

Recommendation Report for Planning Permission

REF NO:	EG/69/17/PL
LOCATION:	Swallowfield Eastergate Lane Eastergate PO20 3SJ
PROPOSAL:	4 No. live/work units, Research & Development propagation building & growing area, garden room, fuel store & greenhouse to main dwelling & formation of new access. This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The live/work units will be sited on the western side of the site and will consist of two pairs of 1.5 storey semi-detached buildings, private gardens, two car parking spaces each, two shared disabled parking spaces and two shared electric vehicle charging points. Each unit will have two bedrooms upstairs and include a 30m² work area downstairs. Bin and cycle stores are also shown. The western boundary will be infilled with new 2.2 timber fencing where any gaps exist. The other part of the proposal concerns land on the eastern side of the existing dwelling. It is proposed to bolt onto the dwelling with an open but covered fuel store, garden room and a domestic greenhouse. Further to the east, a new propagation building and attached trials greenhouse will be erected (both single storey). A new access will then be created from Eastergate Lane allowing access by light vehicles to the propagation building. The existing parking area in the south western corner of the site will be retained as parking for the nursery use.
SITE AREA	The total area of the red edged site is 0.49 hectares. The area of the live/work part of the site is approximately 0.22 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	18 dwellings per hectare.
TOPOGRAPHY	Slightly sloping from South to North.
TREES	A Silver Birch tree to the side of the existing dwelling may be affected by the extensions. Also a dead tree will be removed to facilitate the new access on the eastern side of the site.
BOUNDARY TREATMENT	The site has a 3m+ high hedge along the front boundary with a 1.2m high post & rail fence behind. The live/work units will be sited on the western side of the site adjacent to the neighbouring property, Cedar End. This boundary has a 2-2.2m high timber fence with brick wall base and sections of

similar height hedging. There is then a 3m high hedge between this part of the site and the internal access road. Other boundaries are formed by post & rail fencing and hedging/trees.

SITE CHARACTERISTICS

Existing nursery premises with glasshouses, polytunnels, a part office/part dwelling building and private garden on its eastern side. Also a collection of old buildings on the eastern side of the dwelling. Gravelled car parking area in the south western corner. The site is considered to be well screened by hedging on all sides. The live/work unit part of the site is occupied by polytunnels.

CHARACTER OF LOCALITY

Rural location but with mix of commercial and residential properties on either side of the road. The site borders a bungalow known as Cedar End on the western side. This has only ground floor windows facing the site. There is a large commercial open storage site to the east and a holiday caravan site to the north west. Due to the existing hedging, it is not possible to see the existing on-site dwelling from the live/work unit part of the site or to see any buildings within the site from Eastergate Lane.

RELEVANT SITE HISTORY

EG/42/13/CLP	Application for a Lawful Development Certificate for the proposed construction of single storey, mono pitch, brick and tile building with lean-to aluminium greenhouse to serve plant breeding and tissue culture propagation and other activities to serve plant propagation and trialling.	PP Required 10-10-13
--------------	--	-------------------------

EG/73/98/	Nursery storage building.	ApproveConditionally 04-12-98
-----------	---------------------------	----------------------------------

Noted. The CLP relates to the propagation building and attached greenhouse.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Eastergate Parish Council

Eastergate Parish Council

Originally raised an objection on the basis that there was no space shown on the site for articulated vehicles to turn. Following negotiation based on information from County Highways and from the applicant, the Parish Council wrote to say that:

"The Parish Council maintains the view that a turning place for large vehicles would be best but, in view of the ADC position, the council withdraws it's objection and leaves the District council to make the

decision."

One letter of objection from the neighbouring dwelling, Cedar End raising the following issues:

- (1) References to an appeal scheme/site within the submitted Design & Access Statement (DAS);
- (2) It is not the intention of the National Planning Policy Framework (NPPF) to supersede the policies of the Arun Local Plan;
- (3) Countryside location;
- (4) Need not demonstrated for the proposal;
- (5) Four homes will not make a major contribution to the alleged lack of a 5 year housing land supply;
- (6) The DAS does not assess how the development will fit in with the surroundings;
- (7) The design of the development will be out of character;
- (8) Live/work units only 1m from shared boundary therefore no room for screening/noise mitigation measures;
- (9) Significant increase in traffic entering the site;
- (10) Overlooking from first floor windows, potentially used day & night as office space; and
- (11) No mention in the application of any pre-application engagement with the planners or local community.

COMMENTS ON REPRESENTATIONS RECEIVED:

Parish Council comments noted.

- (1) Noted. The Planning Authority is aware of a similar scheme submitted by the agent which was subject to an appeal. It may therefore be the case, that this statement was based on that previous application;
- (2) True. However, the Arun Local Plan is considered to be an out of date Development Plan and therefore in many cases, more weight is to be applied to the NPPF;
- (3) Noted. This will be discussed within the Conclusions section below;
- (4) It is only necessary to demonstrate need where this is required by a specific policy. Should this be the case, then the appropriate analysis will be found within the Conclusions section below;
- (5) Agreed. However, they will make a contribution;
- (6) Noted. Character will be assessed within the Conclusions section below;
- (7) Design & character issues will be assessed within the Conclusions section below;
- (8) Noise issues will be discussed within the Conclusions section below;
- (9) The impact on the highway will be discussed within the Conclusions section below;
- (10) Residential amenity issues will be discussed within the Conclusions section below. However, it should be noted that there are no first floor flank windows and the floorplans show the work space as being on the ground floor with bedrooms only on the first; and
- (11) Although the NPPF encourages pre-application discussion with the Council and/or the community, there is no requirement within Arun DC's application validation criteria that this take place.

CONSULTATIONS

Southern Water Planning
 Engineering Services Manager
 Engineers (Drainage)
 Environmental Health
 WSCC Strategic Planning
 Economic Regeneration

Environmental Health
Southern Water Planning

CONSULTATION RESPONSES RECEIVED:

SOUTHERN WATER - No objection subject to a foul sewer connection informative and a condition requiring that should any sewer be found on site that it be protected.

COUNTY HIGHWAYS - Have provided detailed comments (based on a site visit) in respect of the access, turning facilities, trip generation and parking. Conclude that the proposed access works have been demonstrated to be safe and suitable for the development and that the anticipated level of vehicle generation is not expected to be of 'severe' increase over the existing. They therefore consider that the proposals are therefore in line with paragraph 32 of the National Planning Policy Framework and that there are no transport grounds to resist the application. Conditions recommended re cycle storage, visibility, vehicle parking & turning and the management of site construction.

Also separately commented in response to the original Parish Council comments on whether an articulated lorry could enter and exit the live/work part of the site in a forward gear. Are not 100% sure this would be possible but do not consider the proposed layout to be materially different to the existing and would question whether an articulated lorry would need to access this part of the site.

ADC DRAINAGE ENGINEERS - No objection subject to a standard surface water drainage condition.

ADC ENVIRONMENTAL HEALTH - No objections.

ADC ECONOMIC DEVELOPMENT - Are unable to predict the likely take-up of live/work units and so cannot comment. However, they support the propagation & growing areas which will be important to the local horticultural industry.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary;
Area of Special Control of Adverts;
Class C Road;
Lidsey Treatment Catchment Area; and
Source Protection Zone 0 (zero).

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

DEV3	Horticulture
DEV19	Extensions to existing residential buildings
GEN2	Built-up Area Boundary
GEN3	Protection of the Countryside
GEN7	The Form of New Development

GEN9	Foul and Surface Water Drainage
GEN12	Parking in New Development
GEN29	Nature and Conservation Across the District
GEN32	Noise Pollution
GEN33	Light Pollution
GEN34	Air Pollution

Publication Version of the Local Plan (October 2014):

C SP1	Countryside
D DM1	Aspects of Form and Design Quality
D DM2	Internal Space Standards
D DM4	Extensions & Alterations to Existing Buildings
D SP1	Design
ECC SP2	Energy and climate change mitigation
EMP DM1	Employment land:Development Management
ENV DM5	Development and Biodiversity
H DM1	Housing Mix
HOR DM1	Horticulture
QE DM1	Noise Pollution
QE DM2	Light Pollution
QE DM3	Air Pollution
QE DM4	Contaminated Land
SD SP1	Sustainable Development
SD SP2	Built -Up Area Boundary
T SP1	Transport and Development
W DM3	Sustainable Urban Drainage Systems

Barnham & Eastergate Neighbourhood Plan 2014
POLICY EE1

Support for business

Barnham & Eastergate Neighbourhood Plan 2014
POLICY ES1

Applications for new development must meet the local drainage requirements

Barnham & Eastergate Neighbourhood Plan 2014
POLICY ES5

Quality of design

Barnham & Eastergate Neighbourhood Plan 2014
POLICY ES6

Contribution to local character

Barnham & Eastergate Neighbourhood Plan 2014
POLICY ES8

Buildings should be designed to reflect the three-dimensional qualities of traditional buildings

Barnham & Eastergate Neighbourhood Plan 2014
POLICY ES10

Trees and hedgerows

Barnham & Eastergate Neighbourhood Plan 2014
POLICY ES11

Energy efficiency of new development

Barnham & Eastergate Neighbourhood Plan 2014

Parking and new development

POLICY GA4

Barnham & Eastergate Neighbourhood Plan 2014 Windfall sites

POLICY H2

Barnham & Eastergate Neighbourhood Plan 2014 Integration of new housing into surroundings

POLICY H4

Barnham & Eastergate Neighbourhood Plan 2014 Outdoor space

POLICY H5

Barnham & Eastergate Neighbourhood Plan 2014 Attention to detail

POLICY H6

Barnham & Eastergate Neighbourhood Plan 2014 Drainage for new housing

POLICY H7

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and then subject to public consultation. The hearing sessions into the examination of the Arun Local Plan ended on Thursday 28 September 2017 and the Inspector then wrote to the Council to set out his 'Interim Views following the Hearings'. The plan was then modified further in January 2018 (Modified - Arun Local Plan - January 2018 Consultation) and these were subject to public consultation between 12 January 2018 and 23 February 2018.

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. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should

not be deemed to be out of date where all of the following circumstances arise;

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

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 relevant policies of the Barnham & Eastergate Neighbourhood Development Plan are considered within this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The 'live' part of the proposal is not considered to comply with policy GEN3 of the Arun Local Plan as the site lies in a countryside location. It is considered to comply with policy H2 of the Neighbourhood Development Plan (NDP) which allows for small scale residential infill or redevelopment within the district (and does not state that this will be restricted in the countryside). Policies in the NDP take precedence over the 2003 LP policies as a more recent part of the development plan and therefore, the principle of the 'live' part of the proposal is in accordance with the development plan.

The 'work' part of the application would accord in principle with Arun Local Plan policy GEN3 in respect of being "for the diversification of the rural economy" and would be supported by policy EE1 of the Neighbourhood Development Plan which supports the upgrade of existing employment sites.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations that further support the principle of development beyond the above stated compliance with the development plan. These include the following:

- * The fact that Arun Local Plan policy GEN3 is out of date, has limited weight and that in the event of conflict, the policies in the more recent Neighbourhood Plan take precedence;
- * The appeal decision of application AL/120/15/PL (APP/C3810/W/16/3148035) for live/work units at the end of Sack Lane in nearby Aldingbourne. It is noted that the Inspector made it clear that the principle of live/work units would promote and make a significant contribution to the viability of a farm enterprise and, in turn, would have benefits to the local rural economy. The Inspector attached considerable weight to these benefits;* and
- * The policies of the emerging Local Plan - "Modified - Arun Local Plan - January 2018 Consultation" notably policies C SP1 and HOR DM1.

CONCLUSIONS

PRINCIPLE:

The Development Plan

The development plan for the Arun District currently comprises the Arun District Local Plan (2003) (saved policies), the Barnham & Eastergate Neighbourhood Development Plan or BENDP (July 2014) and the West Sussex Waste and Minerals Plan (which does not apply to this determination).

Arun District Local Plan 2003

The policies of most relevance are saved policies GEN2 and GEN3 of the Arun District Local Plan (ADLP). Policy GEN2 states that outside of the built up area boundary (BUAB), development will not be permitted unless it is consistent with other ADLP policies.

ADLP Policy GEN3 "Protection of the Countryside" states that except for various categories of development (of which diversification of the rural economy could apply to the business part of the proposal and in respect of the workspace within the dwellings but none of the criteria apply to residential development), development within the countryside will not be permitted.

As this site lies outside the nearest built up area boundary (BUAB), it is categorised as being within the countryside and the residential part of the scheme would therefore conflict with ADLP Policies GEN2 and GEN3. However, these policies are out of date, have limited weight and are not policies that relate to the supply of housing.

Barnham & Eastergate Neighbourhood Development Plan

The Barnham & Eastergate Neighbourhood Development Plan (BENDP) was made in July 2014 on the basis of the saved policies in the ADLP and the draft policies in the 2014 publication version of the emerging Arun Local Plan (eALP).

The BENDP does not include any maps to show a built up area boundary (BUAB) drawn around either Barnham or Eastergate and therefore it is necessary to refer to the BUAB within the adopted or emerging Local Plans.

Policy H2 of the BENDP allows for the development of small residential developments on infill and redevelopment sites within the two parishes. There is no restriction in the BENDP as to whether such sites need to be in the built up area boundary. It is also noted that Policy EE1 sets out support for further development at existing employment sites.

Although the residential side of the proposal would conflict with policies GEN2 and GEN3 of the ADLP (which are out of date), given the small scale area of the proposal, there is not considered to be any conflict with the BENDP. Policies in the NDP will take precedence over the 2003 Local Plan policies as a more recent part of the development plan. The business side of the proposal is considered to gain support from policy EE1 subject to the consideration of amenity impacts.

Emerging Development Plans

This includes the emerging Arun Local Plan 2011-2031 Publication Version October 2014 (eALP) as modified March 2017 ('the modified eALP'); and the main modifications published in January 2018.

The eALP was submitted for examination in January 2015. However, following a material increase in the Objectively Assessed Need (OAN) for housing, the eALP examination was suspended to allow ADC to review potential additional locations for housing development. The proposed Modifications were

approved by Full Council and consultation took place on the new document ("Arun Local Plan 2011-2031 Publication Version showing Modifications") between 10 April and 30 May 2017.

The hearing sessions into the examination of the Arun District Local Plan ended on Thursday 28 September 2017 and the Inspector has since written to the Council to set out his 'Interim Views following the Hearings'. The Council responded to this document on 22/11/17.

The plan was then modified further in January 2018 (Modified - Arun Local Plan - January 2018 Consultation) and these changes were subject to public consultation between 12 January 2018 and 23 February 2018.

Policy H SP1 "Housing Allocation" of the modified eALP sets out the overall provision of 20,000 new homes through the Local Plan phased over the plan period to 2031. It includes a reference to additional allocations for small sites being made across the District through emerging Neighbourhood Plans or reviews of made Neighbourhood Plans. Policy H SP2 "Strategic Site Allocations" is split into 3 sections covering different areas of the District. An allocation is proposed by Policy H SP2c for 2300-3000 dwellings between the settlements of Barnham, Eastergate and Westergate. The application site does not form part of this allocation.

Policy SD SP2 "Built up Area Boundary" states that outside the BUAB, apart from Strategic, Site Specific and Broad Allocations, development will not be permitted unless consistent with other plan policies. In addition, Policy C SP1 "Countryside" states that residential development in the countryside outside of the BUAB will not be permitted unless in accordance with policies in the Plan which refer to a specific use or type of development. However, policy C SP1 does allow development for the operational needs of horticulture and also for the diversification of the rural economy. This would support the horticultural development of the site and also the work aspect of the live/work units.

Policy HOR DM1 supports the redevelopment of horticultural sites provided that:

- (a) There is evidence to prove that the facilities to be removed are redundant;
- (b) The land is remediated from contamination and is used for an activity that is countryside based and supports the local economy; and
- (c) The proposals include landscaping, screening and details of trees/vegetation to be retained.

The applicant has not supplied any evidence to prove that the polytunnels (which are to be removed to make way for the live/work units) are redundant. However, the applicants have submitted financial information which suggests that the business has seen a marked fall in profitability since 2011. The applicants identify a number of reasons for this and consider that the solution is to free up some capital by the development of live/work units and then reinvest this back into the business including for the propagation building and trials greenhouse. This reinvestment is not however being secured by this permission.

Planning Balance

For reasons given above, the residential side of the proposal is not in accordance with policies GEN2 & GEN3 of the ADLP. However, these policies are out of date, have limited weight and are not policies that relate to the supply of housing. Moreover, the policies of the more recent BENDP take precedence over those of the adopted Local Plan. The residential side of the proposal would be in accordance with policy H2 of the BENDP. The work aspects of the proposal would be in accordance with policy GEN3 of the ADLP and would also gain support from policy EE1 of the BENDP (subject to the consideration of amenity impacts) as well as policy HOR DM1 of the eLP.

It is also considered that regard should be had to an appeal decision (ref APP/C3810/W/16/3148035) concerning a similar proposal in nearby Aldingbourne. In this appeal decision, the Inspector had concerns over the location of the site and the lack of realistic alternatives to travel by the private car. However, the Inspector considered that regard should be had to paragraph 6 of the NPPF which states that the policies in the NPPF must be taken as a whole in order to ascertain what sustainable development means in practice. He therefore considered it necessary to take account of paragraphs 17, 28 and 34 of the NPPF.

Paragraph 17 (bullet point 5) of the NPPF requires that account be taken of the different roles of different areas and to promote the vitality and support thriving rural communities. Similarly, paragraph 34 stipulates that provisions for other policies set out elsewhere in the Framework must be considered alongside minimising travel, particularly those relating to rural areas. Paragraph 28 meanwhile states that planning policies should support economic growth in rural areas. It goes on to state that local plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings; and promote the development and diversification of agricultural and other land-based rural businesses.

The Inspector then considered the economic benefits of the proposal and found that these had been demonstrated. The Inspector attached considerable weight to these benefits. The Inspector also noted that the Council was unable to demonstrate a five-year supply of housing land, and as such he found that the proposed development would make small but welcome contribution to meeting that need.

This appeal decision is considered to support the principle of live/work units in the countryside even if they are to be located in unsustainable locations. This is important as planning permission was recently refused for a residential development on land at the western end of Eastergate Lane (ref EG/46/17/OUT) partly on the grounds of unsustainable location. The Swallowfield site is further from the facilities of Eastergate than that site and therefore, it must be considered that the Swallowfield site is similarly unsustainably located.

The applicant has provided the following information as to the likely economic benefits arising from the live/work units:

- * The proposed live/work business units would be suitable for B1 office based activities, such as horticultural research, landscape architects, surveyors, internet based businesses and consultants in a wide range of industries. They would also be suitable for small craft industries such as pottery, metal work, painting, etc;
- * As more and more people become self-employed the demand for such space will increase. The provision of work/live units reduces traffic and makes for energy efficiency with one building providing work and domestic heat, lighting etc;
- * Currently this part of the horticultural site is redundant and its maintenance is a financial burden on the Horticultural business;
- * The proposed scheme would provide employment for local trades persons during the demolition & construction stages. Once constructed the live/work units would represent an investment for the nursery, that could be borrowed against for necessary farm funding; and
- * The income derived from either the rent or sale of the live/work units would supplement the nursery's income in the long term.

In addition, it is considered that the capital investment (as arising from the live/work unit development)

into the existing horticultural business will be of benefit to the local economy. In particular, the proposed propagation unit & trials greenhouse may result in direct local employment and benefit horticultural businesses in the immediate and wider area. It is also considered that the following economic benefits would arise:

- * An increase in Council Tax receipts;
- * An increase in Business Rates;
- * Potential 'New Homes Bonus' payments from the Government; and
- * Additional spending by new residents on local goods & services.

It is therefore considered that the proposal is not only in accordance with the development plan (by virtue of policies H2 & EE1 of the BENDP) but also gains support from the appeal decision referred to.

DESIGN & CHARACTER:

It is noted that the neighbouring resident has objected in part because of concerns with the design of the development and whether it is character with existing buildings.

Arun Local Plan Policy GEN7 (ii) requires that new developments respond positively to the identified characteristics of a particular site to create developments which respect local characteristics.

Barnham & Eastergate Neighbourhood Development Plan (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.

It is also necessary to consider the guidance within the National Planning Policy Framework. Paragraph 56 & 58 state that good design is a key aspect of sustainable development and that developments should respond to local character & history, reflect the identity of local surroundings & materials, establish a strong sense of place and be visually attractive as a result of good architecture. Paragraph 60 advises that local planning authorities should promote or reinforce local distinctiveness. Paragraph 64 then confirms that planning permission should be refused for poor design that fails to improve the character or quality of an area.

The live/work units are to be sited on a part of the site currently occupied by disused polytunnels. The site of these is well set back from Eastergate Lane and this boundary is well screened by a tall hedge such that it will not be possible to see the buildings from Eastergate Lane. However, the boundary to the neighbouring residential property (Cedar End) is not so tall and there will therefore be some views of the site from the neighbours land.

The proposed live/work units have been designed to reflect the style of the existing dwelling/office building within the site which has a uneven roof form (essentially one pitch roof lower than the other). This is a distinctive feature and the applicants have sought to replicate this on the new buildings. Beyond this, it is also noted that the height of the live/work units is such that they will appear as bungalows albeit with converted roof spaces. Cedar End is a bungalow and therefore the scale of these new buildings is considered to be in character with the adjacent residential property.

It is noted that two of the new live/work units will be on the same building line as Cedar End but orientated so as to face in the opposite direction. However, this is acceptable in this case due to the

distance of these new buildings from the road and the level of screening to Eastergate Lane.

It is considered the new buildings will be in character with the whole horticultural site as this is a site already developed with several single storey height buildings and other semi-permanent structures.

The application indicates that the live/work units will be built from bricks and tiles. The exact details have not yet been chosen but the colour and texture of these materials could be designed to match either with Cedar End or with the existing office/dwelling on the site.

The proposed new horticultural buildings and the extensions to the dwelling (Swallowfield House) are considered to be small scale and in character with the existing on-site buildings). Indeed, both the new buildings and the extensions have similarly been designed to reflect the style of the existing dwelling/office building within the site with one pitch roof lower than the other.

It is considered that the proposal would be in accordance with policy GEN7 of the ADLP, policies ES5, ES6, ES8, H4 and H6 of the BENDP and the guidance on design in the National Planning Policy Framework.

RESIDENTIAL AMENITY:

It is noted that the neighbouring resident has objected in part because of concerns with possible overlooking from the proposed first floor windows on the live/work units which could be used day & night as office space.

Arun District Local Plan Policy GEN7 (iv) indicates that development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. Policy EE1 of the BENDP allows for additional development at employment sites but provided that the impact on the amenities of surrounding properties is acceptable. However, one of the 'core planning principles' of the NPPF is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17).

The first thing to note in respect of the objection is that in all four of the units, the office space will be on the ground floor and will only have windows to the front/rear (not to the side). The second thing to note is that the only proposed flank windows are to the ground floor and any views from these will largely be screened out by the boundary treatment. There will be windows on the north and south elevations of the live/work units that may allow some overlooking of Cedar End's front & rear gardens. However, these views will be at an oblique angle and as such is generally considered to be acceptable. It is also noted that the lower set of velux windows are too high to allow views out from the ground floor space. Meanwhile the high set of velux windows have a cill height of 1.9m and the additional first floor windows are at 2.2m. Therefore neither of the upper storey windows will allow views out unless the occupier was stood on something.

The live/work units will be sited due east of Cedar End and will only affect light to the neighbouring property in the early morning. However, the single storey form of the proposed buildings will limit any shading to a minimum and this would not be considered to be harmful. There are no concerns with the other built parts of the proposal as these are part of the business which is tied to the occupation of the existing dwelling (Swallowfield House).

It is therefore considered that the proposal would be in accordance with policy GEN7 of the ADLP, policy EE1 of the BENDP and the guidance on residential amenity within the National Planning Policy Framework.

NOISE/LIGHT POLLUTION:

It is noted that the neighbouring resident has objected in part because of concerns with possible noise pollution from the live/work units - and also considers that there is insufficient space between the live/work units and Cedar End for any screening or noise mitigation measures.

Policy EE1 of the BENDP allows for additional development at employment sites but provided that the impact on the amenities of surrounding properties is acceptable. Arun Local Plan policy GEN32 states that:

"Development which is a potential source of significant noise pollution will not be permitted unless the Council is satisfied that appropriate measures have been included in the proposal to reduce noise pollution to acceptable levels."

Furthermore Arun Local Plan policy GEN33 deals with external lighting and sets out the following criteria for new lighting:

- (1) no adverse impact on neighbouring uses or the wider landscape;
- (2) light levels being the minimum required for security and working purposes; and
- (3) minimising the potential glare and spillage.

The resident's concerns are noted however it is not considered that the 'work' likely to be undertaken within the units will be such that machinery or other noisy processes will be involved. The work space is a room within a dwelling and it is considered most likely that it will be used as an office or creative studio space. As such, it is not considered that there will be any air or odour pollution impacts and that noise will be minimal and typically during normal working hours.

It is acknowledged that there is limited space for noise mitigation measures but it is not considered that any is required. It should be noted that the Council's technical experts on pollution issues, Environmental Health, have not raised any objections to the application. The application does however propose to fill in any existing gaps in the existing boundary to ensure that the fencing is 2.2m along the length of the boundary. This fencing will provide some mitigation of domestic noise.

The new live/work units will require external lighting typical of any normal domestic property. Given that the site is located within the countryside and that the units will be sited adjacent to an existing dwelling, a condition to ensure that this lighting is not visually intrusive and does not adversely affect local wildlife would be appropriate. This condition will also apply to the other buildings to the east of Swallowfield House.

The nature of the proposed propagation building and greenhouse is such that it is not considered that these new buildings will give rise to any pollution outside of the site particularly when assessed within the context of the existing horticultural business.

It is therefore considered that the proposal complies with policies GEN32-33 of the Arun Local Plan and policy EE1 of the BENDP.

INTERNAL & EXTERNAL SPACE STANDARDS:

It is also necessary to assess the proposal against the internal space standards as set out in the Government's new Technical Housing Standards (Nationally Described Space Standard). The requirement for two storey, 2 bed, 4 person dwellings is 79m². Each of the four units will have an internal floorspace of 103m². Although this includes the 30m² workspace and as such the domestic

floor area is 6m² under the standard, the workspace area will not be closed off outside of work times and could therefore provide extra space if needed at times.

In respect of external garden standards, the current modified version of the emerging Arun Local Plan proposes to delete policy D DM3 in favour of inclusion within a future design guide. It is not therefore considered appropriate to now refer to this policy. However, policy H5 of the BENDP does state that proposals for new housing development should include good quality outdoor amenity space - either private gardens or a shared amenity area.

It is considered that the proposed private gardens which range between 7.4 and 9.6m deep with an area of between 67m² and 104m² will provide good quality outdoor amenity space and it is therefore considered that the proposal complies with policy H5 of the BENDP.

HIGHWAYS & PARKING:

It is noted that the neighbouring resident has objected in part because of concerns with the potential for a significant increase in traffic entering the site.

Policy GEN7 (vii) requires that new development allow for the safe movement of pedestrians and vehicles, giving priority to pedestrians. Regard should also be had to paragraph 32 of the National Planning Policy Framework which states that: "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".

Arun Local Plan policy GEN12 refers to the need to provide sufficient off-street parking. However, the standards within the appendices to the Local Plan which it refers to have been superseded by the West Sussex (Residential) Parking Demand Calculator. It is also necessary to take account of policy GA4 of the BENDP which deals with Parking and 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."

The application has been assessed by West Sussex County Council Highways (as ADC's technical experts on highway safety) who have declined to raise any objections to the application. In respect of trip generation (which relates to the neighbour's concerns), they comment that the proposed live/work units would be anticipated to generate a limited amount of vehicle trips especially during the AM/PM peak due to an anticipated occurrence of no increase in commuter trips. They also consider that the likely impact of the new propagation unit & trials greenhouse will be minimal. A condition will be imposed to require that the visibility splays at the new & existing accesses are improved.

On this basis, it must be considered that the proposal is in accordance with Arun District Local Plan policies GEN7 & GEN12, with policy GA4 of the BENDP and the NPPF.

NATURAL ENVIRONMENT:

Policy GEN29 of the Arun Local Plan states that: "Development will only be permitted on sites which contain semi-natural habitats, features of nature conservation interest, or within wildlife corridors, where these can be largely retained and sympathetically incorporated into the scheme."

This site is considered to be brownfield (previously developed land) as it comprises of built horticultural

facilities. Paragraph 111 of the NPPF states that "planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value." The site is not considered to hold any environmental value but it is acknowledged that bats could be active in the area and it is therefore considered necessary to ensure that any new lighting is designed in such a way as to mitigate any harm to bats. The site of the new horticultural and residential buildings is existing residential garden and is not considered to be of any particular environmental value.

It is noted that the proposed new access will necessitate the removal of an existing tree. Therefore, policy ES10 of the BENDP is relevant. However, this seeks to protect ancient trees or trees/hedgerows of good arboricultural and amenity value. The tree in question is dead (as confirmed during a site inspection) and therefore there would be no conflict with this policy.

SUMMARY:

For reasons given above, the residential side of the proposal is not in accordance with policies GEN2 & GEN3 of the ADLP. However, these policies are out of date, have limited weight and are not policies that relate to the supply of housing. Moreover, the policies of the more recent BENDP take precedence over those of the adopted Local Plan. The live part of the proposal would be in accordance with policy H2 of the BENDP.

The proposed development would provide for four new small homes with integral business floorspace, both of which is required in the Arun District. Furthermore, having regard to the previous appeal decision concerning live/work units at Sack Lane and in particular the previous Inspectors view that the development represented sustainable development, it is considered that the principle of residential development on this site would, despite its unsustainably rural location in current policy circumstances and as set out in the NPPF, be acceptable.

The principle of business development be acceptable in principle having regard to BENDP policy EE1 and ALP policy GEN3. There is also support from eLP policy HOR DM1 which, subject to certain criteria, supports the redevelopment of horticultural sites.

The objections of the neighbouring property are noted but none of the issues raised are considered to be sufficiently harmful such that they would outweigh the social & economic benefits of the application and require a refusal of planning permission.

In the absence of any other harm, it is recommended that the application should approved together with 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 development hereby approved shall be carried out in accordance with the following approved plans:

0790-10 Location Plan;
 0790-03 Rev A "Proposed Site Development Layout";
 0790-04 Rev A "R&D Propagation Unit with Greenhouse Plan, Elevations & Section";
 0790-05 "Live/Work Dwellings Block A Units 1 & 2 Plan, Elevations & Section";
 0790-06 "Live/Work Dwellings Block A Units 1 & 2 Plan, Elevations & Section";
 0790-07 "Domestic Garden Room Fuel Store & Greenhouse Plan, Elevations & Section"; and
 0790-09 "Live Work Dwellings Garden/Bicycle Sheds Elevations & Floor Plan".

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

- 3 Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SUDS Manual produced by CIRIA.

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

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan. This is required to be a pre-

commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 4 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

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

Reason: In the interests of highway safety and the amenities of the area in accordance with policy GEN7 of the Arun District 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 traffic.

- 5 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.'

Reason: In the interests of amenity and of the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

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

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

- 7 The materials and finishes of the external walls and roof of the Proposed Fuel Store and Garden Room extensions hereby permitted shall match in colour and texture those of the existing building.

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

- 8 No development above damp proof course (DPC) level shall take place until details of new screen walls and/or fences have been submitted to and approved by the Local Planning Authority and none of the live/work units shall be occupied until such screen walls and/or fences associated with them have been erected.

Reason: In the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

- 9 Details for the storage of waste on the premises shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any of the proposed live/work units. The waste storage facilities shall then be retained in perpetuity unless otherwise agreed in writing with the local planning authority.

Reason: To protect the amenities of nearby residents in accordance with Arun District Local Plan policy GEN7.

- 10 No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the approved drawing.

Reason: In the interests of road safety and in accordance with Policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

- 11 No part of the development shall be first occupied until visibility splays of 2.4 metres by 103 metres to the west and 2.4 metres by 106.8 metres to the east have been provided at both the existing and new site vehicular access onto Eastergate Lane in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metres above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety and in accordance with Policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

- 12 Secure and covered bicycle stores shall be erected in accordance with the approved drawing 0790-09 "Live Work Dwellings Garden/Bicycle Sheds Elevations & Floor Plan" and in the positions shown on the approved site layout drawing ref 0790-03 Rev A. The secure cycle storage shall then be retained in perpetuity unless otherwise agreed in writing with the local planning authority.

Reason: To ensure that adequate and satisfactory provision is made for the parking of bicycles in accordance with policies GEN7 and GEN12 of the Arun District Local Plan.

- 13 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the live/work units shall be constructed or buildings shall be erected within the curtilages of the live/work units unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 14 The business floor space of the live/work units hereby approved shall be finished ready for occupation before the residential floor space is occupied.

Reason: To control the specific nature of the use and in the interests of the character and amenity of the area in accordance with Policy GEN7 of the Arun District Local Plan.

- 15 The business floor space of the live/work units hereby approved shall not be used for any purpose other than for purposes within Class B1 in the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: To control the specific nature of the use and in the interests of the character and amenity of the area in accordance with Policy GEN7 of the Arun District Local Plan.

- 16 Each of the proposed units shall only be occupied by a person or persons solely or mainly employed, or last employed in the business occupying the business floor space of that unit, a widow or widower of such a person, or any resident dependants.

Reason: To control the specific nature of the use and in the interests of the character and amenity of the area in accordance with Policy GEN7 of the Arun District Local Plan.

- 17 Should any sewer be found during construction works then all development activities shall cease and not recommence until full details of the proposed measures to be undertaken to protect the existing public sewer have been submitted and approved in writing by the local planning authority (in conjunction with Southern Water) and then implemented in accordance with the agreed details.

Reason: To ensure that the proposed development does not result in any damage to the existing foul sewer in accordance with policy GEN9 of the Arun District Council Local Plan.

- 18 No external lighting shall be installed on site 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 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) and to minimise unnecessary light spillage outside the development site in accordance with Policies GEN7, GEN29 & GEN33 of the Arun District Local Plan.

- 19 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun District Plan policy GEN7.

- 20 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.

- 21 INFORMATIVE: The applicant is advised to contact the Highway Licensing team (01243 642105) to obtain formal approval from the highway authority to carry out the line painting

works adjacent the public highway.

- 22 INFORMATIVE: Drainage Engineers advise that 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 BRE 365, 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 30% 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 are also available on request.
- 23 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.