

Recommendation Report for Planning Permission

REF NO: BN/56/20/PL

LOCATION: 33 Hill Lane
Barnham
PO22 0BL

PROPOSAL: Demolition of existing shed/garage & erection of 1 No detached dwelling. This application affects a Right of Way.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The new dwelling would be detached, 1.5 storey chalet house, with a half-hipped roof, with dormer and gable end features. The elevations are proposed to be brick, flint and timber weatherboarding with a clay tile roof. The property would provide 3 bedrooms (one at ground floor and two at roof level). The entrance would utilise the existing entrance off Hill Lane, and there would be a front driveway with parking for at least 2 cars, and a bin and bicycle store. The property would have gardens to the front, side and rear. The Proposed Site Plan shows the existing footpath (which is not a Public Right of Way but which provides access across the eastern edge of the site) is to be retained, as would the hedge which encloses the site on its eastern boundary.
SITE AREA	0.07 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	14 dph.
TOPOGRAPHY	Predominantly flat.
TREES	There appear to be significant on and off-site trees/hedges.
BOUNDARY TREATMENT	2m (approx.) hedge along eastern boundary of site adjacent to existing footpath. Timber fence panelling to western boundary adjacent to no.33 'Saxons'. Hedging, trees, shrubs to rear/southern boundary of site. Hedging and double wooden vehicular gates to front/northern boundary of site adjoining Hill Lane.
SITE CHARACTERISTICS	The wider site (blue line boundary) includes a medium-sized detached dwelling (no.33 'Saxons') with hipped roof and driveway, gardens with outbuildings to side. The site (red line boundary) consists garden land to the side of Saxons, which contains a large single storey timber garage/storage outbuilding. Agricultural barn recently constructed on land to west of site the subject of planning application BN/32/13.
CHARACTER OF LOCALITY	Rural location. On the southern side is open farmland which includes ad-hoc agricultural holdings and buildings. On the northern side along Hill Lane there are some sporadic

residential dwellings of various styles and designs. Farm to east of site.

RELEVANT SITE HISTORY

BN/31/16/PL	Demolition of existing shed/garage & erection of 1no detached dwelling. Resubmission of BN/13/15/PL.	ApproveConditionally 22-07-16
BN/13/15/PL	Demolition of existing shed/garage & erection of 1 No. detached dwelling.	Refused 26-08-15

BN/31/16/PL - Approval of new dwelling on the site, with planning condition restricting its occupation to somebody working in agriculture, forestry or equestrian industry.

BN/13/15/PL - Refusal based on being in a countryside location and use not being related to agriculture/forestry/equine/minerals or waste, visual impact, and lack of affordable housing contribution

REPRESENTATIONS

No objection.

Arun District Bridleways Group -

Objection. Submission makes no reference to impact of development on the important remains of the Portsmouth to Arundel Canal, the route and existing structures which are protected by ADC Local Plan. Wish to see footpath route along site made available for local equestrians. Stiles should be removed to provide cyclists and horse riders with a route. Stiles block route for wheelchair users and those with mobility issues. Permission for land east of Drove Lane (Y/92/17/OUT) included a condition requiring upgrade of the canal route across the land. Canal route is a Public Right of Way, current applicants should agree to a condition requiring upgrade of canal path to allow cyclists and riders to use this route, which would be safe and encourage sustainable modes of transport.

The Friends of the Old Ford to Hunston Canal -

Objection. No mention of Public Right of Way, canal towpath or the sites local heritage value in submission. Policy HER DM5 of the Local Plan supports preservation of remaining line and configuration of canal. Policy in the B&E NP states development that encroaches onto line of canal will not be permitted. Application should support the protection of the canal, including re-purposing it to a 'Greenway'.

2 letters of objection received, summarised as:

- Object to encroachment onto historic canal route. Development should protect and preserve historic canal route.
- There are currently discussions to repurpose old canal into a 'Greenway' (supports off-road NMU route Barnham-Yapton, accord with Yapton NP, and support sustainable transport and healthy options). Development should allow for enhancement of Barnham-Yapton footpath.
- Needs to protect Public Right of Way on southern boundary of site.

3 letters of support received, summarised as:

- Footpath is not affected as on other side of hedge.
- Footpath is too narrow to use as bridleway or cycle track combined with footpath. Would be unsafe and reduce the number of walkers. Suggest signage on Yapton Road to protect horse users.
- Footpath runs across private land, none of the owners willing to give permission for use other than a footpath. Footpath cannot be widened due to culvert.
- Proposed dwelling will fit in with other homes.
- ADC should approve without planning conditions (e.g. restrictive agricultural tie).

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and addressed in 'Conclusions' section of report, and additional comments below:

- Failure to protect and preserve remains of the Portsmouth to Arundel Canal route
- Need to protect Public Right of Way and footpath to side of site.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSSC HIGHWAYS:

No objection. The LHA does not consider that this proposal would 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 (para 109), and that there are no transport grounds to resist the proposal. Recommend conditions to secure car/cycle parking and Electric Vehicle Charging Point provision, and informative reminding applicant of the requirement to obtain formal consent from the owner of the private lane for the proposed site access works.

ENVIRONMENTAL HEALTH:

No objection. Recommend condition for provision of Electric Vehicle Charging Point provision to reduce air pollution, and informative regarding statutory nuisance being subject to the Environmental Health Act.

DRAINAGE ENGINEER:

No objection, subject to conditions to secure winter groundwater monitoring and infiltration testing and the requirement for a sustainable drainage system to be approved. The applicant is aware that a culverted watercourse crosses the site. Advise all buildings, structures and fences etc. are to be kept at least 3 metres from the edge of the culvert which crosses the site, and that no tree planting is to take place that would have a detrimental effect on the culvert. It should also be noted that discussions are ongoing between the ADC Drainage team and the applicant to provide a secondary culvert beneath Hill Lane, in order to reduce flood risk in the vicinity. This project is subject to further discussions. This secondary culvert is not a requirement to make this current planning application acceptable in flood risk terms, but the Council is working with the applicant on a mutual basis to get one installed, and it would be partly funded by the Council.

SOUTHERN WATER:

Would not support the proposed provision of a septic tank, given the presence of a public foul sewer in close vicinity of the site. The applicant is to investigate option of connection to public sewer. Informative is to be added accordingly. Advised regarding actions to be undertaken if a sewer once deemed public is found to be crossing the site. Advised regarding the need to carefully design the surface water drainage to avoid infiltration and inundation issues with the public sewer and potential flood risks, given the

location of the site within the Lidsey Catchment Area.

TREES OFFICER:

Objection, due to lack of arboricultural information submitted. The principle of development as described is certainly achievable without undue harm to on- and off-site trees. Require further tree information to show hows trees will be adequately protected; to include an Arboricultural Impact Assessment (Tree Survey, Root Protection Area Schedule and Tree Constraints Plan) and if any incursion of RPAs found, an Arboricultural Method Statement (to include Tree Protection Plan) is to be submitted.

ECOLOGY ADVISOR:

No objection, subject to conditions regarding external lighting scheme (to protect bats), hedgerow buffer strip and infilling of gaps (to protect and enhance environment for bats), site clearance and works to be undertaken outside of wild bird nesting season or if required during this time site to be checked by qualified ecologist before, and biodiversity enhancement measures set out in Ecology Report to be undertaken.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and addressed in 'Conclusions' section of report.

POLICY CONTEXT

Designation applicable to site:

Countryside

Lidsey Waste Water Treatment Catchment Area

Barnham & Eastergate Neighbourhood Plan Area

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
ECCDM1	ECC DM1 Renewable Energy
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
HDM3	H DM3Agricultural forestry and horticultural Rural dwellings
HERDM5	HER DM5 Remnants of the Portsmouth and Arundel Canal
HERSP1	HER SP1 The Historic Environment
LANDM1	LAN DM1 Protection of landscape character
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development

SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water

[Barnham & Eastergate Neighbourhood Plan 2014](#) Trees and hedgerows
[POLICY ES10](#)

Barnham & Eastergate Neighbourhood Plan 2014 Energy efficiency of new development
POLICY ES11

Barnham & Eastergate Neighbourhood Plan 2014 Renewable energy schemes
POLICY ES13

Barnham & Eastergate Neighbourhood Plan 2014 Protection of open views
POLICY ES4

Barnham & Eastergate Neighbourhood Plan 2014 Quality of design
POLICY ES5

Barnham & Eastergate Neighbourhood Plan 2014 Buildings should be designed to reflect the three-dimensional qualities of traditional buildings
POLICY ES8

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

Barnham & Eastergate Neighbourhood Plan 2014 Outdoor space
POLICY H5

Barnham & Eastergate Neighbourhood Plan 2014 The Portsmouth and Arundel Canal
POLICY ES9

Barnham & Eastergate Neighbourhood Plan 2014 Applications for new development must meet the local drainage requirements
POLICY ES1

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
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POLICY COMMENTARY

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

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

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

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

The policies contained within the Barnham & Eastergate Neighbourhood Plan (made 2014) are relevant in the determination of this planning application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that, although it would result in a new dwelling in the countryside, normally precluded by Local Plan policy C SP1, the use of the new dwelling would be restricted for occupation of person/s employed in the locality in agriculture, forestry or the equestrian industry, and thus accords with exception test (a) of policy C SP1. In addition, given the Council's lack of a 5 year housing land supply, the proposals would trigger the NPPF's 'presumption in favour of sustainable development'. The proposals would represent sustainable development and there are found to be no adverse impacts that would significantly and demonstrably outweigh the benefits of the scheme, and as such the proposals benefit from the NPPF's 'presumption in favour of sustainable development'. The proposed development in this location is therefore acceptable in principle. It would also have an acceptable impact on character of the countryside, residential amenity, living standards for future occupants, climate change, highways, drainage, trees and ecology, subject to planning conditions, in accordance with policies in the Development Plan.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPAL:

Development in the countryside:

The site is outside the Build-Up Area Boundary (BUAB), in the designated Countryside. New development should be focussed in the BUAB, as per Arun Local Plan (ALP) policy SP SD2. New dwellings in the countryside are normally precluded by ALP countryside policy C SP1, and considered unacceptable in principle. However, policy C SP1 contains several exception tests, where countryside development is justified, which includes (a) when the development would serve the operational needs of agriculture, horticulture and forestry. In this case, the applicant is building this property so they can live near the heavy horse barn/farm to the west of 'Saxons'. This is considered a rural use and a planning condition will be applied restricting anyone who occupies the property as having to be employed (or last employed) in agriculture, forestry or equestrian. This justifies the proposal for a new dwelling in the

countryside, in accordance with exception test (a) of ALP policy C SP1.

The proposals accord with policy H DM3 of the ALP which supports permanent rural workers dwellings, providing the proposals meet certain tests. This includes that there is a functional need for workers to be on-site and readily available, the needs relate to a full-time worker, the rural activity/enterprise has been established for at least three years, the dwelling is of a size commensurate with the established functional requirement, and is well-sited and related to existing farm buildings or other on-site farm dwellings.

NPPF's presumption in favour of sustainable development:

Given the Council's current lack of a 5 year housing land supply (2.9 years), the NPPF's 'presumption in favour' of sustainable development is triggered. Paragraph 11 of the NPPF states that where development policies are out of date (including for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites) planning permission will 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.

(i) does not apply to this determination as the site does not lie in a protected area/landscape and is not or near a protected heritage asset that would be significantly affected. The part (ii) test, adverse impacts, are considered in detail in the proceeding sections and concluded upon under the final 'Summary' section.

Paragraph 8 of the NPPF sets out the three objectives of sustainable development; economic, social and environmental. The proposal is likely to result in economic benefits to the local area in the form of (a) an increase in Council Tax receipts; (b) potential 'New Homes Bonus' payments from the Government; (c) financial contributions towards local libraries, education establishments, healthcare facilities and play areas via CIL; (d) the creation of new or maintenance of existing construction jobs; and (e) additional spending by new residents on local goods & services. The proposal will support the local community by providing a new home to help meet future needs, and be related to a rural use. The site is considered to be located in a relatively environmentally sustainable location (from a sustainable modes of transport perspective), given the short distance to bus routes, the railway station at Barnham and local shops by foot. However, it would result in environmental harm in terms of its impact on the open and rural character of the countryside and its encroachment into the countryside.

On balance, the proposals would represent sustainable development. However, it is concluded that the benefit of 1 new dwelling is not sufficient to outweigh the significant and demonstrable adverse impact in the form of visual harm to the open character and encroachment into the countryside. For this reason, the application would not benefit from the NPPF's presumption in favour of sustainable development.

Summary on matters of principle:

Proposals for a new dwelling in the countryside would normally be unacceptable in principle. Whilst, the proposals would represent sustainable development, they would not benefit from the automatic 'presumption in favour' of sustainable development, due to the adverse impacts significantly and demonstrably outweighing any benefits. As such, the proposals must comply with the relevant Development Plan policies, including policy C SP1. Subject to the addition of a planning condition restricting the occupation of the dwelling for rural workers, it is justifiable and will comply with policy C

SP1 as required. The proposals are therefore acceptable in principle in this location.

VISUAL AMENITY & CHARACTER:

The dwelling would be sited in an existing group or 'cluster' of residential and farm buildings on the southern side/corner of Hill Lane. There are structures (including large timber garage/storage outbuilding) on the site, which the dwelling would replace. These factors would reduce the visual prominence of the new dwelling, as it would be viewed in the context of the existing development in the area of on the site already. As discussed in the Principle section above, the new dwelling would, by reason of its siting, still have a harmful impact on the open and rural character of the countryside and result in encroachment into the countryside (and is only justified in this location by the rural worker tie to the new dwelling).

The property would be set back from the front building line and set away from the host dwelling ('Saxons') so would not dominate the street scene. There would be ample space around the proposed dwelling to retain the sense of openness and spaciousness which characterises this side of Hill Lane.

The report for the previous refused scheme (BN/13/15/PL) stated that a single storey, small scale dwelling of the type proposed was not in character with the surrounding area which consists of larger, detached or semi-detached, two storey dwellings. The report for the revised scheme approved in 2016 (BN/31/16/PL) concluded that the proposal was a significant improvement in appearance to the refused scheme, since it is now two storey and is more similar in size and scale with the other neighbouring properties. The current scheme proposes a detached, 1.5 storey chalet house with a larger footprint than both the first refused scheme and the previous approved scheme. Whilst it is not a full 2 storeys, there would be roof level accommodation with dormer windows, and the overall eaves and ridge height would only be slightly lower than the previous approved scheme. The scale of the dwelling would be acceptable in relation to that of surrounding properties and roof profiles and heights in the area.

It has been designed in a traditional rural style with half-hipped barn roof and porch overhang. The flint and feature brickwork is also considered to be an attractive feature which draws on the character of other properties in the area. The materials: brick, flint and timber clad elevations, traditional clay tiles for the roof, and timber-framed windows and timber doors; would reflect and be sympathetic to the rural setting. It is recommended a planning condition is applied to secure details of the materials, since these have not been clearly annotated on the drawings (and only referenced in the D & A Statement).

Notwithstanding the above, the development, by reason of its siting, results in an encroachment of the open countryside and the erosion of the character of this rural area, failing to protect the countryside and landscape. The proposals, in this respect, are contrary to design and landscape policies D SP1, D DM1 and LAN DM1 of the ALP, and B&ENP policies ES4 and ES5. The development in this location is only justified by the rural worker tie to the new dwelling. The dwelling would be of an appropriate scale, design and materiality in respect of its rural setting and would accord with design policies in this respect.

HERITAGE:

Policy HER DM5 of the ALP states that development will be permitted where it would not adversely affect the remaining line and configuration of the Portsmouth and Arundel Canal and features along it. Policy ES9 of B&E NP states development that encroaches onto line of canal will not be permitted.

A Public Right of Way runs along the southern boundary of the site, just outside the hedge line. The historic former line of the canal route runs above this, to the side of and through the site. However, it is understood that there are currently no public access rights through the land along this part of the previous canal line and it runs through the existing private garden to 'Saxons'. Clearly this is a legal

matter with regards to land ownership not a material planning consideration. The policies refer to the 'remaining' line and configuration of the canal and this private land does not form part of that 'remaining' line. As such, the development would not interfere or adversely affect the remaining canal route line and would therefore accord with policy HER DM5 of the ALP and policy ES9 of the B&ENP.

RESIDENTIAL AMENITY:

The only dwelling to be affected by the proposal would be the host property at no.33, 'Saxons'. The new dwelling would be set 8.5m away from the side of 'Saxons' by 8.5m, would be 1.5 storeys, and no side-facing windows are proposed. It is not considered that the proposal would be overbearing, overshadowing or result in overlooking to the occupants at 'Saxons'. The rear building line of the new dwelling would be set beyond the rear building line of 'Saxons' and set away from its side boundary so the rear first floor windows would not have a view of the immediate part of Saxons' rear garden i.e. its primary amenity space nearest the house.

It is not considered necessary to remove permitted development rights as the property is on a well-sized plot with plenty of space around it, extensions which can be carried out under PD would not be considered to cause harm to neighbouring amenity. First floor side-facing windows inserted under PD would have to be obscure glazed and fixed shut to a height 1.7m above finished floor level. Therefore, the GPDO provides the protection for the neighbouring property of Saxons without the need for restrictive PD conditions.

There are no other neighbouring properties nearby that would be affected by the proposal.

The proposals would maintain an acceptable level of residential amenity, in accordance with the NPPF and ALP policies D DM1 and QE SP1.

QUALITY OF ACCOMMODATION:

The new dwelling would have a total Gross Internal Area (GIA) of around 117sqm. This would exceed the minimal internal space standards, for a 2 storey 3 bedroom 6 person home of 102sqm, as set out in the national 'Technical Housing Standards - Nationally Described Space Standards', and would accord with ALP policy D DM2. The proposals would also provide well-laid out accommodation with good levels of natural light.

The property would have private gardens to the front, side and rear, providing external amenity space of a sufficient size and shape to be usable and enjoyable and to serve a 3 bed dwelling. The proposals would accord with policy H5 of the B&ENP and guidance in the emerging ADC Design SPD regarding the provision of external amenity space.

WASTE PROVISION:

The site plan shows a bin store within the front driveway area. A minimum of 1 x 240l refuse and 1 x 240l recycling provision should be made to serve the new dwelling. In addition, provision should be made for kerbside collection (from Hill Lane) for municipal waste vehicles. Subject to a planning condition securing the provision of bin storage and kerbside collection, the proposals would accord with ALP policy WM DM1 and policy H6 of the B&ENP.

SUSTAINABLE CONSTRUCTION & CLIMATE CHANGE:

A planning condition will be applied requiring the submission of an Energy Statement proposing measures for energy efficiency and conservation, the use of renewable sources, and sustainable

construction methods. This will ensure the proposed development would be sustainable and reduce climate change impacts, in accordance with policies ECC SP1 and ECC SP2 of the ALP and policies ES11 and ES13 of the B&ENP.

HIGHWAYS:

The site access utilises an existing entrance (where there are currently double vehicular gates) off Hill Lane which has already been created. The Local Highways Authority (LHA), WSCC Highways, have advised that since Hill Lane is a privately maintained lane, the applicant should contact the owner of the lane to obtain formal consent for the proposed access works. An informative will be added. The LHA have not raised any concerns with regard to highways safety at the nearest maintained highway network at the junction with Church Lane.

The site plan shows a front driveway with allocated parking for 2 cars. The ADC Parking SPD requires a 3 bedroom dwelling in this type of location (Parking Behaviour Zone 2) to provide a minimum of 2 car parking spaces on site, so the proposals accord with these standards. There is sufficient space on the driveway to accommodate additional car parking and to allow for on-site turning to ensure vehicles can leave the site safely in forward gear. The site plan also shows a bicycle store. The ADC Parking SPD requires a minimum of 2 cycle parking spaces to be provided on site. Cycle storage should be undercover and secure. Planning conditions will be added to secure the car and cycle parking, and also Electric Vehicle Charging Points (EVCPs) provision for 100% of all spaces.

Subject to conditions, the proposals would have an acceptable impact on highways and parking and would accord with the NPPF, policies T SP1 and T DM1 of the Local Plan, B&ENP policy GA4 and the Arun Parking SPD.

DRAINAGE:

The site is located within the Lidsey Waste Water Treatment Catchment Area. The Council's Drainage Engineer has advised that winter groundwater monitoring and infiltration testing must be undertaken and any sustainable drainage system carefully designed. If on-site infiltration is not possible, drainage via a restricted discharge to the local watercourse may be acceptable. Any discharge should be restricted to an agreed rate. Adequate treatment of surface water must be ensured prior to discharge. Recommend planning conditions to ensure winter groundwater monitoring and infiltration testing is undertaken and details of a sustainable drainage system is approved.

The applicant is aware that a culverted watercourse crosses the site. All buildings, structures and fences etc. are to be kept at least 3 metres from the edge of the culvert. No tree planting is to take place that would have a detrimental effect on the culvert. A planning condition will be applied accordingly.

Discussions are ongoing between the ADC Drainage team and the applicant to provide a secondary culvert beneath Hill Lane to reduce flood risk in the vicinity. This project is subject to further discussions. This secondary culvert is not a requirement to make this planning application acceptable in flood risk terms, but the Council is working with the applicant on a mutual basis to get one installed, and it would be partly funded by the Council.

With regard to foul water drainage, Southern Water confirm they would not support the proposed provision of a septic tank, given the presence of a public foul sewer in close vicinity of the site. The applicant is to investigate option of connection to public sewer. Informative is to be added accordingly. A condition will be added regarding actions to be undertaken if a sewer once deemed public is found to be crossing the site. An informative will be added regarding the need to carefully design the surface water drainage to avoid infiltration and inundation issues with the public sewer and potential flood risks, given

the location of the site within the Lidsey Catchment Area.

Subject to conditions and informatives, the proposals would have an acceptable impact on drainage and not result in increase in flood risk on the site or elsewhere, in accordance with the NPPF, ALP policies W DM2 and W DM3 and policy ES1 of the B&ENP.

TREES:

The Council's Trees Officer provided comments on the application. There appear to be significant on- and off-site trees, which could be adversely affected by the proposals. There is no supporting arboricultural information submitted with the application - a requirement of BS5837:2012. As such, were this development to now proceed, the Council do not have sufficient information to guarantee such trees would be adequately respected and protected. The principle of development as described is achievable without undue detriment to existing on- and off-site trees. The Council are yet to receive the necessary arboricultural report and plans to demonstrate this has been properly considered and how trees would be protected. The Tree Officer has confirmed that, as it stands, they are unable to support the scheme and have registered an objection. They recommend the following:

1. The applicants will need to employ the services of an Arboricultural Consultant to carry out a tree survey exercise and then prepare an Arboricultural Impact Assessment (AIA) which must be inclusive of; a 'Tree Survey Schedule', a 'Root Protection Area (RPA) Schedule' and a 'Tree Constraints Plan' - with the trees accurately plotted on same.
2. In the event that a RPA of any tree which is proposed for retention overlaps the development then BS5837:2012 requires that the Detailed Planning Application is accompanied by an Arboricultural Method Statement (AMS) and also most importantly a Tree Protection Plan - to both describe and illustrate the mitigation measures which are to be employed to ensure that the trees survive without detriment to their vigour and vitality and are given adequate protection both above and below ground.

Under previous applications in 2015 and 2016, the Tree Officer was not consulted and did not provide comments. As such, it is considered somewhat unreasonable to expect the applicant to realise that a Tree Report and Tree Protection Plan were required to be submitted with this application. Since the Tree Officer confirms that the principle of development as shown is achievable without undue harm to trees, it is considered appropriate to deal with these matters under pre-commencement conditions rather than refuse the application on this basis.

Subject to appropriate pre-commencement conditions, trees would be adequately protected and respected, in accordance with the British Standards, ALP policy ENV DM4 and policy ES10 of the B&ENP.

ECOLOGY:

The Ecology Officer initially objected due to the lack of ecology information, however an Ecology Report has since been submitted. This concludes that there were no protected species found on site, and therefore no need for further species-specific surveys. The Ecology Officer confirmed no objection, subject to conditions regarding external lighting scheme (to protect bats), hedgerow buffer strip and infilling of gaps (to protect and enhance environment for bats), site clearance and works to be undertaken outside of wild bird nesting season or if required during this time site to be checked by qualified ecologist before, and biodiversity enhancement measures set out in Ecology Report to be undertaken.

Subject to conditions, the proposals would protect and enhance ecology and biodiversity, in accordance

with the Environment Bill, NPPF, and ALP policy ENV DM5.

SUMMARY:

The proposals would result in a new dwelling in the countryside which is normally not acceptable in principle, and it would result in some visual harm, but in this instance, on balance, is justified by the rural workers tie. As detailed in this report, the proposals, subject to conditions, would have an acceptable level of impact on design, heritage, residential amenity, quality of accommodation for future occupants, waste storage, parking and highways, drainage, trees and ecology.

Recommended for approval, subject to the following conditions:

HUMAN RIGHTS ACT

Human Rights Act:

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

Consideration has been specifically given to Article 8 (right to 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 application is CIL Liabe therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply). A Self-Build exemption form has been submitted.

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:

- Existing and Proposed Plans and Elevations (drawing number: 15058/100), received 02/06/2020

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D SP1, D DM1, D DM2, LAN DM1, QE SP1, T SP1, T DM1, ENV DM4 and ENV DM5 of the Arun Local Plan and policies ES4, ES4, GA4, and ES10 of the Barnham & Eastergate Neighbourhood Plan.

- 3 The occupation of the dwelling shall be limited to a person solely or mainly employed or last employed in the locality in agriculture (as defined in Section 336 (1) of the Town and Country Planning Act 1990), forestry or the equestrian industry, including any dependents of such a person residing with him or her, or a widow or widower of such a person.

Reason: The site lies in a rural area where, in accordance with Arun District Local Plan policy C SP1, development unrelated to the essential needs of agricultural and/or forestry and/or equine would not normally be permitted.

- 4 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, roofs, doors and window frames 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 visual amenity by endeavouring to achieve a building of visual quality in accordance with policies D SP1, D DM1 and LAN DM1 of the Arun Local Plan and policies ES4 and ES5 of the Barnham & Eastergate Neighbourhood Plan.

- 5 No part of the development shall be first occupied until details of waste provision (to provide 240l refuse and 240l recycling storage), any bin enclosure and kerbside collection have been submitted to and approved in writing by the Local Planning Authority. The bins shall thereafter be retained.

Reason: To ensure appropriate waste provision to serve the new dwelling, in accordance with policy WM DM1 of the Arun Local Plan.

- 6 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources (as described in the glossary at Annex 2 of the NPPF) unless it can be demonstrated that a fabric-first approach would achieve an equivalent energy saving. Details and a timetable in the form of an Energy Statement of how this is to be achieved (including details of physical works on site, sustainable construction methods, energy conservation and energy efficiency measures and renewable energy sources), shall be submitted to and approved in writing by the Local Planning Authority before any development above damp proof course (DPC) level begins. The development shall be implemented in accordance with the approved details and timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to secure on site renewable energy, reduce energy use, and ensure the development is sustainable, in accordance with national planning policy, and in accordance

with Policies ECC SP1 and ECC SP2 of the Arun Local Plan and policies ES11 and ES13 of the Barnham & Eastergate Neighbourhood Plan.

- 7 No part of the development shall be first occupied until 2 car parking spaces have been provided on site in accordance with the approved plans. These spaces shall thereafter be retained at all times for their designated use.

Reason: To provide car-parking space for the occupiers of the dwelling, in accordance with policy T SP1 of the Arun Local Plan and policy GA4 of the Barnham & Eastergate Neighbourhood Plan.

- 8 No part of the development shall be first occupied until a minimum of 2 covered and secure cycle parking spaces have been provided on site in accordance with the approved plans. The cycle spaces shall thereafter be permanently retained in good working condition.

Reason: To provide alternative travel options to the use of the car, in accordance with policies T SP1 and T DM1 of the Arun Local Plan.

- 9 No part of the development shall first be occupied, until the provision of facilities to enable the charging of electric vehicles has been installed for all car parking spaces. The charge points shall thereafter be permanently retained and maintained in good working condition.

Reason: New petrol, diesel and hybrid cars/vans will not be sold beyond 2035, 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 Parking Standards SPD and the NPPF.

- 10 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.

- 11 The development shall not proceed until details have been submitted to and approved in writing by the Local Planning Authority for any proposals: to discharge flows to watercourses; or for the culverting, diversion, infilling or obstruction of any watercourse on or adjacent to the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run-off values. No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities in respect to any watercourse or culvert on or adjacent to the site.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan. And to ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood

and Water Management Act 2010, can be fulfilled without additional impediment following the development completion. It is considered necessary for this to be a pre-commencement condition to protect existing watercourses prior to the construction commencing.

- 12 All buildings, structures and fences etc. are to be kept at least 3m from the edge of the watercourse culvert which crosses the site. No tree planting is to take place that would have a detrimental effect on the culvert on the site.

Reason: To ensure that the proposed development is satisfactorily drained and does not increase flood risk elsewhere, in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan and policy ES1 of the Barnham & Eastergate Neighbourhood Plan.

- 13 Development shall not commence until full details of the proposed foul water disposal, in the form of a Foul Drainage Assessment (FDA), are submitted to and approved in writing by the Local Planning Authority. The applicant must first investigate the option of connection to the nearby public sewer network. If a private septic tank is proposed, the FDA must include the applicants justification for non-connection to the mains public sewer, and details of the proposed sewer package treatment plan, and the means of discharge.

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. It is considered necessary for this to be a pre-commencement condition to ensure that the foul water disposal scheme is agreed before construction commences.

- 14 Development shall not commence until the following arboricultural information has been submitted to and approved in writing by the Local Planning Authority:

1. The applicants will need to employ the services of an Arboricultural Consultant to carry out a tree survey exercise and then prepare an Arboricultural Impact Assessment (AIA) which must be inclusive of; a 'Tree Survey Schedule', a 'Root Protection Area (RPA) Schedule' and a 'Tree Constraints Plan' - with the trees accurately plotted on same.

2. In the event that a RPA of any tree which is proposed for retention overlaps the development then BS5837:2012 requires that the Detailed Planning Application is accompanied by an Arboricultural Method Statement (AMS) and also most importantly a Tree Protection Plan - to both describe and illustrate the mitigation measures which are to be employed to ensure that the trees survive without detriment to their vigour and vitality and are given adequate protection both above and below ground.

All works are to be undertaken in strict accordance with the Tree Report/s, thereafter approved.

Reason: To ensure that the proposed development would protect and respect trees, in accordance with policy ENV DM4 of the Arun Local Plan and policy ES10 of the Barnham & Eastergate Neighbourhood Plan.

- 15 No external lighting shall be installed until details have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed and maintained thereafter in accordance with the approved scheme.

Reason: To protect the character of the countryside and its dark skies and for the protection of local wildlife including bats, in accordance with policies D DM1, LAN DM1, QE DM2 and ENV DM5 of the Arun Local Plan.

- 16 Prior to commencement of development, a buffer strip of 5m with protective fencing around

the existing hedging must be installed and maintained in situ for the duration of the construction works.

Reason: To protect local wildlife, in accordance with the relevant legislation and policy ENV DM5 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to ensure adequate protection of wildlife is in place prior to commencing any building works.

- 17 Prior to first occupation, gaps to existing hedgerows should be filled in using native hedge species to improve connectivity for local wildlife.

Reason: To enhance the environment for local wildlife and result in net biodiversity gain, in accordance with the relevant legislation and policy ENV DM5 of the Arun Local Plan.

- 18 Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st October. If works are required within this time an ecologist will need to check the site before any works take place (within 24 hours of any work).

Reason: To protect local wildlife, in accordance with the relevant legislation and policy ENV DM5 of the Arun Local Plan.

- 19 Prior to first occupation, the biodiversity enhancement measures recommended within the Preliminary Ecological Appraisal (dated July 2020) must be undertaken.

Reason: To enhance the environment for local wildlife and result in net biodiversity gain, in accordance with the relevant legislation and policy ENV DM5 of the Arun Local Plan.

- 20 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.

- 21 INFORMATIVE: Under Section 23 of the Land Drainage Act 1991 Land Drainage Consent must be sought from the Lead Local Flood Authority (West Sussex County Council), or its agent (Arun District Council land.drainage@arun.gov.uk), prior to starting any works (temporary or permanent) that affect the flow of water in an ordinary watercourse. Such works may include culverting, channel diversion, discharge of flows, connections, headwalls and the installation of trash screens.

The development layout must take account of any existing watercourses (open or culverted) to ensure that future access for maintenance is not restricted. No development is permitted within 3m of the bank of an ordinary watercourse, or 3m of a culverted ordinary watercourse.

- 22 INFORMATIVE: The applicant is reminded that should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.
- 23 INFORMATIVE: Due to surface water inundation issues in the Lidsey Catchment the applicant is advised to adopt, where appropriate, the measures in the table "Practical measures to reduce the potential impacts of development". Developer should look to protect the public sewerage system from inundation and infiltration, which contribute to flooding in unfavourable conditions.
- 24 A formal application for connection to the public sewerage system is required in order to service this development. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements. For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119). Website: southernwater.co.uk or by email at: developerservices@southernwater.co.uk