is a footpath running due south of the former Eastmere Stables which connects with Barnham Road. It is also material that the NPPF at para 105 states that significant developments should be in locations which are or can be made sustainable but that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. This implies that non-significant developments (such as single dwellings) are acceptable in unsustainable locations and that development in unsustainable rural areas is not in

principle inappropriate.

The more recent planning decision (BN/99/22/OUT) concerning land actually at Eastmere Stables is acknowledged as this was refused due to being in the countryside. The associated officer report stated "It is exceptionally unlikely that trips from this site will be made by modes other than the private car. The walking and public transport accessibility is poor." but that "The council would have to reluctantly accept the conclusions of recent appeal decisions where it was concluded that residential development on Eastergate Lane was in a sustainable location." That refusal concerned a development of 9 dwellings which is markedly different in scale to this proposal.

The development will result in the loss of existing horse paddock, and this is a typical feature of Eastergate Lane. BENDP2 policy EE8 states redevelopment or change of use of land or buildings currently in equine use will not be supported, unless it can be shown that the existing use is no longer economically viable. The paddock is surplus to requirements and not currently used by horses. It is noted that several of the former equestrian buildings at Eastmere Stables are now in use for storage. The dwelling would offer only very limited economic and social benefits but at the same time there would be little environmental, economic, or social harm.

Conclusion on Matters of Principle:

The principle of development on this countryside site conflicts with the ALP and the BENDP2. However, due to the HLS situation, the application as a whole, falls to be determined by the NPPF presumption in favour of sustainable development. This will be assessed at the end of this report.

MINERALS SAFEGUARDING:

The site is in a Sharp Sand and Gravel Mineral Safeguarding Area as defined by the West Sussex Joint Minerals Local Plan. Policy M9(b) of that Plan states that proposals for non-mineral development within the Minerals Safeguarded Areas will not be permitted unless: (i) Mineral sterilisation will not occur; or (ii) it is appropriate and practicable to extract the mineral prior to the development taking place, or (iii) the overriding need for the development outweighs the safeguarding of the mineral and it has been demonstrated that prior extraction is not practicable or environmentally feasible.

The proposal is not a suitable size to require a consultation with WSCC Minerals & Waste but it is material that on a recent minor application for a nearby site (BN/147/21/OUT for 8 dwellings on land west of Fontwell Avenue), WSCC advised that due to the small scale of the proposal, no significant levels of mineral sterilisation would occur if the development was permitted and as such, they raised no objections. It is also material that there is a need for new housing to counter the council's current HLS deficit. On this basis, there is no conflict with this policy.

ACCESS & PARKING:

ALP policy T SP1 seeks to ensure development provides safe access on to the highway network; contributes to highway improvements (where appropriate) and promotes sustainable transport. Schemes should accommodate the efficient delivery of goods and supplies; give priority to pedestrian and cycle movements, be accessed by high quality public transport facilities, create safe and secure layouts for traffic, cyclists and pedestrians and provide appropriate levels of parking.

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

be severe."

The application proposes to upgrade and formalise an access on to Eastergate Lane. The access will be 6.3m wide and will enable cars to pass each other should this be necessary. There is no information as to refuse servicing arrangements. However, should this take place from Eastergate Lane, then it would reflect the existing situation for dwellings in this location and would not conflict with the requirements of ALP policy W DM1 which requires that kerbside collection is possible for municipal waste vehicles.

WSCC Highways have now confirmed that the proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the NPPF and there are no transport grounds to resist the proposal.

The Council's Parking Standards SPD sets out a need for 3 spaces with no visitor spaces. BENDP2 policy GA4 is relevant in respect of car parking but sets out the same standards as in the SPD. The application submission does not quantify the level of parking, but it is clear from the swept path shown on the site layout plan that more than 3 cars can be parked within the front hardstanding area. Cycle storage will be provided by a secure storage shed in the front garden.

The proposal is compliant with the relevant development plan policies and the guidance on highway safety within the NPPF.

CHARACTER, DENSITY & DESIGN:

ALP policies D SP1 and D DM1 requires development make the best possible use of land by reflecting or improving on the character of the site/surrounding area. Policy LAN DM1 states development should respect the particular characteristics & natural features of the relevant landscape character areas and seek, wherever possible, to reinforce or repair the character of those areas. BENDP policy ES5 sets out requirements for high quality design and development that reflects the design & character of surroundings. Policy H4 sets out specific requirements for landscaping & soft development edges.

The Arun Design Guide (ADG) suggests a density of 5-15 dwellings per hectare in rural locations and the site density of 15 accords with this. Page 130 of the ADG has a section on rural development and advises that development in rural locations should integrate seamlessly into its setting, use simple/unobtrusive design, respond to the scale of nearby development, maintain existing landscape features, use hedging for boundaries and restrict areas of hard surfacing on frontages. Section J (new building design) states new development must ensure the existing character and sense of place of an area is respected and enhanced. This can allow for modern design forms but only where these take cues from well-designed elements of the existing area. New development should also generally reflect the scale of existing buildings.

Part 4 of the Barnham and Eastergate Design Guide (BEDG) which is an appendix to the BENDP2 refers to housing design policies. It states the size of a proposed development should be appropriate to the size of the plot and the extent to which the development will 'urbanise' the street scene. Sufficient distances between properties must be maintained. The density and character of each part of the parish should be respected.

The site is a paddock to the east of Eastmere House on Eastergate Lane which is a part of a historic rural road network in the rural part of the Parish area. The site forms part of scattered development along Eastergate Lane, which is separated from the defined settlements of Barnham/Westergate/Eastergate to the south, Fontwell to the north and Walberton to the east by open farmland, horticultural cultivation under glasshouses and equestrian land uses. The site also falls outside land allocated for housing in the ALP or the BNDP2. The looser knit form of development and its countryside setting distinguishes it from

the denser, more regular form of development that characterises the settlement areas.

The two-storey detached dwelling would be well set back (to align with Eastmere House) and consist of two, two storey gabled elements linked with a 3m wide flat roof. The roof ridge would be 8.5m in height with eaves of 6m (marginally below the flat roof). The new building would be some 2.6m above the roof ridge of Eastmere House to the west but the roof slopes away from the neighbour. It will be some 14.5m wide and a maximum of 12.6m deep. It will sit around 17.7m from the front boundary and between 1.5m and 6m from the side boundaries.

The dwelling would expose its largest side elevation to the long access road leading to Longreach and Okehurst on the eastern side. This elevation would be partially viewed from Eastergate Lane and also from the neighbouring dwelling to the east beyond the access road (Lyncoombe) which has an open paddock on its western side plus existing stables.

The dwelling has a contemporary design/appearance with a mix of brickwork & black metal cladding to walls and black metal sheeting to the roof. No chimney is proposed, and all gutters will be concealed. Windows will be in a mix of sizes with some almost floor to ceiling on the front and side. Whilst metal cladding is a feature of agricultural buildings in the area and brick is also prevalent, the design as a whole does not reflect the characteristics of residential development on Eastergate Lane. However, the design is not in principle inappropriate and as a piece of architecture, it will be visually appealing. It is positive that the applicant has taken on board advice given during the application to follow through the design ethos with the detailing, to use gable not hipped roofs and to use brick on the main elevations with metal confined to the roof. Furthermore, there is no set house style on Eastergate Lane and there is evidence of some more modern designs and materials, albeit not to this extent.

The design conflicts with the majority of the guidance in the ADG and with the BEDG. There is some conflict with BENDP policy ES5. However, ALP policy D DM1 allows development to either respect or improve character and the proposal will achieve the latter.

RESIDENTIAL AMENITY:

ALP policy D DM1 requires there be minimal impact to users and occupiers of nearby property and land. ALP policy QE SP1 requires development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity. The ADG sets out the following guidance on interface distances between houses:

- Back-to-Back: min. 21m between habitable rooms of properties or to existing buildings.
- Back/Front to Side: min. 14m between habitable rooms and side gable of adjacent property.
- Front to Front: min. 16m between habitable rooms of properties facing each other.
- Back to Boundary: min. 12m between habitable rooms and site boundary to existing landscaping.

The dwelling would be a significant distance (more than 50m) from the nearest residential property to the east and this interface is assisted by existing vegetation along the western boundary of that property. There is also 51m to the nearest dwelling to the south, whilst to the north, the distance is in excess of 200m. Given the position of the proposed dwelling aligned with the one to the west and the fact that no windows above ground floor are proposed on the western elevation, there would be no harm in this respect.

The development would not have an unacceptable adverse impact to users and occupiers of nearby properties and so it would accord with policies D DM1 and QE SP1 of the Arun Local Plan and the ADG.

QUALITY OF ACCOMMODATION:

ALP policy D DM2 states that internal spaces should be of an appropriate size and that the Nationally Described Space Standards provide guidance. The application demonstrates that the proposed dwellings far exceeds the required standards.

BENDP2 policy H5 requires housing proposals to have good quality outdoor amenity space, either private gardens or a shared amenity area. The ADG requires rear gardens to be a minimum of 10.5m deep and front gardens at least 2m. The depth of the proposed rear garden is only 5m, but the front garden is over 17m, and it is intended that the front space will be private. There is also an eastern side garden of 4m by 14m. The ADG allows for a flexible approach to meeting the standards so there is no conflict.

HOMES FOR OLDER PEOPLE:

The proposal falls below the thresholds set out in Arun DC's agreed internal policy on the provision of housing accommodation to provide for an ageing generation and there is no relevant BENDP policy therefore, no accommodation for older people or those with disabilities is required on this application.

FLOODING & DRAINAGE:

ALP policy W DM3 states all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS) as appropriate to the size of development. ALP policy W DM1 states all development within the Lidsey Treatment Catchment Area must be accompanied by a Drainage Impact Assessment that takes account of both the individual and cumulative impact upon foul water disposal, flood storage capacity and surface water drainage or flood flows within the catchment area. BENDP2 policy ES1b highlights that planning permission will only be supported for new development subject to a drainage condition(s) in accordance with ADC standard conditions.

The site lies in Flood Zone 1 (low risk) and is not affected by future flood risk due to climate change. Furthermore, the council's drainage engineers raise no objections in principle subject to a standard condition to agree the detailed drainage scheme post approval. This will reduce the risk of surface water flooding associated with the proposal. There is no conflict the policies relevant to drainage.

The application does not respond to the requirements of policy W DM1 and so there is a policy conflict. However, it is material that there is no drainage objection (and that engineers refer to the Lidsey Treatment Catchment Area), also that Southern Water do not object. A refusal due to this policy conflict would not be sustainable.

BIODIVERSITY:

ALP policy ENV DM5 states development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. BENDP2 policy ES15 states development proposals should contribute to, increase, and enhance the natural environment by providing additional habitat resources for wildlife and demonstrate that any potential impacts upon priority species and habitats have been fully assessed and mitigated to deliver at least a 10% net gain in biodiversity through the use of the Defra approved biodiversity metric. This policy also refers to designated biodiversity corridors but does not apply to this proposal as it is not in or adjacent to one.

The site is in the 12km buffer zone for the Singleton and Cocking Tunnels Special Area of Conservation (SAC). BENDP2 policy ES17 requires assessment of proposals on foraging habitat and commuting flight lines qualifying bat species in this area. The proposal is for a new dwelling with areas of hardstanding on an existing grassed paddock. No trees are affected, and it is noted that existing hedgerows along parts of

the side boundaries will be retained. An ecological appraisal has been provided which suggests measures to reduce the impact of the proposal on the natural environment.

The Council's ecologist stated they have no objection subject to conditions to secure the mitigation measures and details of biodiversity net gain. In respect of the Singleton and Cocking Tunnels Special Area of Conservation (SAC), they advise that there is no connectivity from the site to the wider landscape and there will be no severance or significant impacts on Barbastelle bats. On this basis they state that the council can record a conclusion of no likely significant effect on the SAC in its Habitats Regulation Assessment (HRA) screening report. A copy of the council's Appropriate Assessment (AA) was sent to Natural England for review and they responded on 06/01/23 to state the development will not have likely significant effects on statutorily protected sites and therefore they have no objection to the proposed development. Therefore, there is no conflict with any of the relevant biodiversity policies.

LIGHT POLLUTION:

ALP policy QE DM2 states outdoor lighting should not have adverse impact on neighbouring uses or the wider landscape, particularly with regard to the South Downs International Dark Sky Reserve designation. Further, that schemes proposing outdoor lighting be accompanied by an assessment. BENDP2 policy ES16 states development proposals which detract from the unlit environments of the Parish will not be supported. Furthermore, policy ES17 suggests that care must also be undertaken through development design to ensure that such retained natural features are not subject to an increase in artificial lighting.

The dwelling would have large, glazed areas on the front (southern) and rear (northern) elevations which could be a potential source of light pollution. However, there are already dwellings in this area which likely generate existing light pollution from internal rooms and so this would not be in principle inappropriate. A condition will be imposed to control the use of external lighting with a particular focus of minimising impacts to bats. This satisfies the requirements of the policies.

CONTAMINATION:

ALP Policy QE DM4 states development will be permitted on land that is contaminated as long as remediation is provided. There is no detail in the application regarding contamination but there may be some present due to the site's former use or leaching from nearby sites. The council's environmental health officer has recommended a standard contamination condition to require remediation should any contamination be discovered. With this condition in place, remediation can be secured should any contamination be discovered and as such the proposal will be in accordance with the policy.

CLIMATE CHANGE/SUSTAINABLE CONTRUCTION:

ALP policy ECC SP2 requires that all new residential and commercial development be energy efficient and incorporate decentralised, renewable, and low carbon energy supply systems. ECC SP1 requires that new development be designed to adapt to impacts arising from climate change. QE DM3 requires electric vehicle charge points.

The application states the following:

- The use of local and natural materials will contribute to the sustainability credentials of the development.
- The dwelling will have insulation standards in excess of those required to comply with the current Building Regulations.
- The WCs will incorporate low-flush cisterns and aerated taps will be fitted to the sinks, baths & wash

hand basins, with the aim being to reduce water consumption.

- Low voltage lighting will be included throughout the dwelling to reduce electricity consumption.
- A considered soft landscaping scheme will include specification of new trees and native species to contribute to the environment in terms of both air quality and biodiversity.
- In line with West Sussex County Council policies, Electric Vehicle Charging points, or facilities for charging an electric vehicle have been proposed and included with the scheme; and
- Construction that benefits from use of solar gain to reduce energy use.

The precise details of these will be secured by condition. Subject to these conditions being discharged, the proposal would comply with policies ECC SP1, ECC SP2 and QE DM3.

TELECOMMUNICATIONS:

ALP policy TEL SP1 states all proposals for new residential, employment and commercial development must be designed to be connected to high quality communications infrastructure. This policy will be adhered to by means of a condition to require a connection before the replacement home is occupied. On this basis, there is no conflict with the policies.

SUMMARY:

The NPPF is an important material consideration in determining applications. As the Council cannot demonstrate a 5-year HLS (currently 2.36-years), para 11(d) of the NPPF and the application of the 'presumption' for sustainable development is triggered.

In the context of this application, it states where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date (including for applications involving the provision of housing where a 5-year HLS cannot be demonstrated), planning permission should be granted unless (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

This report identifies that the proposal is in conflict with the council's policies in respect of development in the countryside and by virtue of no information pertaining to impact on the Lidsey Treatment Catchment Area. However, the weight to be attribute to these aspects is minor due to the lack of a five-year housing land supply.

As per previous appeal decisions, the site is in a sustainable location and will help in a minor way to maintain construction jobs, support local shops/services, and contribute to infrastructure improvements across the district. It will also make a minor contribution to the council's housing land supply shortfall.

Whilst the level of harm is minor and the benefits also minor, on balance, the proposal is judged to be acceptable given that it is only a single dwelling.

HUMAN RIGHTS ACT

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

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for

their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

This is a CIL Liable development. It is in Zone 3 and a CIL amount of £35,125.10 would be payable unless the applicant applies for an exemption subject to the requirements of the CIL Regulations 2010 (as amended). A proportion of this (25%) would go direct to the Parish Council.

RECOMMENDATION

APPROVE CONDITIONALLY

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

Location and Block Plan dwg 2.01 Rev A.
Proposed Elevations and Plans dwg 2.01 Rev A.
Proposed Site Plan dwg 202 Rev A; and
Visibility Splay Plan ref 2022-6510-001 (Jan 23).

For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies T SP1, QE SP1 and D DM1 of the Arun Local Plan.
- 3 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority in consultation with its engineers, Portsmouth Water and the Environment Agency. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Design considerations must take full account of the 'Supplementary Requirements for Surface Water Drainage Proposals' produced by Arun District Council, and are an overriding factor in terms of requirements. Winter groundwater monitoring to establish highest annual ground water levels and winter percolation testing to BRE 365, or similar approved, will be required to support the design of any infiltration drainage. No building shall be occupied until

the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 4 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal (The Ecology Co-Op, March 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g., an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended, s40 of the NERC Act 2006 (Priority habitats & species) and policy ENV DM5 of the Arun Local Plan.

- 5 A Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority prior to any development above damp-proof course (DPC) level. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Arun Local Plan policy ENV DM5.

- 6 No development above damp-proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy D DM1 of the Arun Local Plan.

- 7 No development above damp-proof course (DPC) level shall take place unless and until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that the development will achieve energy efficiency measures that reflect the current standards applicable at the time of submission and includes the use of renewable energy supply systems. The approved scheme shall thereafter be implemented prior to occupation of the dwelling and any approved renewable energy supply systems shall be permanently

retained & maintained in good working order thereafter.

Reason: To ensure that the development is energy efficient and in accordance with policy ECC SP2 of the Arun Local Plan.

- 8 Prior to the occupation of the dwelling, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: In the interests of the amenities of the area, the site biodiversity (particularly in respect of bats), the interests of minimising crime and to minimise unnecessary light spillage outside the development site in accordance with policies QE SP1, QE DM2 & ENV DM5 of the Arun Local Plan.

- 9 No part of the development shall be first occupied until visibility splays of 2.4 metres by 98.1 metres to the west and 2.4 metres by 91.6 metres have been provided at the proposed site vehicular access onto Eastergate Lane in accordance with the approved drawing "Visibility Splay Plan" ref 2022-6510-001 (Jan 23). Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety in accordance with policy T SP1 of Arun Local Plan.

- 10 No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved "Proposed Site Plan" ref 202 Rev A. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate car parking and turning space for the development in accordance with policy T SP1 of Arun Local Plan.

- 11 Prior to occupation of the dwelling, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings shall be submitted to the local planning authority for approval and thereafter implemented in accordance with the approved details and the charge points shall thereafter be retained and maintained in good working condition.

Reason: New petrol and diesel cars/vans will not be sold beyond 2030, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun District Council Electric Vehicle Infrastructure Study (November 2017) and the NPPF.

- 12 Prior to the occupation of any part of the development, the applicant or developer shall ensure that infrastructure is implemented to allow for the provision of the highest available headline speed of broadband provision to future occupants of all of the development from a site-wide network provided as part of the initial highway works and in the construction of frontage thresholds to buildings that abut the highway. Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below

ground infrastructure, the development of the site will continue in accordance with the approved strategy.

Reason: To safeguard the amenities of future residents in accordance with Arun Local Plan policy TEL SP1.

- 13 No demolition/construction activities shall take place other than from 08:00 hours until 18:00 hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no work on Sunday or Bank/Public Holidays.

Reason: To protect the amenity of local residents and on-site biodiversity in accordance with policies ENV DM5, QE SP1 and QE DM1 of the Arun Local Plan and the NPPF.

- 14 If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol / diesel / solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise expressly agreed in writing with the Local Planning Authority) shall be carried out until it has been fully investigated using suitably qualified independent consultant(s). The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun Local Plan policies QE SP1 and QE DM4.

- 15 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 16 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The infiltration tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method. All design storms must include a climate change allowance, as per <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>, on stored volumes or rainfall intensity. Infiltration structures must cater for the critical 1 in 10 year storm event, (plus 40%) between the invert of the entry pipe to the soakaway and the base of the structure. All surface water drainage designs must also have provision to ensure there is capacity in the system to contain the critical 1 in 100 year storm event (plus 45%).

Freeboard is to be provided between the base of the infiltration structure and the highest recorded groundwater level identified in that location. Ideally this should be 1 metre where possible, as stated in the CIRIA Suds Manual guidance. However, on the coastal plain in particular, where geology dictates and where shallow perched/tidally influenced water tables are often present, this is unlikely to be achievable irrespective of this, infiltration must still be fully considered. Therefore, to maximise this potential and avoid utilising other less favourable methods of surface water disposal, the bases of infiltration structures are permitted to be

immediately above the peak recorded groundwater levels where it is deemed necessary.

In areas where an aquifer is to be protected (subject to guidance from the Environment Agency) then a minimum 1 metre freeboard must be provided. Suitable water treatment is required upstream to the point of discharge in all circumstances to minimise any groundwater pollution risk or detriment to the drainage network. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest groundwater table in support of the design. The applicant is advised to discuss the extend of ground water monitoring with the council's engineers.

Supplementary guidance notes regarding surface water drainage are located at <https://www.arun.gov.uk/drainage-planning-consultations> on Arun District Council's website. A surface water drainage checklist is available on Arun District Council's website, this should be submitted with a Discharge of Conditions Application. Reference should also be made to the 'West Sussex LLFA Policy for the Management of Surface Water'.

- 17 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read the New Connections Services Charging Arrangements documents via <https://beta.southernwater.co.uk/infrastructurecharges>.
- 18 INFORMATIVE: To prevent impacts to the amenities of future occupiers of the proposed dwelling and occupiers of neighbouring dwellings, the development should be carried out in accordance with the 'Arun District Council Construction Code of Practice: For small developments in Arun', as available upon request from pollution@arun.gov.uk.