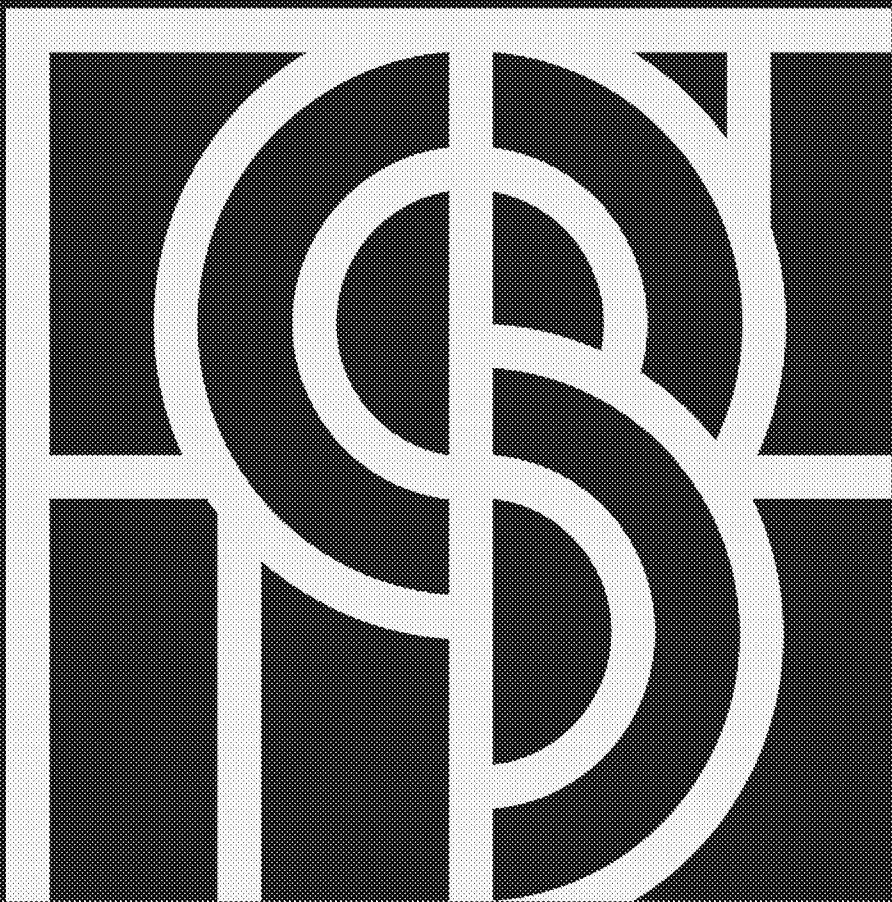


# PLANNING DESIGN & ACCESS STATEMENT

Demolition of stable block and erection of 7 No. dwelling houses comprising 2 No. three-bedroom detached bungalows & 5 No. four- bedroom two storey detached houses together with associated car parking and landscaping. Resubmission following refusal of WA/20/24/PL

Land to the North of Lake Lane, Barnham PO22 0AJ

March 2025





# Smith Simmons & Partners

PLANNING DESIGN & ACCESS STATEMENT

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## **1.0 INTRODUCTION**

1.1 This Planning, Design & Access Statement accompanies a full planning application for the Change of:

- Full set of plans
- **Planning Design and Access Statement**
- **Transport Statement**
- **Flood Risk Assessment and Drainage Strategy**
- **Design Statement**
- **Ecology PEA**
- **Arboriculture Impact Assessment**
- **Sustainability Statement**
- **BNG**
- **Tree schedule and constraints plan and Method Statement**
- **Reptile Survey**
- **Bat survey**
- **Chalk Stream Assessment**

## **2.0 THE SITE & SURROUNDINGS**

- 2.1 The site is a former paddock with a stable on the land. The site is to the rear of residential dwellings with access from Lake Lane between St Annes and Lynton. The site is bounded by mature hedgerow and adjacent to the site a small, wooded copse. There is a watercourse on the northern and eastern tip of the site running east to west.
- 2.2 The site is accessed by direct access onto Lake Lane and is enclosed with a metal five bar gate. The sides and rear consist of mature hedging and mature trees. The land is overgrown and there is a timber stable on the site. The land was very dry with no obvious signs of a spring on site.
- 2.3 From the site only one dwelling in Park Road overlooks the site and this has no windows facing the site. There is no direct overlooking from any other dwellings in Lake Lane. Park Lane runs adjacent to the site and is predominantly single storey and one and a half storey dwellings. These cannot be seen from the site except for a bungalow which has no windows facing the site.



- 2.4 Whilst the site is outside the built-up area boundary it is close to residential dwellings both to the south of the site in Lake Lane, recently developed on land outside the built up area boundary, and to the west of the site in Park Road. The wider area to the east consists of horticultural glasshouses and also a transport depot for Stuart Lyons horticultural haulage.
- 2.5 In this location, the houses in Lake Lane are predominantly two storey. There is residential to the south on the former tomato horticultural site. This part of Lake Lane is predominantly residential. The residential development runs south to Barnham Village Centre which is the shopping hierarchy for the Six Village Area, which is less than a mile away. There is a public footpath for all but a small stretch from the site to Barnham which is a local shopping centre, including a Tesco's and Coop, village hall, school and the main line station to London and Portsmouth/Southampton. There is also a local bus service. The site is therefore in a sustainable location.

## The Proposed Development

- 2.6 It is proposed to demolition of stable block and erection of 7 No. dwelling houses comprising 2 No. three-bedroom detached bungalows & 5 No. four- bedroom two storey detached houses together with associated car parking and landscaping. Resubmission following refusal of WA/20/24/PL.
- 2.7 Following the recent refusal, the reasons for refusal have been addressed, by the submission of the missing technical documents to cover trees and ecology. This application also addresses the late objection from the Drainage Engineers, following discussion between the applicant's drainage engineers and the Council's Drainage Engineers. This has resulted in a slight adjustment to the previous layout plan.

## 3.0 PLANNING HISTORY OF THE SITE

Application	Description	Decision
WA/20/24/PL	Demolition of stable block and erection of 7 No. dwelling houses comprising 2 No. three-bedroom detached bungalows & 5 No. four- bedroom two storey detached houses together with associated carparking and landscaping	Refused
WA/59/91	Replacement of old timber stables destroyed in 1990 storm with new timber stables on concrete base	Approved conditionally



3.1 The previous application was refused for these reasons:

**Reason 1**

The site lies in the designated countryside and is an unsuitable location for new residential development having regard to the spatial characteristics of the area and the character of Lake Lane in conflict with Arun Local Plan policies C SP1, D DM1 & D SP1, Walberton Neighbourhood Development Plan policies HP1 & HP13, Barnham & Eastergate Neighbourhood Development Plan policies H8 & ES5 and with reference to the weight to be afforded to Neighbourhood Plans by virtue of paragraph 14 of the NPPF.

**Reason 2**

Insufficient information has been provided to demonstrate that there will not be any harm to protected wildlife species using the application site in conflict with Arun Local Plan policy ENV DM5, Walberton Neighbourhood Development Plan policy VE10 2020 and the NPPF.

**Reason 3**

Insufficient information has been provided to determine no long-term adverse impact on the existing Chalk Stream which hugs the eastern and northern boundaries and which is a habitat of principal importance (priority habitat). The proposal is therefore in conflict with Arun Local Plan policy ENV DM5, Walberton Neighbourhood Development Plan policy VE10 2020 and the NPPF.

**Reason 4**

Insufficient information has been provided to enable assessment of the impact of the proposal concerning on- and off-site trees and so it is not possible to determine compliance with Arun Local Plan policy ENV DM4, Barnham & Eastergate Neighbourhood Development Plan policy ES10, or Walberton Neighbourhood Development Plan policy VE3.

These matters are discussed below in section 5.

## **4.0 RELEVANT PLANNING POLICIES**

### **National Planning Policy Framework 2024**

The NPPF puts the presumption in favour of sustainable development at the forefront of the policy document. This constitutes 3 objectives:

a) an economic objective:

to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective:





to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.

c) an environmental objective:

to protect and enhance our natural, built and historic environment, including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

- 4.1 The proposal is in accordance with these objectives specifically making the most effective use of land. The site is currently underutilised as its previous use for horses is no longer required and being adjacent to residential development would be a good sustainable location for housing. It is a case of the right type of development in the right location.

The presumption in favour of sustainable development:

Paragraph 11 d where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>8</sup>, granting permission unless: i. the application of policies in this Framework that protect areas or assets of particular importance<sup>7</sup> provides a strong reason for refusing the development proposed; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination<sup>9</sup>.

Foot note 8 states situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

In January 2024, Arun republished its Authority Monitoring Report (AMR). This states the HLS is now at 4.17 years. The HDT results for the district have also been below 70% since 2018. Given this position the policies most relevant to the determination of the application have reduced weight. Paragraphs 10 and 11 confirm that at the heart of the NPPF is the presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up to-date development plan without delay. Alternatively, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless 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 any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. Footnote 8 confirms that, for applications involving the provision of housing, this includes situations where local planning authorities cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer, as set out in Paragraph 77), or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. Paragraph 11d of the NPPF requires the LPA to engage a 'tilted balance' and to grant planning permission unless the adverse



impacts of doing so would significantly and demonstrably outweigh the benefits of doing so when weighed against the NPPF policies as a whole.

- 4.2 This is fully discussed in section 5.

#### Identifying land for homes

Paragraph 73 states that small and medium sized sites can make an important contribution to meeting housing requirements of an area and are often built-out quickly.

- 4.3 The site can be developed as soon as permission is granted and accords with this policy.

#### Rural Housing

Paragraph 82 states that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities

- 4.4 Whilst the site is outside the built-up area boundary, it is semi-rural, with residential dwellings surrounding the site. It is within a sustainable location where there is a proven demand for housing.

Paragraph 83 states that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality or rural communities supporting local facilities and services in villages nearby.

- 4.5 The site is within walking distance to the local shopping centre of Barnham where there are a variety of food shops and facilities, including Barnham railway station. The development will support these facilities and also local schools.

#### Windfall Site

- 4.6 The site is a windfall site that is well suited to residential development and underutilised currently sitting as a disused paddock/stables.

#### Making effective use of land

Paragraph 124 states that effective use of land helps to meet the need for homes. Paragraph 125 d) promotes the development of under-utilised land and buildings.

- 4.7 The site is currently underutilised as there is no longer a demand for the owner to house horses and the land sits unproductive. The proposed residential development fully accords with this policy.

#### Achieving well-designed and beautiful places

Paragraph 135 promotes developments that function well and add to the quality of an area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.





- 4.8 A Design Statement has been submitted with this application which states that the design philosophy is to provide traditional dwellings that have character and enhance the quality of the area using traditional vernacular materials.

Arun Housing Strategy 2024 - 2029 The Right Homes in the Right Places

- 4.9 The strategy priorities as below;

Meeting Housing Needs

6.3 Arun's population is forecast to grow by an additional 8,950 households between 2023 and 2033.

- 4.10. Arun will need to prioritise housing need to supply the necessary housing to meet this increase. The proposed dwellings will help to meet that need locally.

Arun Direction of Travel 2023-2041

Identified that delivery of approved dwellings leads to insufficient supply of small and medium sites (i.e. under 300 dwellings) in the planning pipeline which are considered would boost annual housing delivery rates having lower lead times and less strategic infrastructure requirements.

- 4.11 The proposed development is in accordance with this strategy.

Ministerial Statement for Housing and Planning 12th December 2024

Meeting ambitious new targets relies on allocating sufficient land to do so. We have been clear that developers should first look to brownfield, or previously developed, land. In the first instance, it requires local authorities to use the local plan process to adopt a 'sequential approach', considering brownfield, then grey belt, and only then higher performing land.

- 4.12 The land was previously used as grazing and stabling for the existing dwelling and falls into the grey quality of land, being of low visual amenity.

Arun Housing Strategy 2024-2029

Arun's geographical attributes present specific challenges for future housing delivery. Many of the developable sites are large-scale, with long lead times and significant costs associated with providing enabling infrastructure such as transportation networks, educational facilities, healthcare services, and drainage systems. We need to ensure that new housing developments positively contribute to the local area through the principles of placemaking, design quality, and sustainability. This is essential in a constrained area with a sensitive environment and existing communities. When delivered at the appropriate time and in suitable locations, new housing and infrastructure can help achieve significant benefits.

- 4.13 The proposed development will provide the delivery of 7 new dwellings in a relatively timely manner, helping to boost the delivery of new homes that Arun has struggled with in recent years.





**Housing for Older People**

Promote new housing suitable for older people through the updated Local Plan, such as inclusive design features and best practice.

- 4.14 The proposed development includes 2 bungalows which are designed to M4 2 which provide accessible and adaptable dwellings for disabled and older people.

Arun District Local Plan July 2018

**Policy SD SP1 Sustainable development**

When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will work pro-actively with applicants to jointly find solutions which mean that proposals can be approved wherever possible and to secure development that will contribute to the social, economic and environmental conditions south of the National Park through to the coast and throughout its settlements (both coastal and inland).

- 4.15 A Sustainability Statement has been submitted with this application.

**Policy D SP1 Design**

All development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details. Development proposals should have been derived from: a thorough site analysis and context appraisal; adherence to objectives informing sustainable design (inclusivity, adaptability, security, attractiveness, usability, health and wellbeing, climate change mitigation and habitats); and the influence these objectives have on the form of the development. With major developments (as defined in the GDPO 1995 (as amended (41)) or allocated sites in the Development Plan. In addition to a Design and Access Statement, a context appraisal, context plan and analysis of the site will also be required.

- 4.16 A Sustainability Statement has been submitted with this application which demonstrates that the location, orientation and form have been designed to work with the existing topography and orientated to maximise solar gain.

**Policy D DM1 Aspects of form and design quality**

When considering any application for development the Council will have regard to the following aspects: 1. Character Make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features.

- 4.17 The Design Statement states that the proposals have been designed in consideration of the scale of the overall site, boundaries, and the neighbouring properties, taking inspiration from the mixture of single and two storey dwellings in the near vicinity regarding the overall height of the proposals.



## Policy D DM4 Internal Space Standards

The planning authority will require internal spaces to be an appropriate size (having regard to the exceptions that may apply as referred to in paragraph 13.3.4) to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance.

- 4.18 The proposed development includes 2 bungalows which are designed to M4 2 which provide accessible and adaptable dwellings for disabled and older people. The space standards for the dwellings has been accorded with.

## Policy ECC SP2 Energy and climate change mitigation

All new residential and commercial development (including conversions, extensions and changes of use) will be expected to be energy efficient and to demonstrate how they will: a. Achieve energy efficiency measures that reflect the current standards applicable at the time of submission; b. Use design and layout to promote energy efficiency; and c. Incorporate decentralised, renewable and low carbon energy supply systems, for example small scale renewable energy systems such as solar panels. All major developments must produce 10% of the total predicted energy requirements from renewable or low carbon energy generation on site, unless it can be demonstrated that this is unviable. Energy efficiency measures will be taken into consideration when the total predicted energy requirements are calculated. The Council will consider 'allowable solutions' where it is clearly demonstrated that the provision of onsite renewable or low carbon energy generation is unviable or not feasible.

- 4.19 The submitted Sustainability Statement states that ventilation and airtightness of the buildings have been carefully considered. Air Source Heat Pumps, and Electric Vehicle Charging points are included on every dwelling. Paved areas will incorporate SuDS with permeable paving. The surface water from roads is to discharge into the new pond. Over 25% of the properties have been designed to meet the Lifetime Home Standards and to meet M4(1) of the building regulations, which will allow houses to adapt to an ageing population, therefore reducing the need to construct additional dwellings elsewhere and or undertake excessive adaptation of the existing dwelling to accommodate the occupants.

## Policy W SP1 Water

Arun District Council will encourage water efficiency measures in order to protect the District's water resources and enhance the quality of the water environment which supports a range of habitats and ecosystems. Development will be encouraged to make active use of surface water as a design feature and permitted where it identifies measures to improve and enhance waterbodies, coastal habitats or provides additional flood relief. The Council will also support development that: a. is appropriately located, taking account of flood risk and promotes the incorporation of appropriate mitigation measures into new development, particularly Sustainable Drainage Systems that reduces the creation and flow of surface water and improves water quality;

- 4.20 A Drainage Strategy has been submitted with this application which complies with this policy.

## Policy W DM2 Flood risk

Development in areas at risk from flooding, identified on the latest Environment Agency flood risk maps and the Council's Strategic Flood Risk Assessment (SFRA), will only be permitted where all of the following criteria have been satisfied: a. The sequential test in accordance with the National Planning Policy



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

- 4.21 The site is within flood zone 1 an FRA has been submitted with this application and discussed below.

#### Policy W DM3 Sustainable Urban Drainage Systems

To increase the levels of water capture and storage and improve water quality, all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS), appropriate to the size of development, at an early stage of the design process. Proposals for both major and minor development proposals must incorporate SUDS within the private areas of the development in order to provide source control features to the overall SUDS design.

In order to ensure that SUDS discharge water from the development at the same or lesser rate, as prior to construction, developers must: f. 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 SUDS manual produced by CIRIA. g. Undertake up to six months groundwater monitoring within the winter period. h. Undertake winter percolation testing in accordance with BRE365. i. The proposed drainage system must be designed to ensure that there is no flooding on a 1 in 30-year storm event. j. The design must also take account of the 1 in 100-year storm event plus 30% allowance for climate change, on stored volumes, to ensure that there is no flooding of properties or the public highway or inundation of the foul sewerage system. Any excess flows must be contained within the site boundary, and within designated storage areas.

- 4.22 A drainage strategy has been submitted with this application, which is discussed below,

#### Policy QE SP1 Quality of the environment

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

- 4.23 The proposed dwellings, and layout are in character with the existing pattern of development and this does not result in any loss of residential amenity to neighbouring properties.

#### Policy ENV SP1 Natural Environment

Arun District Council will encourage and promote the preservation, restoration and enhancement of biodiversity and the natural environment through the development process and particularly through policies for the protection of both designated and non-designated sites ENV DM4 Protection of trees states Development will be permitted where it can be demonstrated that trees protected by a Tree Preservation Order(s), (TPO) identified as Ancient Woodland, in a Conservation Area or contributing to local amenity, will not be damaged or destroyed now and as they reach maturity.



- 4.24 A Preliminary Ecological Appraisal has been issued with this application which classifies the site as horse grazed fields with areas of bare ground and semi-improved grassland. To the north of the site is a chalk stream of Habitat of Principal Importance. To accompany this is a separate Chalk Stream Assessment. The PEA recommended a Reptile and Bat Survey be undertaken and both these surveys are included as part of the application. The proposed development is in accordance with this policy.

### Policy ENV DM5 Development and Biodiversity

Development schemes shall, in the first instance, seek to achieve a net gain in biodiversity and protect existing habitats on site. They shall also however incorporate elements of biodiversity green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitats (whether designated or not).

- 4.25 A Preliminary Ecology Assessment and an Arboricultural Assessment has been submitted with this application and species surveys which have made recommendation which can be applied as conditioned and complied with.

### Walberton Neighbourhood Plan 2019-2031

### Protection of Trees and Hedgerows

#### VE7

#### Surface Water Management

New development should aim to reduce the overall level of flood risk: a. Surface water management measures will be required for development proposals to ensure that the risk of flooding both on-site and downstream is not significantly increased. No development shall commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the local planning authority.

- 4.26 A Drainage Strategy submitted with this application as discussed below.

#### VE8

#### 'Unlit village' status

Development proposals which detract from the unlit environments of the Parish will not be supported.

- 4.27 The proposed development is within the built envelop of the surrounding area and does not detract from the unlit environment. No external lighting is proposed.

#### VE10

#### Biodiversity Corridors

Proposals that have a positive impact on the local ecology will be encouraged, subject to other policy constraints.

- 4.28 A Bat Survey has been submitted with this application which found bat activity across the site, but no roosts found. The site has been assessed taking into consideration the Cocking to Singleton. Limited foraging and community was associated with the grassland fields along the boundaries, which remain untouched. Mitigation measures have been proposed with regard to lighting and bat roost provision.





**HP1**

**Built up boundary (BUAB)**

Proposals for development outside of the built-up area boundary will be supported where they accord with countryside policies in the Arun Local Plan.

- 4.29 Whilst the site is not within the BUAB, it utilises underused land which is supported in the NPPF as a sustainable form of development. The proposal will deliver accommodation for the elderly in accordance with the Parish needs.

**HP6**

**Housing mix and construction**

Proposals providing a range of house types and tenures, including a proportion of housing to meet the needs of an ageing population will be supported.

- 4.30 The housing mix includes two bungalows which are the type of housing which meets the needs of the ageing population in accordance with this policy.

**HP11**

**Housing Density**

The density of new development shall be appropriate to its location by virtue of size, siting and relationship to existing properties.

- 4.31 The proposed development is in accordance with this policy and the Case Officer supported this within the officer report.

**HP13 Design Guidance**

New development which would have an effect on the appearance or character of the surrounding area must be of a high quality of design and must contribute to local character by creating a sense of place appropriate to its location.

- 4.32 The dwellings are designed in character with the surrounding and village character and therefore is in accordance with this policy as demonstrated by the submitted Design Statement.

Barham and Eastergate Neighbourhood Plan Barnham and Eastergate NP 2019-2031 made 9th March 2022

**POLICY ES5**

**Quality of design**

New residential developments must be of high-quality design and will only be permitted where they conserve and enhance landscape character

- 4.33 This part of the Parish is surrounded by development and is not in the open countryside, therefore the landscape character is conserved. The design of the buildings has been developed taking into consideration the surrounding character of the area.

**POLICY ES10**

**Trees and Hedgerows**

Development proposals that result in the loss of or adverse impacts on trees or hedgerows of arboriculture, amenity or historic value should demonstrate that the benefits clearly outweigh the harm or loss.



- 4.34 It is not intended to remove any trees or hedgerow, a tree survey and retention plan along with a full AIA and Method Statement have been submitted with this application which demonstrate that the loss of one low quality tree of poor quality will not have any adverse effects. None of the required tree works will have a measurable impact on the current level of landscape contribution made by trees either from within the site or from adjacent properties.

The development will require the removal of one tree, a small and insignificant goat willow, T22. All other trees will be retained. This will not result in any adverse effects on the environment.

**POLICY ES14**

**Development on Agricultural Land**

Proposals, save for those allocated in this Neighbourhood Plan and/or the Arun Local Plan, for development, should safeguard the best and most fertile agricultural and horticultural land from development (see Map E) and any proposal which would involve its significant loss should demonstrate:

- a. The need for the development clearly and demonstrably outweighs the harm; b. It supports the diversification of an existing agricultural enterprise or other land-based rural business; and c. Development of poorer quality agricultural land has been fully considered.

- 4.35 The site is a small piece of land, a former stable and paddock for the landowner, it does not form part of a working farm and is also isolated from any such holding.

**POLICY ES15**

**Green Infrastructure and Ecosystem Services**

New development within, or adjacent to the Biodiversity Corridors identified on Map B and Appendix A must assess the impact of development proposals on the natural environment and must not give rise to any significant harm to the integrity or function of the Biodiversity Corridors. Development proposals should contribute to, increase and enhance the natural environment by providing additional habitat resources for wildlife and which demonstrate that any potential impacts upon priority species and habitats have been fully assessed and mitigated to deliver at least a 10% net gain in biodiversity through the use of the Defra approved biodiversity metric, which should be delivered on-site.

- 4.36 A Preliminary Ecological Assessment has been submitted with this application.

**POLICY ES16**

**Dark night skies**

Development proposals which detract from the unlit environments of the Parish will not be supported. Development proposals should respect the unlit environment of the neighbourhood area and take all appropriate opportunities to reduce light pollution.

- 4.37 The proposed development is within an area of residential development and nearby glasshouses which are well lit. The proposed development therefore accords with this policy and there is no external lighting proposed.



**POLICY GA4**

**Parking and new development**

Development proposals will be supported only if they include the maximum level of off-street parking consistent with the most current standards.

- 4.38 The officer report confirmed, the layout includes 19 allocated off-street parking spaces and 2 visitor spaces. The requirement as per the councils Parking Standards SPD is 19 allocated and 1.4 visitor so the layout is compliant with the standards. Therefore, the proposed development complies with this policy.

**POLICY GA5 Traffic Management**

Proposals that significantly increase the level of traffic within the villages will be resisted particularly in the case of HGV movements.

- 4.39 The proposed development will not adversely affect the level of traffic as identified in the TS and supported by the Case Officer in the officer report Residents' various concerns with the access arrangements are noted but it is material that the NPPF places a high threshold on the level of impact that would be unacceptable. In practice, this means that it is very difficult to sustain a highway related refusal at appeal, particularly one concerning a localised impact.

**POLICY H1**

**Housing**

Permission will be granted within the Plan period for a minimum of 75 homes, on land identified on the Proposals Map (and shown in more detail on maps Proposed Housing sites 1 and 3 (planning permission BN/50/20/PL) and Proposed Housing Site 2 provided that the development meets the requirements of the policies set out in this Plan, the Arun District Local Plan and the Barnham and Eastergate Design Guide.

- 4.40 The site is not an allocated site.

**POLICY H4**

**Integration of new housing into surroundings**

Where green-field development creates a new edge to the Parish, the interface between the built edge and surrounding countryside should be consistent in application and provide amenity and bio-diversity value.

Where possible, existing hedgerows should be retained and if necessary enhanced, or new hedgerows planted. This should be either: to the front of dwellings as an integral part of the new public realm; to define green spaces; to the rear of individual building plots where they form an edge between the built area and landscape a hedgerow should be retained or planted to the rear of the plot edge and separated by a buffer and maintenance strip of 2m minimum width. Hedgerows and buffers should be maintained as part of the development's communal green space.

- 4.41 The existing hedgerow is to be retained. The dwellings are designed in character with the setting.





**POLICY H5**

**Outdoor space**

Proposals for new housing development should include good quality outdoor amenity space – either private gardens or a shared amenity area.

- 4.42 The proposed layout is in accordance with this policy.

**POLICY H6**

**Attention to detail**

**Policy H6. Attention to detail**

In particular, the design of new housing should give full consideration to the following items: bin stores and recycling facilities; cycle stores; meter boxes lighting; flues and ventilation ducts; gutters and pipes; satellite dishes and telephone lines.

- 4.43 The proposal is in accordance with this policy as demonstrated by the plans.

**POLICY H8**

**Settlement boundary**

Land outside of the settlement boundary is considered to be countryside and development will only be allowed if it is the subject of a specific policy in this neighbourhood plan or can demonstrate a need to be located in the countryside, as set out in national and local policies.

- 4.44 The site is outside of the settlement boundary but directly adjacent to it. The site is underused land not in open countryside but surrounded by development and therefore accords with the NPPF sustainable development and the use of underused land, therefore conforms to this policy.

**POLICY ES1**

**Flooding**

No development should take place in areas at risk from flooding identified on the latest Environment Agency flood risk maps or locally known areas of flooding (see maps in Evidence Base), unless it can be shown that there are no sites where it would be possible to locate that development, in an area at lower flood risk. All development proposals on undeveloped land (i.e. greenfield) must demonstrate that peak surface water run-off rates and run off volumes from the application site will be returned to pre-development greenfield criteria, as far as reasonably practicable. All development proposals must demonstrate that sewage infrastructure cannot release into or be infiltrated by surface water.

- 4.45 An FRA Drainage Statement has been submitted with this application as below.





## 5.0 CONSIDERATIONS FOR THE DEVELOPMENT PROPOSAL

### Principle of Development

- 5.1 The site is outside of the built-up area boundary of Walberton, however, this is an infill site which falls between residential housing on either side and the proposed development is sustainable and meets the objectives of the NPPF.

### Justification for Resubmission

- 5.2 The previous application was refused for the following reasons;

#### Reason 1

The site lies in the designated countryside and is an unsuitable location for new residential development having regard to the spatial characteristics of the area and the character of Lake Lane in conflict with Arun Local Plan policies C SP1, D DM1 & D SP1, Walberton Neighbourhood Development Plan policies HP1 & HP13, Barnham & Eastergate Neighbourhood Development Plan policies H8 & ES5 and with reference to the weight to be afforded to Neighbourhood Plans by virtue of paragraph 14 of the NPPF.

#### Reason 2

Insufficient information has been provided to demonstrate that there will not be any harm to protected wildlife species using the application site in conflict with Arun Local Plan policy ENV DM5, Walberton Neighbourhood Development Plan policy VE10 2020 and the NPPF.

#### Reason 3

Insufficient information has been provided to determine no long-term adverse impact on the existing Chalk Stream which hugs the eastern and northern boundaries, and which is a habitat of principal importance (priority habitat). The proposal is therefore in conflict with Arun Local Plan policy ENV DM5, Walberton Neighbourhood Development Plan policy VE10 2020 and the NPPF.

#### Reason 4

Insufficient information has been provided to enable assessment of the impact of the proposal concerning on- and off-site trees and so it is not possible to determine compliance with Arun Local Plan policy ENV DM4, Barnham & Eastergate Neighbourhood Development Plan policy ES10, or Walberton Neighbourhood Development Plan policy VE3

- 5.3 Addressing each reason in turn, with regard to **Reason 1**, it is agreed that the site is outside of the built-up area of Walberton, however, it is adjacent to residential dwellings on the western boundary and southern boundary. This is not an isolated site and the development of this former now unused paddock, which are no longer suitable for grazing, and stables would not be out of character with the surrounding area nor will it cause any adverse effect to an visual amenity or neighbour amenity. Indeed, the development of this site would be in accordance with the NPPF Section 11 Making effective use of land paragraph 124 d) promotes and support the development of under-utilised land and buildings.

- 5.4 The land to the south on the former tomato site at Eric Wall (Pollards) was granted consent for 107 houses. This site is also outside the built-up area boundary. The appeal decision is as follows:

Appeal Decision APP/C2810/A/13/2193942



Appeal by Epitair Ltd and Eric Wall Holding Ltd against refusal BN/16/12 for 107 houses.

## Main Issue

- 5.5 The Inspector identified the main issue as the effect of the proposed development on the character and appearance of the rural area having regard to national and development plan policies in respect of development in the countryside and the delivery of new housing. It was common ground that the site is outside the built-up area boundary therefore in the countryside.
- 5.6 The Inspector found that the development would not represent a significant and harmful encroachment into the countryside and the appeal was allowed.
- 5.7 Based on the closeness of the locality to the now built development, the same judgement should be applied to this site. Whilst outside of the built up area, given this development and the position of the site on the edge of the built form and adjacent to residential development, on balance the proposed 7 houses would not cause any harm to the countryside and is in fact a suitable sustainable location for the development.
- 5.8 It is therefore considered that the site is on balance within a sustainable location, identified by an Inspector as suitable for housing and in character with the spatial characteristics of the area, this reason has now been overcome. This is particularly the case as the following reasons have been overcome by the preparation and submission of the previously missing assessments of ecology and trees.
- 5.9 Turning to **Reason 2** the Preliminary Ecological Appraisal is submitted with this application, which found that there was low potential for protected species is negligible. However, as a precautionary approach it recommended that Bat and Reptile Surveys should take place. This application includes these Surveys as discussed below, which recommend enhancement measures, which can be conditioned to an approval. This addresses this previous reason for refusal.
- 5.10 Regarding **Reason 3** a full Chalk Stream Assessment has been submitted with this application. This is discussed further below. This fully addresses the previous reason for refusal.
- 5.11 With regard to **Reason 4**, a full Arboricultural Impact Assessment has been submitted with this application considering trees on site or adjacent to the site. The AIA confirms at 7.5 that the proposed dwellings have been positioned so that any direct impact on the root protection areas of retained trees is avoided.
- 5.12 It is therefore considered that this full application overcomes any previous objections under reason 4.

## How the scheme differs from the original application

- 5.13 This application has a slightly revised layout scheme, following the preparation of the technical reports previously not included in the previous application and were indeed reasons for refusal. As a result, ecology surveys have been undertaken as previously recommended in the PEA and these are now part of this application. A full assessment of the Chalk Stream is also part of this application. These surveys have confirmed that the proposed development will not adversely affect the flora or fauna of the surrounding area.





- 5.14 A tree survey of existing trees and the tree constraints plan, along with a full Arboricultural Impact Assessment has been submitted with this application. With the previous layout there was a negative impact on T20 and T21, therefore plots 6 & 7 have been moved slightly to the east to avoid any impact on these trees.

## Design Principles & Appearance

- 5.15 The design principles are stated in the submitted Design Statement, which demonstrates that the design philosophy is to provide traditional dwelling with quality attractive high-quality character using traditional vernacular materials. The scale and massing and architectural detailing are in character with the surrounding area.

## Layout & Scale

- 5.16 The previous Officer report raised no objections to the scale and layout and architectural treatment which was found to be acceptable with no requirement for public open space to be provided on site. The only conflict raised was with the specific location. However, the layout and scale are totally appropriate with the surrounding pattern of development to the west and south in particular.

## Arun Five Year Housing Land Supply

Paragraph 11 d foot note 8 state that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>8</sup>, granting permission unless: i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>7</sup>; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

- 5.17 In this case, Arun District Council can only demonstrate 4.17 years and so the presumption in favour of sustainable development is engaged (paragraph 11(d) of the NPPF). This is engaged by the most up-to-date Housing Delivery Test results (as published in December 2023) which show that Arun delivered 61% of its housing requirements between 2019 and 2022. The council's latest 5-year Housing Land Supply (HLS) figure was publicised through the Authority Monitoring Report (AMR) in January 2024, which demonstrates that Arun now has 4.17 years of 5YHLS. Paragraph 14 In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply: a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 67-68) of the NPPF states where the 'presumption in favour of sustainable development' applies to applications involving the provision of housing, then the adverse impact of allowing development that conflicts with a neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the Plan is less than 5 years old and contains policies and allocations to meet its identified housing requirement.





- 5.18 The local plan review is at Reg 18 and the Council have issued a Direction of Travel in which it is stated at 6.3 that *The SHM figure of 1,400 dpa suggests that for the plan period 2022 - 2041 a net local housing need of circa 11,250 dwellings should be considered for testing as a starting point. This figure considers an uplift for affordable housing in line with the (Government's SHM), slippage in housing development delivery and windfall (unforeseen development) and the stock of current commitments and allocations.*
- 5.19 Para 6.5 Monitoring shows that housing completions are underperforming compared to required housing delivery rates. The report recognises that this is not simply due to lack of planning permissions, but due to sites not being built out. Referring back to the NPPF, small sites such as this are often built out more quickly. The developer is a local developer, and this would be built out as soon as possible, thus helping Arun to provide developable sites.
- 5.20 The Walberton NP 2019-2031 was made in 2021 and is a valid plan. The site is not an allocated site within the plan. One of the core objectives at 4.2 is for smaller properties suitable for the elderly. The proposal accords with this.
- 5.21 On balance, whilst not allocated within the NP, the proposed development will utilise underused land which has no agricultural value and are no longer required for the owners personal use for horses, will provide houses adjacent to existing houses and not on any isolated land.
- 5.22 It is considered for the reasons given below and the fact that the previous reasons for refusal have been addressed, as above, that the benefits do outweigh any potential disadvantages. This is particularly the case as the site is adjacent to residential development both existing and allowed on appeal (now developed).
- 5.23 Whilst the Walberton NP was made in 2021 and this site is not an allocated site, the balance still lies in the benefits of the scheme, which is predominantly to provide 7 dwellings on land that no longer is used for its original purpose and is adjacent to existing residential dwellings.
- 5.24 The Officer report previously states that whilst it is accepted that there is residential development on Lake Lane and Park Road which is in the designated countryside, this does not automatically mean that it is appropriate to extend such areas. We would argue that the land is underutilised as it is no longer required for horses, and that the appeal decision at Eric Wall nursery provides an on-balance benefit for the development proposed. This would accord with the NPPF use of underutilised land being used for housing.

### Drainage and FRA

- 5.25 The Council's Drainage Engineer raised an objection after the Decision Notice had been issued and this has been fully appraised and liaison with the Drainage Engineer has taken place. Working with cooperation, a revised FRA/Drainage Strategy has been submitted with the application.
- 5.26 The site is within flood zone 1, the flood risk profile of this site is Low: although there is a surface water flood pattern, because this originates within the site, all precipitation will be intercepted by the development's SuDS system and routed off site sustainably. Surface water flooding identified local to the site within the Lidsey SWMP is mitigated by regular maintenance.



- 5.27 The drainage strategy is that the network will be routed to the ditch on the north boundary via an attenuation pond and SDS cellular attenuation tank. The tank and attenuation pond/swale has been sized to hold the volume in the critical '100 years plus 45% CC' storm event.
- 5.28 The combination of treatment on the pond (UV action), granular fill (filtration) in the SDS tank's base and the filter drain to one section of the road provide a total mitigation that exceeds the pollution indices for such a residential development.
- 5.29 An attenuation pond/swale and SDS tank have been sized to hold the volume in the critical '100 years plus 45% CC' storm event. The total storage volume provided on the scheme is 176.3m<sup>3</sup>. This development will not increase the flood risk, either on this site or to neighbouring properties, and so complies fully with the 2023 NPPF and 2022 PPG.
- 5.30 Foul drainage: it is proposed to discharge the development's foul water into the existing 175mm dia sewer under Lake Lane.
- 5.31 A SuDS Technical Note is included with this application. The drainage and levels strategies have been amended to satisfy the LLFA's stated need for lowering the site's levels and to confirm as much of the downstream watercourse's condition as possible. CV values have been increased to 1; the drainage has been designed with level soffits, not inverts; the 33.3% (1 in 30 years) calculation has added 10% allowance for Urban Creep has been added to the drainage calculations. Land drains have been added – to convey any underground spring water to the NW corner between Plots 6 and 7. Buoyancy calculations prove that both the tank and pond will work with an anticipated groundwater table level at the lowest point on the site.

### Lidsey Waste Water Treatment Works

- 5.32 The Lidsey WTW is located 900m southwest of Barnham. This is addressed in the Drainage Impact Assessment. The proposed development will connect to Southern Water's foul network to the south of the site within Lake Lane. The foul sewer network in Barnham then drains to the Lidsey WTW via 350mm and 375mm gravity sewers. **Capacity improvements within Southern Water's sewerage network (including at Lidsey WTW) are managed and funded by Southern Water using its Infrastructure Charges Scheme under Section 143 of the Water Industry Act 1991. All developers pay these Charges upon new connections. Investment needs are identified by Southern Water within its Drainage and Wastewater Management Plan (DWMP) for the Arun and Western Streams River Basin Catchment. These needs are reviewed with Ofwat for each business plan period. No mechanism exists whereby a developer can contribute towards off-site upgrades.**
- 5.33 The surface water flood mechanism is stated as being due to capacity/unmaintained ditch network. There are records of groundwater flooding due to a spring behind properties on the east side of Park Road and sewer flooding from the foul assets along Park Road. The proposed development will discharge surface water runoff to the local ditch network at the greenfield Qbar rate. This strategy will ensure no adverse impact on surface water flood risk downstream of the site. In addition, water butts will be installed on rainwater downpipes to reduce the volumes of runoff generated at the site.

### Access and Parking

- 5.34 The access to the site is as existing to the paddock and stables. A Transport Statement has been submitted with this application, as per the previous application. The Officer report stated previously The site is served



by an access and whilst this is narrow and will not allow for vehicles to pass each other (and it may be hard for drivers to navigate past pedestrians), it is only around 60m in length and vehicles using it will be doing so at a low speed. In addition, the access currently only serve 4 dwellings and proposed traffic generation figures are low (3 additional two-way trips per am peak and 3 additional two-way trips per pm peak). These factors combine to mean that instances of vehicles meeting other vehicles or pedestrians will be infrequent and, in such situations, it will be possible for one party to take steps to resolve the impasse. Contrary to objections from residents, the access is wide enough for a fire tender to access the site. WSCC Fire and Rescue advise that their widest vehicle is 2.86m wide (including its mirrors) so it can easily use the site access which residents state is 3.8m wide at its narrowest. Residents state that the gate posts at the southern end of the access narrow the width to distance to 3.4m. This would still be sufficient for fire access, and it may be the case that the gates are removed in the long term. WSCC Highways raise no concerns with the junction of the access with Lake Lane.

- 5.35 With regard to parking, there was also no objection, although it was noted that the requirement for disabled parking required a space of 2.5m by 5m and provided was 2.4m by 4.8m and this was found to be acceptable.

#### Ground Conditions

- 5.36 The site is within the Minerals Safeguarding area for Sharp Sand and Gravel. The Officer report has stated that the applicant has not provided any mineral resource assessment or attempted to respond to this policy. However, the proposal would comply with criteria (iii) of the policy as there is an overriding need for new residential development to contribute to the council's current HLS deficit.

#### Impact on Trees

- 5.37 The previous application did not submit any technical information on tree protection, this has been rectified with this application with a full AIA and tree protection plans submitted with this application.
- 5.38 A full site survey was carried out on 26th September 2024 by Oakwood Tree Consultants which found that *the development will require the removal of one tree, a small and insignificant goat willow, T22. All other trees will be retained. The overall impact on the contribution made by trees to the wider landscape will be negligible. All retained trees can be fully protected by appropriate tree protection measures that are detailed in the accompanying arboricultural method statement.* No hedgerow is intended to be removed.

#### Impact on Ecology

- 5.39 A PEA has been submitted with this application updated from the previous application. This document recommended that surveys were require on the protection of protected species which were not submitted. This has been rectified in this application.
- 5.40 The Reptile Survey Report submitted with the application found that the grass area had potential for reptile habitat. The reptile survey confirmed the presence of a Low population of grass snake. Individuals were recorded throughout the site although the majority of sightings were along the western margins.
- 5.41 The site provides connectivity for this species to off-site habitats although more optimal communing and sheltering habitat is present in the wider area, the site itself provides potentially suitable breeding habitat. When considered in combination with the wider landscape, based on the low numbers recorded and the transient nature of this species, the site is of low value to local reptile populations.





- 5.42 The removal of on-site habitats to facilitate the development will not result in the loss of a reptile site, or significantly isolate the existing reptile population present, with grass snakes able to move through retained on-site habitats including site boundaries and continue to move off-site to the north, east and west during works. Once the development is complete, individuals will also be able to pass through newly created gardens and continue to access off-site habitats to north, east and west. The works will result in the removal of a potential breeding feature in the form of a manure pile. Mitigation is therefore required in order to safeguard this species group.
- 5.43 Mitigation proposed is that any vegetation within the working area must then be maintained at ground level for the duration of the construction phase in order to ensure the site remains unsuitable for colonisation by reptiles. Materials must also be stored away from fences to avoid the potential for reptiles using the stored materials as refugia. These measures will serve to protect the adjacent reptile population throughout the construction phase. Due to the mobile nature of grass snakes, trenches must also be covered at night or where this is not possible, scaffold planks should be placed into the excavations overnight to enable animals, including grass snake, to escape.
- 5.44 Creation of an attenuation pond will provide an additional foraging resource for grass snake in the long-term. Compost piles and hibernaculum should also be created in the north of the site; near to the proposed attenuation pond, to provide breeding and overwintering opportunities for grass snake in the future. To enhance the retained habitats and to increase the carrying capacity for reptiles in retained habitats, a series of two log piles should be constructed in the north and east of the site order to provide additional hibernation and basking opportunities. These should be located within retained grassland.
- 5.45 The recommendations to enhance the habitat will be undertaken during the development and these can be conditioned as part of an approval.

### Chalk Stream Assessment

- 5.46 The chalk stream is designated as a priority habitat and therefore a targeted assessment is required to assess potential impacts posed by the scheme to enable mitigation to be devised to ensure that there are no significant negative impacts on the stream in the long-term. A series of linear watercourses are within the immediate vicinity of the site (circa 250m), these are collectively designated as a chalk stream which extends to the north and east of the site. An associated channel bounds the site to the north as well as a discrete section of a channel extending part way along the eastern site boundary (within the north-east corner). Chalk streams fall within the category 'Rivers & Streams' UK BAP broad habitat type; which are a Section 41 priority habitat under the Natural Environment and Rural Communities (NERC) Act1.
- 5.47 Due to the presence of a Habitat of Principal Importance within the site, the PEA assessed the site as being of importance at a local scale, with the section of chalk stream extending along the eastern site boundary providing a supporting function to the wider chalk stream which extends to the north and east.
- 5.48 Recommendations made should be part of the Construction Environmental Management Plan submitted with this application, and in association with the Drainage Strategy. Post development landscaping should be carefully designed with biodiversity in mind. Wildlife planting should be integral to the soft landscape plans and should include native species and/or species of recognised wildlife value. The use of nectar-rich and berry producing plants will attract a wider range of insects, birds and mammals.

### Sustainability



5.49 The site is considered to be a sustainable location, with public footpath to the majority of the way from the site to Barnham with just a small segment with no footpath. The officer report stated, *The site is outside of the BUAB in the ALP and the WNDP with the closest area of BUAB being 127m to the south-west of the site boundary but with intervening development. However, this is not an unsustainable location, and it is possible to access local shops and services such as those in Barnham (which includes a railway station) by cycle or on foot via Lake Lane (heading west).*

5.50 It is therefore agreed that the site is in a sustainable location.

The benefits of granting planning permission are:

5.51 The provision of 7 dwellings in this location will assist the housing deficit and as maintained is a deliverable site. Paragraph 73 states that small and medium sized sites can make an important contribution to meeting the housing requirements of an area and are often built out relatively quickly. It also supports windfall sites - this site has a discontinued use as personal stables and paddock, which otherwise serves no purpose.

5.52 The proposed mix of dwellings includes a mix of houses and bungalows which is designed to suit a cross section of residents, including families, the elderly population and disabled people.

5.53 The proposed development will enhance the local ecology of land which is currently underutilised by enhancements recommended in the PEA and Chalk Stream Assessment.

5.54 The new dwellings will contribute to the local economy of local shops and local schools. The construction of these dwellings will create jobs for the construction industry locally.

5.55 The proposed development will make an effective and efficient use of underutilised land adjacent to existing development without the loss of any scenic greenfield land. The site will find a new use for the stables and paddock which has ceased to exist. The proposed development is in accordance with the governments policy to boost the supply of housing without causing any demonstrable harm as demonstrated by the submitted technical reports.

## **6.0 CONCLUSION**

6.1 This application has addressed all the previous reasons for refusal and has sufficiently overcome the reasons for refusal to allow approval of this application. As a result, the proposed development would enhance the ecology of the site, particularly the Chalk Stream which is a priority habitat.

6.2 The proposed development is in character with the surrounding area in Lake Lane and the development at the former Pollards Nursery – Skylark Way, which was allowed at appeal. The development is adjacent to that at Park Road and is not out of character with the existing settlement pattern. The previous officer report supports the layout of the site.

6.2 The development will also enhance the drainage of the site as demonstrated in the Drainage Strategy.

6.3 The new Labour government are focusing heavily on the delivery of new homes and this proposed development is fully in accordance with this strategy, particularly with regard to the wider implications of grey belt.





## Smith Simmons & Partners

PLANNING DESIGN & ACCESS STATEMENT

- 6.4 We therefore consider that this is Sustainable form of development and should be approved as on balance the proposed benefits would outweigh any perceived harm.