

Recommendation Report for Planning Permission

REF NO: BN/47/19/PL

LOCATION: The Cottage Piggeries
Church Lane
Barnham
PO22 0DB

PROPOSAL: Partial demolition of existing structures. New dwelling (1.5 storey) with separate single storey double garage. Existing mobile home to be replaced with new, smaller mobile home - This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	It is proposed to remove the existing mobile home, demolish all other structures and then erect a new 1.5 storey 3 bedroom dwelling, a replacement double garage and a replacement (albeit smaller) mobile home. The plans show gardens shared between the mobile home and the dwelling. The new dwelling will have parking within the double garage whilst the mobile home will have a single parking space. It is proposed that the new dwelling and the mobile home be occupied as a single dwelling (i.e. by persons related to each other).
SITE AREA	0.1153 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	17.3 dwellings per hectare (up from 8.7).
TOPOGRAPHY	Predominantly flat but the site is lower than the adjoining garden land and there is a retaining wall between the location of the new dwelling and said garden behind. The height difference here varies but is at most 1m.
TREES	None on the parts of the site affected by new development. Some trees immediately on the other side of the southwestern boundary with Birch House and in the very western corner.
BOUNDARY TREATMENT	2m high fencing all along north-eastern boundary. Mature trees and 2m high fencing all along south-western boundary. 2m high fencing all along the north western boundary. Retaining wall plus planting to the southeast.
SITE CHARACTERISTICS	Existing mobile home (measuring 12.5m long x 4m deep x 3.8m high & comprising 2 bedrooms) occupied by a gypsy family. Existing flat roofed double garage building (formerly an agricultural storage building). Two further outbuildings used as ancillary residential accommodation and a timber dog kennel building. Vehicular access into Church Lane to the south east.
CHARACTER OF LOCALITY	Rural location with open fields beyond the rear boundary. Church Lane has a mixture of detached properties of various

styles and designs, some of which are quite grand in appearance.

To the north east is an equestrian business with existing old dilapidated timber storage buildings backing onto the shared boundary. To the south west is private rear garden associated with Birch House. To the south east is a residential dwelling and curtilage also in the control of the applicant. The site access also passes close to Sandon, a bungalow.

RELEVANT SITE HISTORY

BN/12/19/PL	Application for variation of condition imposed on planning reference BN/19/18/PL relating to condition 2 - amended floor & elevation plans	ApproveConditionally 15-07-19
BN/9/19/PL	Replacement of existing residential mobile home with new dwelling & detached garage. This application is a Departure from the Development Plan.	Withdrawn 10-07-19
BN/17/19/NMA	Non-material amendment following the grant of planning permission reference BN19/18/PL for amendment to rear elevation - addition of pitched roof detail and addition of chimney.	Approve 17-04-19
BN/13/19/NMA	Non material amendment following BN/19/18/PL to increase depth of house.	Approve 01-04-19
BN/19/18/PL	Erection of 1 No. dwelling & separate single storey double garage. This application is a Departure from the Development Plan.	ApproveConditionally 08-08-18
BN/22/14/PL	Application for the variation of condition 1 following planning approval BN/22/11 for the siting of 1No. 3 bedroom mobile home.	ApproveConditionally 19-06-14
BN/22/11/	Proposed siting of a static caravan for residential occupation (this application is a Departure from the Development Plan)	ApproveConditionally 29-02-12

The site currently benefits from planning permission for occupation by a mobile home by a gypsy or traveller family (refs BN/22/11 & BN/22/14/PL). The land to the southeast was formerly associated with this site but has recently been given permission for the erection of a new separate dwelling with garage and gardens (BN/18/18/PL & BN/12/19/PL).

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Barnham & Eastergate Parish Council

"At a meeting of the Barnham and Eastergate Parish Council Planning & Environment Committee on 3rd September 2019 the Council resolved to raise no objection the above application provided it means that the Gypsy and Traveller Rights remain as per the current permission on the site."

Three letters of support from neighbouring residents. One letter of objection raising the following concerns:

- (1) The access onto Church Lane is unsafe due to poor visibility and this application will exacerbate current safety issues;
- (2) Request that WSCC Highways carry out a site visit; and
- (3) Object to WSCC Highways assessment of the application.

COMMENTS ON REPRESENTATIONS RECEIVED:

The Parish Council comments are noted. Conditions will be used to retain the gypsy/traveller use of the mobile home.

The supporter's letters are noted however they do refer to the previously withdrawn application for the replacement of the mobile home with a dwelling (the same letters were submitted with that application) and should therefore be afforded low weight in this determination.

In response to the objector's comments, WSCC Highways provided a further response to say that although a site visit could be carried out, it would not alter the views expressed and that therefore their views as already expressed stand unchanged.

CONSULTATIONS

Southern Water Planning
WSCC Strategic Planning
Engineering Services Manager
Engineers (Drainage)
Arboriculturist
Environmental Health
Environment Agency

CONSULTATION RESPONSES RECEIVED:

ENVIRONMENT AGENCY - No objection subject to a condition to secure finished floor levels above 4.5m AOD and also flood resilience measures.

SOUTHERN WATER - No objection subject to an informative. Also request a condition to ensure protection of a sewer crossing the site.

WSCC HIGHWAYS - No objection subject to conditions. Comment that:

- In highways terms the principle of replacing the mobile home with a dwelling was established as acceptable under BN/9/19;
- For WSCC to substantiate an unacceptable impact upon highway safety first WSCC need to substantiate an intensification of use;
- Given the site history, it has been accepted that the site access point has within recent years had the potential to serve 2 independent dwellings;
- The application documents indicate that the both the replacement mobile home and dwelling will be occupied by a single family and as such it would be difficult to substantiate that there would be any material intensification of use from the site onto the maintained highway network;
- As such it would be difficult to substantiate that there would be any material intensification of use from the site onto the maintained highway network;
- In comparison, there would be no objection raised if the caravan was omitted and the proposed dwelling was a 4 bed rather than a 3 bed;
- In highways terms, there would be no material change between this and what is proposed.
- The garage measure 6 x 6 metres internally and is considered large enough to park 2 cars and have space for cycle storage;
- This combined with the adjacent hard standing is considered an appropriate quantity of parking for a dwelling of this size in this location; and
- Due to the small scale nature of this proposal, the anticipated provision of active Electric Vehicle spaces for this development would be 1 space and this should be conditioned.

ADC DRAINAGE - No objection. State that the application site is within the Lidsey Catchment Area and therefore request a standard surface water drainage condition.

ADC ENVIRONMENTAL HEALTH - State no comments.

ADC TREE OFFICER - No response received.

COMMENTS ON CONSULTATION RESPONSES:

SOUTHERN WATER - Southern Water request a condition to protect a sewer crossing the site however, the plan provided with their response shows the nearest sewers to be outside of the site, therefore it is not considered reasonable or appropriate to impose such a condition.

The ENVIRONMENTAL HEALTH comments are noted however, on the previous application (BN/9/19/PL) a different response was received which recommended several conditions to secure (1) a standard contamination condition; (2) a restriction on the hours of (construction) working; (3) a scheme for the minimisation of dust during construction; and (4) a scheme to control any external lighting. It is considered that these should be imposed.

Otherwise, all comments noted.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary;
 Lidsey Treatment Catchment Area;
 Area of Special Control of Adverts; and
 Mix of Flood Zones 1-3 (the new dwelling would be in Flood Zone 1).

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
ECCSP2	ECC SP2 Energy and climate change mitigation
HSP1	HSP1 Housing allocation the housing requirement
HSP2C	H SP2c Inland Arun
HSP5	H SP5 Traveller and Travelling Showpeople accommodation
LANDM1	LAN DM1 Protection of landscape character
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air 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
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

<u>Barnham & Eastergate Neighbourhood Plan 2014</u> <u>POLICY ES1</u>	Applications for new development must meet the local drainage requirements
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES4	Protection of open views
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES5	Quality of design
Barnham & Eastergate Neighbourhood Plan 2014 POLICY 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 POLICY GA1	Connection to sustainable transport
Barnham & Eastergate Neighbourhood Plan 2014 POLICY GA4	Parking and new development
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H2	Windfall sites
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H4	Integration of new housing into surroundings
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H5	Outdoor space
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H6	Attention to detail
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H7	Drainage for new housing

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to conflict with policy C SP1 of the Arun Local Plan on the grounds that the site lies outside of the built up area/in the countryside where new residential development is inappropriate. However, it will comply with policy H2 of the Barnham & Eastergate Neighbourhood Development Plan (BENDP) which allows for small scale infill development within the neighbourhood plan area regardless of whether in the urban or rural areas.

Section 38 (5) of the Planning & 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, in this case, the conflict between the BENDP and the ALP would be resolved in favour of the ALP.

The proposal is considered to comply with all other relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality, on the residential amenities of the adjoining properties, on the safety and convenience of the road network or on the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background as detailed in the Conclusions section. These are as follows:

- (1) The Councils current Housing Land Supply position;
- (2) The National Planning Policy Framework (NPPF) and associated guidance particularly in respect of Sustainable Development and the 'presumption' for sustainable development; and
- (3) The nature of the site and the proposal.

CONCLUSIONS

PRINCIPLE OF RESIDENTIAL DEVELOPMENT:

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

Arun Local Plan:

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

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). It will work to secure development that will contribute to the social, economic and environmental conditions south of the National Park through to the coast and throughout its settlements (both coastal and inland).

Policy SD SP2 "Built up Area Boundary" states that BUAB are defined for the main towns and villages in the District and shown on the Policies Maps. Development should be focused within the BUAB and will be permitted, subject to consideration against other policies of this Local Plan. Policy C SP1 "Countryside" states that residential development in the countryside outside the BUAB will not be permitted unless in accordance with policies in the Plan which refer to a specific use or type of development.

The application site lies outside of the defined settlement boundary as shown within the ALP and therefore falls within countryside. The proposal does not meet any of the stated criteria within C SP1 and therefore would be unacceptable in principle.

The Barnham and Eastergate Neighbourhood Development Plan:

The BENDP was made in July 2014 on the basis of the saved policies in the 2003 Arun District Local

Plan and the draft policies in the 2014 publication version of the then emerging Arun Local Plan. The BENDP does not set a built up area boundary and policy H2 allows for the development of small residential developments on infill and redevelopment sites within the parishes. The policy does not state that these must be within the built up area boundary. There is therefore no conflict with the BENDP.

National Planning Policy Framework (NPPF):

The NPPF (Feb 2019) is an important material consideration in determining planning applications. It sets out a presumption in favour of approving sustainable development. At para 12, it is clear that:

"The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed."

Other 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.

(1) Housing Land Supply

The Council's Annual Monitoring Report (AMR) was considered at the Planning Policy Sub-Committee on the 18th June 2019. The AMR shows that the Council can no longer demonstrate a 5-year Housing Land Supply (HLS) as is required by the NPPF. Indeed, the AMR shows there is currently only a 4.7 year supply. The reasons for the lower projected delivery include; recent planning refusals/delays on some Strategic Allocations (particularly the Pagham sites); poor quality schemes delaying approvals; developers unable to meet stated and committed timescales; and developer or market factors outside of local authority control.

The release of further land for housing will help to maintain delivery rates. This may have to include sites outside the built up area boundary and it would be preferential if such sites were located close to the edge of the BUAB or in sustainable locations which minimise the need to use the private car.

(2) The NPPF Presumption in favour of Sustainable Development

The National Planning Policy Framework (NPPF) is a material consideration in determining planning applications. As the Council cannot currently demonstrate a 5-year HLS, paragraph 11 (d) of the NPPF and the application of the 'presumption' for sustainable development is triggered.

This means that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (such as where the local planning authority cannot demonstrate a five year supply of deliverable housing sites), 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.

There is no question that (i) does not apply to this determination as the site does not lie in a protected landscape. In respect of (ii), the remainder of this report shows there are no significant & demonstrable

adverse impacts associated with the proposal. The presumption in favour of sustainable development therefore applies.

Paragraph 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. The following is an analysis of the sustainable nature of the site and proposal:

Environment - The site is considered to be in a sustainable location having regard to it being within close walking/cycling distance of the centre of Barnham (approximately 650m) which has a railway station, bus stops, food shops and other local services. Some longer distance trips are likely to still be made by private car but it is not necessary to have a car to be able to live at the site. There is also not considered to be any harm to the natural environment due to the previously developed nature of the site.

Social - The proposal will result in the enhancement of existing accommodation for a gypsy or traveller family.

Economic - The proposal may result in small scale economic benefits to the local area in the form of the creation of new or maintenance of existing construction jobs; and some additional spending by residents on local goods & services.

Assessment of Sustainable Development - the site is considered to be in an environmentally sustainable location and although minor, the proposal does offer social & economic benefits. The proposal would be environmentally, socially and economically sustainable and therefore benefits from the NPPF presumption in favour of sustainable development.

(3) The nature of the site and the proposal

It is considered that weight should be applied to the fact that the application concerns a previously developed site which has no natural areas and already comprises of a large mobile home and several ancillary buildings.

It is noted that the application proposes the demolition of approximately 102m² worth of buildings, the removal of a 91m² mobile home and the removal of 598m² worth of existing hardstanding. The resultant new development comprises of a new 115m² dwelling, a replacement 41m² garage, a 28m² mobile home and 416m² worth of hardstanding. Therefore, there will be a reduction in the amount of hardstanding, and if the caravan is considered a building for the purposes of this assessment, a reduction in the overall built footprint.

Furthermore, as the intention is for the application site to be occupied as a single dwelling (by persons related to each other), there is no net increase in the occupancy levels at the site. A condition will be imposed to secure this.

Conclusion on Matters of Principle:

The principle of development on this site is clearly contrary to the policies within the development plan. However, these policies have reduced weight due to the Council not being able to demonstrate an adequate supply of housing land. Furthermore, the proposal represents sustainable development and the NPPF presumption in favour of sustainable development is engaged. It is also clear that the redevelopment of the site would bring about a reduction in the amount of built development & hardstanding and no material increase in the occupancy of the site. It is considered that these factors allow for a decision to be made other than in accordance with the policies of the development plan.

MATTERS RELATING TO OCCUPATION OF THE SITE BY GYPSY/TRAVELLERS:

This site is an existing gypsy/traveller site and currently contributes to the Council's requirement in respect of such pitches. The Council does not have a surplus of supply and would therefore be reluctant to allow this pitch to be lost.

Part 4 of the Government's Planning Policy for Traveller Sites (PPTS) states that "... the Government's aims in respect of traveller sites are: (h) to increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply".

ALP policy H SP5 "Traveller and Travelling Showpeople accommodation" sets out that provision will be made for 5 private and 9 public gypsy & traveller pitches within the district between 2011 and 2031. It also states that planning permission will not normally be granted for development involving the loss of lawful accommodation for Gypsy and Travellers and Travelling Showpeople unless alternative provision is made to make good any loss.

A previous application (ref BN/9/19/PL) which sought permission to replace the existing residential mobile home with a new dwelling was withdrawn on the grounds of the conflict with policy H SP5 as no alternative provision was proposed. It is for this reason that this resubmission application seeks to retain the mobile home alongside the new dwelling.

The applicant has stated that the mobile home and the new dwelling are to remain in the same occupancy and provided that this permission is restricted by conditions to enforce this, there will be no loss of the existing gypsy/traveller pitch provision and no conflict with policy H SP5.

FLOOD RISK:

The application site is part within Flood Zone 3 (high risk) and part Flood Zone 2 (medium risk). The proposed mobile home falls within the Flood Zone 2 whilst the new bungalow will be just outside of these areas. According to the Council's Strategic Flood Risk Assessment (SFRA), the extent of the Flood Zone 2 will change to Zone 3a by 2031 but that in 2111, the bungalow will remain within flood zone 1.

ALP policy W DM2 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."

In addition, BENDP policy ES1 is relevant and requires that new development reduce the overall level of flood risk in the area, not be at risk from flooding and provide sufficient drainage.

A Flood Risk Assessment (FRA) has been provided as a part of the Design & Access Statement. This sets out that in order to increase the resilience of the property against flood risk, the following measures

will be incorporated into design and construction:

- The new finished floor level will be at least 300mm above the adjacent ground level;
- The damp proof course (DPC) will also be least 300mm above the ground level;
- The floor construction of the proposed dwelling will be a solid concrete slab with insulation and screed over;
- A damp proof membrane will be taken below the insulation and solidly bonded to the DPC at the edge condition;
- The walls will be rendered external block with internal block cavity construction; and
- All electrical services will be fed from high level.

In addition, it should be noted that the mobile will be 0.6m above ground level as is the case for all caravans and mobile homes (and is the case for the existing mobile home). The Environment Agency have been consulted and raise no objections subject to conditions to secure the proposed mitigation measures.

A sequential assessment is required where a site is at high risk of current or future flooding and would therefore only be required for the mobile home (as the bungalow is not affected by current or future flooding). Para 158 of the NPPF states that the sequential approach should be used in areas known to be at risk now or in future from any form of flooding. Para 155 states that the development 'should be made safe for its lifetime without increasing flood risk elsewhere.' The applicant has not provided a sequential assessment however it is material that this is not a new development site and that there is already a mobile home on the site. Furthermore, the reduction in the amount of hardstanding and built footprint will have a positive effect on the amount of natural flood storage within the site.

In respect of the other criteria in policy W DM2, it is not considered that the proposal will result in any real sustainability benefits to the wider community but this is acceptable given that this is an existing site. The scheme does however identify mitigation measures, a flood warning and evacuation plan will be secured by condition and conditions are to be imposed to control the drainage of the site.

Therefore, the proposal is considered to comply with ALP policy W DM1. It is also considered that the proposal is compliant with the aims of BENDP police ES1.

DESIGN & VISUAL AMENITY:

Policy D DM1 of the Arun Local Plan requires that the Council seek to make the best possible use of land by reflecting or improving upon the character of the site and the surrounding area. It requires the Council to consider scale, massing, aspect, siting, layout, density, building materials, landscaping, and design features. It is necessary that development demonstrates a high standard of architectural principles, use of building materials and hard and soft landscaping to reflect the local area. In terms of density, D DM1 requires that housing makes 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. The policy requires the scale of development keep within the general confines of the overall character of a locality.

ALP policy D SP1 "Design" requires development to make an efficient use of land and also reflect local character. 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.

Paragraph 127 of the NPPF states that "Planning policies and decisions should ensure that developments: (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and (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)."

As noted elsewhere, the proposal will reduce both the amount of built development and the amount of hardstanding on the site. Therefore, simply in terms of footprint, the changes will have a marginally positive impact on the character of this rural area.

The new mobile home will be much smaller than that which it will replace and as such has to be considered to have a reduced impact on the character and appearance of the site. The new dwelling will introduce an additional large new built form to the site however, it is considered to have a relatively simple design & form and will not harm the local landscape. The proposed first floor accommodation will be entirely within the roof with dormers only proposed to the north western roof plane. The new dwelling will also be part set in to the existing slope in front of a retaining wall with a difference of between 0.5 and 1m between the ground level of the dwelling and the garden land to the south east.

The application site is not visible from the road and any views from the land to the north west and west will be long distance views therefore the development of this site will not have a harmful impact on the visual amenities of nearby public viewpoints.

The proposal is therefore considered to be in accordance with the above referenced policies of the ALP and the BENDP.

RESIDENTIAL AMENITY:

Arun Local Plan policy D DM1 requires 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." Arun Local Plan policy QE SP1 states that: "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".

Regard should also be had 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."

The application site will be redeveloped with a replacement smaller mobile home and a new one and a half storey dwelling and these will be occupied as a single unit of accommodation. Therefore, it is not necessary to assess the relationship between the two. All other separately owned/occupied dwellings are considered be too far away for there to be any impact on their amenity. An en-suite window in the roof of the south western flank of the new dwelling has the potential to look into the very rear garden of Birch House however, an obscure glazing condition will protect the amenities of both the new occupiers and the adjacent neighbours. The proposal is therefore in accordance with ALP policies D DM1 and QE SP1.

PARKING & HIGHWAY SAFETY:

ALP policy T SP1 seeks to ensure development: provides safe access on to the highway network;

contributes to highway improvements & promotes sustainable transport. In respect of highway safety, it states: "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, T SP1 states: "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".

Para 108 of the NPPF states: "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 be had to para 109 which states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

Policy GA4 of the BENDP states that: "Development proposals will be supported only if they include the maximum level of off-street parking consistent with the current standards under the Local Plan. Developments that reduce the amount of off-street parking currently available will only be supported if they make enforceable provision for equivalent off-street parking nearby. Parking spaces provided in connection with such proposals will be required to be made available in perpetuity."

West Sussex Highways have carefully considered the proposal and although they note that the existing access onto Church Lane is unsafe due to a lack of visibility, they do not consider there to be a material increase in the number of dwellings using the access (two) when compared to historic usage rights. They also observe that there have been no accidents at this location in the last 10 years. As such, no highway safety objection is raised and the proposal is not considered to be contrary to paragraph 109 of the NPPF.

Under the terms of the emerging Arun Parking Standards Supplementary Planning Document, garages only count as half a space and on this basis, the amount of parking provided would only amount to 2 spaces. However, there remains plenty of additional space within the site for parking such as to the front of the garage (2 spaces) and it is considered that the proposed provision meets the anticipated demand, according to the WSC Parking Demand Calculator, of 4 spaces.

It is therefore considered that the proposal complies with policy T SP1 of the ALP and policy GA4 of the BENDP.

INTERNAL & EXTERNAL SPACE STANDARDS:

ALP policy D DM2 states: "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 internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if the building is suitable for residential use.

The standards do not apply to mobile homes and as the mobile home is to be considered as part of the same occupancy, it is not necessary to assess it separately. In terms of the dwelling, the requirement for a two storey, three bedroom, 6 person house is 102m². However, the proposed floor area is around 180m² and therefore far exceeds the expected standards.

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. The emerging Arun Design Guide proposes the following standards:

- Minimum 10.5m depth for private rear gardens;
- 50sqm area for two-bedroom homes and 60sqm for three or more bedroom homes (smaller gardens with adequate daylight and privacy may be acceptable in corner plots); and
- Minimum 2m deep private front garden.

The proposed layout includes a large garden area which is shared between the dwelling and the mobile home and this far exceeds the emerging design guide standards. The proposal therefore complies with policies D DM1 & D DM2 and with the guidance in the NPPF (para. 127).

SUMMARY:

The principle of development on this site is contrary to the policies within the development plan due to the site being within defined countryside. However, these policies have reduced weight due to the Council not being able to demonstrate an adequate supply of housing land. Furthermore, the proposal represents sustainable development and the NPPF presumption in favour of sustainable development is engaged. It is also considered that the development of this previously developed site will not result in any significant and demonstrable harm to the character and appearance of the wider countryside.

It is considered the material considerations set out within this report are such that in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004, a decision on the principle of development can be taken other than in accordance with the development plan.

The above report concludes that there is no harm to the character of the area, to the safety of the highway or to the amenities of neighbouring properties. There is also no loss of an existing gypsy/traveller site. It is therefore recommended that permission is granted subject to the following conditions.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

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 replacement mobile home and the new dwelling shall be occupied together by a single gypsy or traveller family unit (as defined by Annex 1 to the Government's Planning Policy for Traveller's sites) and there shall be no subdivision of the site or occupation of either the mobile home or dwelling by persons unrelated to each other.

Reason: To maintain an adequate provision of Gypsy and Traveller sites in the District and to prevent a material intensification of the use of the existing substandard access onto Church Lane in accordance with Arun Local Plan policies T SP1 & H SP5, the National Planning Policy Framework and the Planning Policy for Traveller's sites.

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

Dwg C0117-P006 Rev B "Location Plan";
 Dwg C0117-P008 Rev B "Proposed Site Layout Plan";
 Dwg C0117-P009 Rev A "Site Layout Plan indicating proposed ground levels";
 Dwg C0117-P010 Rev A "Site Layout Plan to indicate Flood Zones";
 Dwg C0117-P105 "Proposed Ground Floor Plan";
 Dwg C0117-P106 "Proposed First Floor Plan";
 Dwg C0117-P107 "Proposed Roof Plan";
 Dwg C0117-P209 "Proposed South East Elevation Plan";
 Dwg C0117-P210 "Proposed North East Elevation Plan";
 Dwg C0117-P211 "Proposed North Elevation Plan";
 Dwg C0117-P212 "Proposed South West Elevation Plan";
 Dwg C0117-P108 "Proposed Garage Plan";
 Dwg C0117-P109 "Proposed Garage Roof Plan";
 Dwg C0117-P213 "Proposed North East Elevation Plan" (Garage);
 Dwg C0117-P214 "Proposed South West Elevation Plan" (Garage);
 Dwg C0117-P215 "Proposed North West Elevation Plan" (Garage); and
 Dwg C0117-P216 "Proposed North East Elevation Plan" (Garage).

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies C SP1, D DM1, T SP1 and QE SP1 of the Arun Local Plan.

- 4 The development shall be carried out in accordance with the submitted flood risk assessment (submitted July 2019 within the Design and Access Statement) and the following mitigation measures as detailed within it:

- Finished floor levels of the residential dwelling shall be set no lower than 4.500mAOD; and
- Flood resilient construction methods as set out in section 8 of the Design and Access Statement shall be fully incorporated for the new dwelling.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To ensure safe occupation of the dwellings and to reduce the risk of flooding to the proposed development and future occupants all in accordance with policy W DM2 of the Arun Local Plan and the National Planning Policy Framework.

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

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

- 6 No development shall be commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall included details for all temporary contractors buildings, plant and stacks of materials, provision for the temporary parking of contractors vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: To avoid undue congestion of the site and consequent obstruction to access in accordance with policy T SP1 of the Arun Local Plan and the National Planning Policy Framework. This is required to be a pre-commencement condition because it is necessary to have the site set-up agreed prior to access by construction workers.

- 7 No development shall commence until a robust methodology statement for the minimisation of dust generation and suppression of dust during construction works has been submitted to and approved by the Local Planning Authority. Thereafter the approved methodology statement shall be fully implemented and adhered to throughout the entire construction period.

Reason: In the interests of the amenities of the area in accordance with policies QE SP1 and QE DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to have these details agreed prior to access by construction workers.

- 8 Prior to the commencement of development the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified: all previous uses potential contaminants associated with those uses
a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site;
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken; and
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority.

The scheme shall be implemented as approved above and, prior to commencement of any construction work (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'long-term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Where demolition is required 1. and 2. above should be submitted prior to demolition. Parts 3. and 4. can take place post demolition if necessary.

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 policy QE DM4 of the Arun Local Plan. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

- 9 The new dwelling shall not be occupied unless and until a scheme outlining an adequate flood warning and evacuation plan for the application site has been submitted to and approved by Local Planning Authority in consultation with the Local Authority's Emergency Planner. Thereafter the approved plan shall be made available to all future residents.

Reason: To minimise risks to life and property in accordance with policy W DM1 of the Arun Local Plan and the National Planning Policy Framework.

- 10 Prior to the occupation of either the dwelling or the mobile home, 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 point/s shall thereafter be permanently retained and maintained in good working condition.

Reason: New petrol and diesel cars/vans will not be sold beyond 2040, 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 National Planning Policy Framework.

- 11 No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development in accordance with policy T SP1 of the Arun Local Plan and the National Planning Policy Framework.

- 12 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority. The approved cycle stores shall thereafter be permanently retained.

Reason: To ensure that adequate and satisfactory provision is made for the parking of bicycles in accordance with policies T SP1 & T DM1 of the Arun Local Plan and paragraphs 108-110 of the NPPF.

- 13 No construction / demolition activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no works taking place on Sunday or Bank Holidays unless they are not audible outside of the application site.

Reason: To protect the amenity of local residents in accordance with policies QE SP1 and QE DM1 of the Arun Local Plan.

- 14 No external lighting shall be installed on any part of the site or buildings until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The scheme should seek to conform with the recommendations within BS5489:1-2013 but also 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. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

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.

- 15 The first floor flank en-suite and bathroom windows on the north east and south west elevations of the building shall at all times be glazed with obscured glass.

Reason: To protect the amenities and privacy of the adjoining properties in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

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

- 17 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests

undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes regarding surface water drainage are located here <https://www.arun.gov.uk/surfacewater> on Arun District Councils website. A surface water drainage checklist is available here <https://www.arun.gov.uk/drainagechecklist> on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.

- 18 **INFORMATIVE:** The proposed garage is located in close proximity to the Barnham Rife. The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact the National Customer Contact Centre on 03702 422 549.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with the Environment Agency at the earliest opportunity.

- 19 **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 our New Connections Services Charging Arrangements documents which is available to read on the SW website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.