

Recommendation Report for Planning Permission

REF NO: Y/15/25/PL

LOCATION: Stakers Farm
North End Road
Yapton
BN18 0DU

PROPOSAL: Conversion of and alterations to existing barns to create 3 No. dwellings. Erection of car barn, demolition of existing buildings and associated landscaping, and parking and erection of new garage/workshop for Stakers Farmhouse, and upgrading of access track. This application affects the character and appearance of the Main Road/Church Road, Yapton Conservation Area and is in CIL Zone 2 and is CIL Liable as new dwellings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to convert and alter 3 barns to create 3 dwellings. It includes the erection of a detached car barn and garage/workshop for Stakers Farmhouse and upgrades to the existing access with associated landscaping and parking.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the development.
BOUNDARY TREATMENT	Flint wall on the south-western boundary and low flint wall to the north-east bounding the area of Stakers Farmhouse. 3m high red brick wall to The Croft.
SITE CHARACTERISTICS	A number of barns that provide storage for Stakers Farmhouse, a Grade II Listed Georgian building. These barns are typically constructed in a mix of timber, flint, and red brick with later additions such as blockwork walls having been introduced internally as the uses has evolved. There is an area of hardstanding to the front (west) and a small, enclosed yard to the rear.
CHARACTER OF LOCALITY	Predominantly residential with a mix of dwelling types/size. The site forms part of the Main Road and Church Road Conservation Area.

RELEVANT SITE HISTORY

Y/105/19/PL	Conversion of & alterations to existing barns to create 3 no. dwellings, erection of car barns & stores, a replacement pump house, demolition of barn & associated landscaping & parking - This application may affect the character and appearance of Main Road/Church Road Conservation Area.	ApproveConditionally 30-07-20
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Y/107/21/PL	Vary planning condition 2 imposed under Y/105/19/PL relating to approved plans. This application may affect the character and appearance of Main Road/Church Road Conservation Area.	ApproveConditionally 12-08-22
Y/109/21/HH	Upgrading of existing access with new turning area and addition of a garage (This application may affect the Character and Appearance of the Main Road Yapton Conservation Area) (This application may affect the setting of a Listed Building)	ApproveConditionally 28-09-21
Y/106/19/L	Listed building consent for conversion of & alterations to existing barns to create 3 no. dwellings, erection of car barns & stores, a replacement pump house, demolition of barn, associated landscaping & parking.	ApproveConditionally 30-07-20
Y/108/21/L	Listed building consent for conversion of & alterations to existing barns to create 3 No. dwellings, erection of car barns & stores, a replacement pump house, demolition of barn, associated landscaping & parking (amendment to Y/106/19/L).	ApproveConditionally 12-08-22

The development was approved under Y/105/19/PL and Y/106/19/L and varied by Y/107/21/PL and Y/108/21/L.

Works proposed under this application to construct a detached garage and access arrangements were approved under Y/109/21/HH and Y/109/21/L

REPRESENTATIONS

Yapton Parish Council - Objection.

- Whilst the site is within the built up area boundary, a sympathetic approach should be adopted.
- Concerns relating to the highway, with current parking blocking visibility splays to and from the proposed entrance. Conditions should be set out to ensure safe traffic movement.
- Barn 3 is overdevelopment for the overall site and detracts from the heritage status.

2 letters of objection from 1 nearby occupier

- This is a Conservation Area. An owl nested in the area last spring.
- There is enough building work in this area.
- Sycamore trees on site need pruning.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and addressed in the conclusion.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Conservation Area Advisory Panel - Object. The panel do not object to the conversion so long as it is carried out in an appropriate manner. The fenestration needs significant improvement in design and appearance being overly domestic.

Environmental Health - No objections subject to conditions relating to contamination and hours of construction.

ADC Ecology - No objection subject to conditions.

WSCC Highways - No objection subject to conditions.

ADC Engineers - Objection. In the absence of a suitable disposal location it is not evidence that flood risk will not be increased by the proposed development. Full comments can be viewed online.

Conservation Officer - At present, whilst the development is generally acceptable, there are concerns that the proposals detract from the character and significance of the former agricultural buildings. These issues could be easily dealt with in order to achieve a satisfactory development. The proposed garage and new cobble driveway do not cause harm to the significance of the heritage assets or their setting. If the plans are not altered, I would believe that the proposal is harmful. This level of harm would be classed as less than substantial harm in accordance with paragraph 215 of the NPPF (2024).

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
 Built up Area Boundary
 Main Road/Church Road Conservation Area
 Lidsey Treatment Catchment
 Prone to Groundwater flooding >25<50%
 Listed Building

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment
WDM1	W DM1 Water supply and quality

DSP1	D SP1 Design
ENVDM5	ENV DM5 Development and biodiversity
QESP1	QE SP1 Quality of the Environment
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WSP1	W SP1 Water

Yapton Neighbourhood Development Plan 2011-2031 Policy BB1	Built-up Area Boundary
Yapton Neighbourhood Development Plan 2011-2031 Policy E11	Minimising the impact of flooding from development
Yapton Neighbourhood Development Plan 2011-2031 Policy E9	Buildings or Structures of Character
Yapton Neighbourhood Development Plan 2011-2031 Policy E5	Retention and enhancement of biodiversity
Yapton Neighbourhood Development Plan 2011-2031 Policy E8	Conservation Areas and Areas of Character
Yapton Neighbourhood Development Plan 2011-2031 Policy H4	Quality and Design
Yapton Neighbourhood Development Plan 2011-2031 Policy PK1	Parking standards for new residential development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

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

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The relevant policies of the Yapton Neighbourhood Development Plan have been taken into account in determining this application: BB1 (Built up Area Boundary), E8 (Conservation Areas), E9 (Listed Buildings and Buildings or Structures of Character) and PK1 (Parking Standard for New Development).

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal conflicts with relevant Development Plan policies in that it has not demonstrated that it will not result in an increase to flood risk on site.

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

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

OTHER MATERIAL CONSIDERATIONS

There are other material considerations to be weighed in the balance with the Development Plan. These are discussed below.

BIODIVERSITY NET GAIN

This application is liable for Biodiversity Net Gain (BNG) and proposes the below net gain.
- 10.28% of habitats units.

CONCLUSIONS

PRINCIPLE

The site is in the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan (ALP) provided it accords with other policies of the Local Plan covering such issues as design, protection of heritage assets, residential amenity, highway safety and parking. As per paragraph 11 of the NPPF this must be weighed up against the resultant harm of the proposal in regard to other material planning considerations which will be discussed below.

Yapton have a made Neighbourhood Plan (YNDP). Policy BB1 is of relevance and the proposal complies with this, being within the BUAB.

CONDITIONS

The previous permission (Y/107/21/PL) discharged all the conditions applied, apart from condition 5 which related to drainage. Two applications were submitted to discharge the drainage condition however these were refused and subsequently the planning permissions expired. Concerns were raised in determining Y/56/23/DOC about the accuracy of the winter ground water monitoring undertaken at that time. This aspect has now been overcome and does not form part of the objection from the Engineers. Following the refusal of the previous drainage DOC's, additional information has been provided including information which rules out all other drainage strategies such as confirmation from WSCC that they will not accept connections and advice from Southern Water on connection to the foul sewer.

The conditions that were discharged provided details regarding:

- Design details including materials, flint floor protection, bike/bin storage.
- Door and window details.
- Ceiling treatment such as how the beams and joists will be treated and if they will be exposed.

- Appearance and location for gas/electricity meters.
- Details for boundary treatment for communal area and private amenity fencing and hard surfacing.
- EV charging.

The approved documents have been submitted with this application and as such, the conditions do not need to be reinstated.

DESIGN AND VISUAL AMENITY

ALP policy D SP1 "Design" requires development to make efficient use of land and reflect local character. YNDP policy H4 is of relevance and refers to quality and design.

The proposal seeks to convert and alter 3 existing buildings on site to form residential properties. Barns 1 and 2 form a U shape around a courtyard and comprise both single and two storey elements. Barn 3 is single storey to the southwestern boundary.

Barn 1 is to the northern end of the building. This has a section which is at double height and will provide 2 bedrooms at first floor and reduces to single storey where it wraps around the courtyard. Barn 2 comprises the southern end of the structure. The main element of Barn 2 is highly visible when entering the site and has a cat slide roof which is double storey in height and reduces to single storey to the western elevation. Both buildings have attractive features with Barn 1 featuring flint flooring, exposed brick walls, timber ceiling and stall dividers. Barn 2 has flint /brick quoin with a number of ventilation slits. There are two further detached barns to the southwest and western boundary. The barn to the southwest is single storey and of timber construction and will form the Barn 3 conversion. The western mid 19th century barn will be demolished, although a smaller pitched roof car barn will be constructed in replacement.

The conversion largely retains the overall appearance of the buildings and has sought to retain the overall character of the site. The conversion has been designed to utilise existing openings although some additional rooflights are proposed. These are primarily to the rear roof slope of Barn 1 and 2. Existing materials feature flint work, red brick, weatherboarding and plain clay tiles. These will be retained although re-roofing with like for like clay tiles will take place to ensure that the buildings are water tight. Windows will be timber with a painted finish. The design retains the character of the buildings through the use of the materials. Final window design and joinery was approved under a discharge of condition in 2022 and with the same details submitted under the application, these details are acceptable.

Parking will be accommodated via a car barn to the western boundary with additional spaces set out via an informal arrangement to the courtyard. The detached timber framed car barn/bike store is proposed in a similar position to the demolished structure. This will be open fronted and will feature clay tiles in keeping with the surrounding development. Each barn also has its own external timber bin store. The design and location of each is appropriate and in keeping with the wider site.

A new garage with a workshop at first floor level is proposed to serve Stakers Farmhouse. This is located to the northern boundary. This is relatively large with an external staircase to access the first floor. It will be of a similar design and materials to the wider development on site. This has already been approved under Y/109/21/HH. The garage will be accessed via a cobbled track which will run along the western boundary. This reduces the prevalence of hardstanding within the site and is a positive.

Hard surfacing will feature golden gravel surfacing, chequered block pavements. Boundary treatment will feature post and rail fencing to the rear gardens. There will also be screening to prevent views between the fence. The fencing proposed is appropriate in style for the design of the properties.

The proposed design and appearance of the development site is sympathetic to the surrounding

development and retains the overall character and appearance of the site and complies with ALP policy D DM1 and D SP1 and policy H4 of the YNDP.

RESIDENTIAL AMENITY

Policy D DM1 requires the Council have regard to certain aspects when considering development including having minimal impact to users and occupiers of nearby property and land.

Due to the position of the barns and the separation between them and that of Stakers Farmhouse to the east, overlooking between the units is largely restricted.

New development has been constructed to the rear of Barns 1 and 2 although the boundary adjoins rear gardens and with 25m retained from the rear building lines, this is acceptable and complies with back to back distances contained with the Arun Design Guide (ADG). Given the nature of the buildings with limited openings at first floor level, the proposal would not result in adverse overlooking, overbearing or overshadowing.

The detached car/bin store to serve the barns is located the western boundary and would have a barn hip, cat slide roof with a maximum height of 4.6m. A car parking area is situated to the rear and it would not result in harm upon this elevation.

The detached garage/workshop proposed to serve Stakers Farmhouse would have a height of 5.1m with eaves to 2.2m. The garage will be in close proximity to properties to the rear at 'The Croft' and will run along the side elevation No 19 and 20 although this elevation does not feature any windows and it would not result in demonstrable harm upon these occupiers. No 16 and 17 are to the rear and the garage would be located to their rear boundary. As a result of the height of the garage, it will appear slightly overbearing. This is not significant in which a refusal is justified due to the boundary treatment in place which features a 3m high brick wall and restricts much of the view. The roof slopes away from the boundary. It is material that the garage has been approved previously. There will be access to the roof space of the garage for use as a workshop. This features a staircase and 2 rooflights. The rooflights may have views over the garden of the property to the rear and will be conditioned to remain obscured glazed and fixed shut.

The conversion of barns and the detached garage would have minimal impact to users and occupiers of nearby properties and would not result in adverse harm upon the neighbouring amenity by way of overshadowing, overbearing or overlooking and accords with ALP policies D DM1 and D SP1.

SPACE STANDARDS

The proposal involves the conversion of three barns into three habitable dwellings which would consist of:

- Barn 1 - 4 bed - 209sqm
- Barn 2 - 4 bed - 242sqm
- Barn 3 - 3 bed - 109sqm.

The proposed floor space complies with the national space requirements.

With regards to external amenity space, the supporting text to ALP policy D DM2 refers to the Arun Design Guide SPD which includes guidance on external space standards, and the need for applications to have regard to include adequate provision of private external space.

Policy H.04 of the ADG advises that outdoor amenity spaces should be of an appropriate size and shape and be usable and enjoyable. It states that rear gardens should have a minimum depth of 10.5m and buildings should be set back by 2m from the plot boundary to mark defensible space.

Barn 1 is provided with a large garden which wraps around the property, whilst the private amenity space for Barn 2 is smaller, with a depth of 5m and a width of 21m, however is an acceptable provision. Barn 3 has limited amenity space with a small patio to the west. Whilst this does not comply with the ADG, the site is around 500m walking distance to King Georges Field to the east and given the proposal is for a conversion and the historic nature of the site this would be acceptable.

The proposal complies with ALP policy D DM2, the ADG and NPPF guidance.

HERTIAGE ASSETS

The barns are in the setting of a Grade II Listed Building within a Conservation Area. HER SP1 states designated heritage assets including Listed buildings and their settings and Conservation Areas will be given the highest level of protection and should be conserved and enhanced in a manner appropriate to their significance. HER DM1 remarks that proposal affecting statutory Listed Buildings will be required to protect and where possible enhance the setting of the building and HER DM3 stresses that development which adversely affects the setting, character, appearance of or views in to and out of a Conservation Area will be refused.

Para 207 of the NPPF requires the significance of the heritage asset affected. Paragraph 208 of the NPPF requires LPAs to identify and assess the significance of a heritage asset that may be affected by the proposal. Para 210 of the NPPF requires account to be taken of the desirability to sustain and enhance the significance of heritage assets thus making a positive contribution to the local area.

Policy E8 of the YNDP requires development proposals in the Church Lane and Main Road/Church Road Conservation Areas to preserve or enhance the character of those areas and policy E9 stresses planning permission will not be granted for development that would result in the loss of either Listed Buildings, or the buildings or structures of character.

The barns, subject of this proposal, are mid 19th century outbuildings of the listed Stakers Farmhouse and they are considered to be curtilage listed, given their age and association with the main farmhouse. The site is located within the Yapton Church Road and Main Road Conservation Area.

The barns are of architectural and historic value and have been under-utilised and some areas have consequently deteriorated in condition. The conversion will upgrade and bring the buildings back into use. The conversion retains the historic and architectural features present in the buildings. This include retaining the flint flooring with a suspended timber floor installed above it to ensure it is protected. It is positive that some internal walls are to be retained as exposed masonry and the retention of exposed beams. The proposal retains the overall appearance of the site and the open courtyard and the conversion work would be undertaken without unacceptably altering the appearance and character of the buildings. The proposal does not detract from the rural appearance and character of the buildings which contribute to the rural setting and would not adversely affect the setting of the adjacent Listed Building.

Concerns have been raised about the windows which appear too domestic in style. The specific window detail was approved under Y/141/22/DOC and the same detail is proposed now. As this has been assessed previously and considered acceptable by the Conservation Officer, the windows proposed are acceptable.

The Conservation Officer is of the opinion that the application causes less than substantial harm to the significance of the heritage assets or their setting in accordance with paragraph 215 of the NPPF. The public benefits that the development may achieve should be considered which include:

- sustaining or enhancing the significance of a heritage asset and the contribution of its setting
- reducing or removing risks to a heritage asset

- securing the optimum viable use of a heritage asset in support of its long-term conservation

The public benefits include the conversion of unused structures resulting in them being brought back into use. Without the conversion and subsequent maintenance, they are likely to deteriorate and fall in ruin, resulting in potential loss. This appropriate new use would ensure their future retention and would preserve and enhance the setting of the adjacent Listed Building and the character of the Conservation Area. The conversion would provide three new dwellings whilst preserving the existing fabric and historic value of these historic barns. It is material that the application has been approved previously.

The development complies with relevant paragraphs of the NPPF and ALP policies HER SP1 and HER DM3 and policy E8 and E9 of the YNDP and the NPPF.

FLOOD RISK/DRAINAGE

Policy W DM3 states all development must identify opportunities to incorporate a range of Sustainable urban Drainage Systems (SuDS) as appropriate to the size of development. ALP policy W DM1 states all development must demonstrate that adequate drainage capacity exists or can be provided as part of the development. In addition, applications must be accompanied by a Drainage Impact Assessment (DIA) that takes account of both the individual and cumulative impact upon foul water disposal, flood storage capacity and surface water drainage or flood flows within the Lidsey area. Policy W SP1 states development will be supported where it is appropriate located, takes into account flood risk and supports incorporation of mitigation such as SuDs. Policy E11 of the YNDP refers to flooding.

The site is in Flood Zone 1. It does lie in the Lidsey Wastewater Treatment Catchment Area.

The drainage hierarchy notes the following list of drainage options in order of preference:

- 1 Infiltration to ground
- 2 Discharge to surface waters (watercourse or body of water)
- 3 Discharge to a surface water sewer
- 4 Discharge to a combined sewer

Infiltration is ruled out due to the groundwater present. There are no watercourses or suitable water bodies adjacent or near the site, nor public surface water sewers within the vicinity of the site. There are no combined sewers or sewers officially classified as combined sewers in the local area and no option to connect surface water to a combined sewer. The Drainage Hierarchy has been followed and none of the preferred options provide a suitable method for discharging surface water from the site. The proposal is to maintain the existing surface water connection to the foul sewer.

The development seeks to discharge surface water at a suitably restricted rate to the public foul sewer beneath North End Road using the existing on-site surface water connection and provide betterment when compared to the existing / do-nothing scenario.

Roof water collected from the converted buildings will be discharged via distribution tanks into the voided subbase beneath the permeable paving areas, whilst surface water will be discharged to the existing onsite sewer connection at a restricted rate. The surface water scheme will include mitigation to ensure that surface water is suitably treated and any pollution risk adequately managed prior to discharge.

Southern Water have not provided comment. The appellant has provided correspondence whereby Southern Water confirm that whilst they are no longer accepting any surface water into foul drainage networks, in this isolated instance every other avenue has been explored and Southern Water will accept a surface water flow rate of the 1l/s which is a betterment of the existing 17.9l/s.

ADC Engineers reviewed the proposed strategy and object to this method. Whilst it is acknowledged that

Southern Water have agreed to a 1 l/s surface water discharge to the foul sewer in principle, surface water must not be discharged into the foul sewer, irrespective of whether it is considered to be betterment. The foul sewer is not a recognised disposal location in the SuDS Manual, Approved Document H, or the NPPG. This is reinforced by new 'National Standards for Sustainable Drainage Systems' National standards for sustainable drainage systems - GOV.UK. It is important to recognise that the foul and combined sewer networks are defined by the public sewer records held by Southern Water Services Ltd.

If the applicant can retain permission from Southern Water to make the proposed connection - despite this going against their policy - ADC Engineers have confirmed they will continue to oppose the connection based on it not being allowed for within the PPG, The SuDS Manual or Approved Document H.

Whilst the applicants engineers have engaged with West Sussex County Council (WSCC) Highways in terms of seeking a connection to the Public Highway drainage system, this was on the basis of discharging 2 l/s as opposed to the now reduced rate of 1 l/s. WSCC did not rule out a connection but stated that offsite improvements would be required. The applicants engineers have not provided WSCC with a proposal in this respect or approached them on the further reduction of flows, and it is not known if an arrangement acceptable to both parties can be agreed. Any such works are likely to make the development unviable. A reduction in the extent of potential offsite improvements may be a possibility, on the basis of the revised/reduced flow rate. It appears that surface water runoff from some areas of the site currently discharge onto the Public Highway (North End Road) and thereby ultimately enter the Public Highway drainage system. Some of these areas are proposed to be reconstructed and water collected into the onsite SuDS system, whilst other areas are proposed to remain 'as existing'. The applicant has since received further correspondence from WSCC who confirm they will not accept a connection for drainage and this method has been ruled out.

The applicants engineers approached an adjoining developer with a view to connecting to their onsite surface water infiltration drainage system (flows would need to be pumped to enable connection). This proposal was refused by the developer.

The application has been approved previously which sought to deal with drainage/flood risk through the inclusion of pre-commencement drainage condition. The conditions on the previous application could not be discharged and the drainage requirements have changed since that time.

A recent appeal at the Windmill in Rustington was dismissed on the basis they were trying to connect to the foul sewer. This application is considered different as these buildings are predominately existing and all drainage options have been explored which was not the case for the appeal.

Whilst the drainage engineers object, it is evident that alternative options as per the SuDS hierarchy have been investigated and are not possible on site. The site currently flows to the foul sewer and the development would result in a betterment to the existing situation by significantly reducing the flow rate.

Foul water will be discharged by gravity to the public foul sewer located beneath North End Road using the existing connection.

As a result of the drainage method proposed, the proposal does not comply with drainage policies.

PARKING/HIGHWAYS

ALP policy T SP1 seeks to ensure development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. Policy T

DM1 requires that development be located within easy access of established non-car transport modes/routes and also seek to contribute to the improvement of such routes & facilities. Policy PK1 of the YNDP provides parking standards for new development.

Access to the site will remain as existing off of North End Road although the hard surfacing will be upgraded.

ADC Parking Standards for a 3 bed property in this type of location (Parking Behaviour Zone 1) require an expected level of 2 car parking spaces on site. A 4 bed property should provide 3 parking spaces.

The site would require 8 parking spaces. Visitor parking should be provided at 20% of the number of units. Two visitor spaces are shown to the rear of Barn 2. A car port is provided which allocates 1 parking space per unit and additional indicative spaces are shown within the courtyard area in front of Barn 1 and 2. The site would have sufficient space to accommodate the parking provision required for all the units.

Electric vehicle charging points at a rate of 1 charging point per house with a garage or parking space should be provided, as per the ADC Parking SPD. This is demonstrated on the plans, with two chargers to Barn 1 and 2 and two chargers within the carport and is acceptable. Cycle parking is shown provided in secure stores.

The ADG states 'on-plot parking in front of dwellings must be provided sensitively to ensure that this does not dominate frontages or detract from the character and quality of the street scene. The informal parking arrangement is acceptable as a result of the nature of the site.

The proposal accords with ALP policy T SP1, policy PK1 of the YNDP and the Arun Parking Standards (SPD).

BIODIVERSITY

ALP policy ENV DM5 states development shall seek to achieve a net gain in biodiversity. Policy E5 of the YNDP refers to retention and enhancement of biodiversity.

The application is accompanied by an Ecological Appraisal. This states that the site is of low ecological value, consisting predominately of hard surfaced area and species poor modified grassland. The site was found to support a day roost of individual pipistrelle and brown long-eared bats. Foraging activity was moderate within the buildings. Survey results were consistent with those recorded during 2019. The site also had features that were suitable for nesting birds.

As a result of the evidence found regarding bats, a bat licence is required prior to works on site and bat boxes will be installed nearby. The roof tiles near the roost will also be hand stripped. Light spill should be avoided and a condition will be included with regards to the control of this. The proposal includes sufficient mitigation enhancement measures which includes building removal undertaken outside of bird nesting season, hedgehog fencing and the installation of bat and bird boxes.

The submitted biodiversity net gain (BNG) assessment states that new a total net gain of 10.28% of habitats units will be achieved. This will be via the seeding of grassland to the frontage, vegetated gardens and planting of new native trees. This application is required to deliver statutory net gain and therefore this is acceptable.

The ecological impacts are assessed as being acceptable subject to conditions to securing mitigation and the development accords with ALP policy ENV DM5 and policy E5 of the YNDP and the NPPF.

SUMMARY

Para 11(c) of the NPPF states that development should be approved without delay where it accords with the Plan. In this instance the proposal does not accord as there is conflict with drainage policies. This application ultimately falls to be determined against paragraph 11d of the NPPF i.e. the presumption in favour of sustainable development. Part (i) of this states the presumption does not apply where certain NPPF policies (such as flood risk) provide a strong reason for refusal. Footnote 7 confirms that areas at risk of flooding are counted as assets of particular importance. The report has identified conflict with policies relating to flood risk as the site has high groundwater and the proposal fails to provide a drainage strategy that is in compliance with the drainage hierarchy.

However, the risk of flooding at the site is mitigated as a result of the betterment to the existing drainage connection which will reduce the surface flow rate and seek to reduce flood risk at the site.

The proposals would represent sustainable development, in terms of being in an environmentally sustainable location within the BUAB, and provide economic benefits. The proposal will also bring into use empty buildings which will help to ensure their future retention and that of the setting of the adjacent Listed Building and Conservation Area.

As a result, the benefits of the scheme outweighs the conflict and the application is recommended for approval subject to the following conditions and informatives.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

This application is CIL liable, therefore, developer contributions towards infrastructure will be required (dependent on any exemptions or relief that may apply).

RECOMMENDATION

APPROVE CONDITIONALLY

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

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

- Location and Block Plan - 1020/17 Rev A
- Proposed Elevations - 1020/06 Rev H
- Proposed Ground Floor Plan - 1020/01 Rev C
- Proposed Site Layout - 1020/09 Rev D
- Proposed Site Layout including EV points - 1020/12 Rev B
- Proposed Garage for main house - 1020/03 Rev E
- Proposed Bin Store and Bike Store - 1020/04 Rev C
- Proposed Floor Plan showing ceiling treatment - 1020/14
- Proposed Joinery Details and Protection for Existing Flooring - 1020/05 Rev A
- Proposed Joinery Details of Windows and Doors - 1020/13
- Windows and Door Detail - 1020/15 Rev A
- Existing and Proposed Sections showing Roof Insultation - 1020/16

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

- 3 The development shall not be occupied until the surface water drainage scheme has been constructed in accordance with

- Proposed Drainage and Levels Layout Plan - 201 C
- Proposed Construction Details - 501 C
- Proposed Construction Details - 502
- Draft Maintenance and Management Schedule - October 2024

The detail hereby approved shall be maintained in perpetuity.

Reasons: To ensure that the proposed development is satisfactorily drained and in accordance with Arun Local Plan policies W SP1, W DM1, W DM2 and W DM3.

- 4 Immediately following implementation of the approved surface water drainage system and prior to occupation of any part of the development, the developer/applicant shall provide the Local Planning Authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. The scheme shall thereafter be maintained in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained and in accordance with Arun Local Plan policies W SP1, W DM1, W DM2 and W DM3.

- 5 Prior to occupation of the buildings, a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within (Ecological Impact Assessment, Lizard 12/24) shall be submitted to and approved in writing by the Local Planning

Authority.

The enhancement measures shall be implemented in accordance with the approved details prior to first occupation of any part of the development and all features shall be retained in that manner thereafter.

Reason: To enhance protected and priority species and habitats in accordance with Arun Local Plan policies ENV SP1 and ENV DM5 and allow the Local Planning Authority to discharge its duties under the NPPF and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats and species).

- 6 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the dwellings shall be constructed or buildings shall be erected within the curtilage 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 Arun Local Plan policy D DM1.

- 7 The rooflights to the northern elevation of the garage/workshop serving Stakers Farmhouse must be obscure-glazed and non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed. This must be retained in perpetuity. No additional openings shall be installed in this elevation.

Reasons In the interests of the amenities of the occupants of nearby properties in accordance with Arun Local Plan policy D DM1.

- 8 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition (the biodiversity gain condition) that development may not begin unless:

1. A Biodiversity Gain Plan has been submitted to the planning authority, and
2. The planning authority has approved the plan.

This permission will require the submission and approval of a Biodiversity Gain Plan before development is begun.

For guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the Council prior to the commencement of the consented development please see the link: <https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan>

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

- 9 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981 (as amended), with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

- 10 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats

etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0345 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.

- 11 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read the New Connections Services Charging Arrangements documents via <https://beta.southernwater.co.uk/infrastructurecharges>.
- 12 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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.