

Recommendation Report for Outline Consent

REF NO: BN/128/19/OUT

LOCATION: Land Adjacent to Highfield House
Yapton Road
Barnham
PO22 0AZ

PROPOSAL: Application for outline planning permission for development of 70 bed Care Home and 14 Assisted Living bungalows with associated car parking, landscaping and access. Departure from the Development Plan - development in the Countryside. This application affects the setting of a Listed Building.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application is for outline planning permission for means of access only, for the development of a 70 bed Care Home and 14 Assisted Living Bungalows. All other matters (layout, scale, appearance and landscaping) would be reserved and would require a separate application. The access to Yapton Road would be in the south east portion of the site and would be 5.5m wide with a radii of 6m. It is proposed to widen the footpath to 2m along the north side of Yapton Road. The indicative Masterplan (site plan and elevations) show: - 70 bed care home as a 2 storey building with a central building and four 'wings' off this, and a traditional design with hipped roofs. - 44 car parking spaces to serve the care home (including disabled parking, delivery/servicing/minibus parking and EVCP), cycle storage, bin storage and landscaping. - 14 assisted living bungalows, with mono-pitched roofs, and arranged in clusters of 2 or 4 dwellings. - 18 car parking spaces to serve the assisted living units, cycle parking provision, buggy shelters/charging, EVCP, and landscaping.. - Sustainability measures, e.g. solar panels/sedum roofs/EVCP and 'rain garden' attenuation features. - Green spaces and landscaping throughout the site and around the site boundaries.
SITE AREA	1.18 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	14 assisted living units plus 70 bedrooms (if counted as dwellings) in care home = 71 dwellings per hectare. 70 bed care home = 59 bedrooms per hectare.
TOPOGRAPHY	Predominantly flat. The site is slightly above the level of

	Yapton Road.
TREES	Boundary trees/hedges around the perimeter of the site, particularly roadside hedgerow along the Yapton Road frontage. Significant trees on and near the site.
BOUNDARY TREATMENT	The land lies on the north side of Yapton Road (B2233). Along the southern boundary of the site, it has wooden post and railing and hedging planted along Yapton Road. North, east and west boundaries are mainly low level wooden post and railing with metal wire and hedging.
SITE CHARACTERISTICS	The site comprises an open grass field, currently grazing land. The site is rural in character, located in designated countryside outside the Built-Up Area Boundaries of Barnham and Yapton. The substantial hedgerow on the southern boundary with Yapton Road forms and contributes to the rural character of the area.
CHARACTER OF LOCALITY	Semi-rural character comprising a mix of uses including agricultural fields, horticultural nurseries, and residential properties. To the north are horticultural nurseries and open fields. There is linear, 'ribbon' residential development on the south side of Yapton Road opposite the site and on the north side of Yapton Road, to the east and west boundaries of the site, but not as closely constructed as that on the south side. Further east there is Barnham Windmill visitor attraction and associated small shops. To the west permissions have been granted for residential developments at Angel's Nursery and The Lillies Nursery. An appeal has been allowed for residential development to the North of Yapton Road. The area of Yapton Road where the site is located has a very different character from these edge of village boundary sites. The character is more rural, with open fields and agricultural/horticultural uses.

RELEVANT SITE HISTORY

BN/12/15/PL	Development comprising 30 No. dwellings, public open space, roads & landscaping. Departure from the Development Plan.	Refused 10-02-16
BN/14/87	Outline Application for residential development comprising 10 bungalows or houses	Refused 29-07-87
BN/12/15/PL	Development comprising 30 No. dwellings, public open space, roads & landscaping.	

Refused - 10/02/2016

Permission for 30 residential dwellings on the site was refused in 2016. The reasons for refusal were:

- Not a strategic housing land allocation site in the Local or Neighbourhood Plans
- Outside the Built-Up Area Boundary and represents significant encroachment into the countryside
- No S106 legal agreement to secure financial contributions for public infrastructure
- No mechanism has been agreed to secure the provision of affordable housing.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Barnham & Eastergate Parish Council

Object

- Failure to comply with B&E Neighbourhood Plan policy CW1 on care homes and independent living.
- Rural location, provides a gap between the villages of Yapton and Barnham. The nature of development would have an adverse visual impact on the street scene.
- Additional traffic generated (by residents, staff, visitors and deliveries) would be unacceptable, in addition to the approval for 38 and 95 dwellings along the same stretch of Yapton Road.
- The requirement for external lighting results in light pollution to neighbours and disturb wildlife.
- Too far from local facilities to serve the type of residents (over 15 minutes walk from village centre, contrary to emerging ADC Design SPD) and served by bus service six days a week at 2 hour intervals.
- Need for this type of facility has not been proven, and conflicts with Local Plan policy H MD2 since the site is outside the BUAB.

15 letters of objections:

- Outside the Built-Up Area Boundary (BUAB) in designated countryside, where development should not be permitted, according to the Local and Neighbourhood Plans.
- Surrounding countryside is Green Belt and should not be built on.
- Already a lot of development approved in the area, few remaining green spaces should be preserved.
- Loss of important grazing/agricultural land.
- Site is not allocated in the Local or Neighbourhood Plans for development/housing, and SHLAA confirms the site is not in a sustainable location.
- Lack of need for care home in this location, plenty of nursing homes in area, including large new facility in Fontwell, one being built at Westergate and several small homes in Barnham and Yapton.
- Contradicts Local Plan policy H DM2 for care homes as site is not in the BUAB, not easily accessible by foot or public transport to local facilities and not appropriate in scale and design to the local context.
- Lack of appropriate facilities results in reliance on private car which has highways implications contrary to B&E Neighbourhood Plan policy SP8.
- Adverse impact on visual amenity and character of area.
- Site provides a separation 'gap' of green space between villages of Yapton and Barnham, erosion of this gap would lead to urban sprawl, coalescence of settlements, and villages will lose rural character. Semi-rural/rural character of area would be destroyed and lost.
- Setting of the open aspect to the front of Grade II listed Rose Cottage is an important feature and must be preserved.
- Overdevelopment with 4 x two storey blocks and 14 assisted living bungalows.
- Care home too large in scale and higher than surrounding properties due to topography.
- Design of roofs not in keeping with local housing styles and out of context with existing development.
- Noise and disturbance from staff, visitors, deliveries, residents etc. coming and going.
- Air pollution from increased traffic flow and waiting cars along Yapton Road.

- Increased traffic volume, congestion and speeding impacts hugely on residents quality of life in terms of noise and disturbance, air pollution, and safety.
- No street lighting along this part of the road which preserves the rural nature of the area and allows residents to enjoy dark skies. Street lighting and external lighting would give an inappropriate suburban feel to the area and would result in light pollution to the detriment of nearby residents.
- Loss of privacy by residents being overlooked by 2 storey building.
- The development, when taken in conjunction with other developments in the area (e.g. Angels and Hyde Nursery, Lake Lane and BEW sites), would result in significant and harmful increased traffic flow, congestion and highways safety issues.
- Traffic assessments submitted have not considered extra cumulative impact of other approved/newly constructed developments in the area.
- Local shops and train station too far away to walk so people will rely on private vehicle.
- 10 dwellings on the refused in 1987 on grounds of traffic issues.
- Car park capacity is fairly minimal only allowing for basic staff parking and a few visitors.
- Footpath is narrow, uneven, unlit and only on one side of the road, inadequate and dangerous pedestrian access, very difficult for elderly people, not suitable for wheelchair use, mobility buggies or walking with a cane etc.
- Serious concerns regarding safety of crossing road due to volume and speed of traffic.
- Safety concerns about those accessing and exiting their driveways at the properties opposite on Yapton Road.
- Cycling not safe along this part of Yapton Road. If application granted, additional traffic calming measures should be funded through a S106.
- Increased localised flooding.
- Sewage infrastructure in Barnham is at capacity. Issues with sewage flooding. Application should not be decided until proper sewage drainage provision has been agreed with Southern Water and/or ADC.
- Permeability of site is limited due to its ground conditions/geology. Prone to surface water flooding.
- Area is a corridor for bats so additional external lighting would disturb this wildlife.

2 letters of support:

- Although outside the Built-Up Area support proposal for a care home, a necessity for an increasing elderly population.
- Quiet, peaceful location for a care home.
- Design is pleasant, well-landscaped and would not appear out of place amongst the variety of styles of neighbouring properties.
- The additional amount of traffic would be minimal as most of the residents would no longer drive.
- Scheme is environmentally friendly with solar panels, sedum roofs and electric car charging points.

COMMENTS ON REPRESENTATIONS RECEIVED:

The representation from Barnham & Eastergate Parish Council is noted.

Representations received from residents are noted and the majority of the issues raised are material planning considerations and appropriate grounds of objection. These are considered in the Conclusions section of the report.

The following comments are made in response to a number of objections:

- Whilst sense of enclosure/overbearing impact and loss of outlook is a material consideration, loss of view is not.
- The site is not nationally designated Green Belt, however it is a green field site, and has been designated as countryside.

- If the application is refused, no conditions could be applied as these only apply to approvals.

CONSULTATIONS

Southern Water Planning
 Engineering Services Manager
 Engineers (Drainage)
 Surface Water Drainage Team
 Environmental Health
 Parks and Landscapes
 Economic Regeneration
 NHS Coastal West Sussex CCG
 Arboriculturist
 Ecology Advisor
 Conservation Officer
 Arboriculturist
 WSCC Strategic Planning
 Environment Agency
 Sussex Police-Community Safety
 Ecology Advisor

CONSULTATION RESPONSES RECEIVED:

ADC ECONOMIC DEVELOPMENT -

Request condition to secure details in accordance with Local Plan Policy SKILLS SP1. In addition ask:

- i. The Developer signs and works with the principles of the Arun Developer & Partner Charter
- ii. Local companies used as part of the supply chain - the Team are willing to assist to facilitate this.

ADC CONSERVATION OFFICER -

There are a number of listed buildings in close proximity to the site, of which Rose Cottage (Grade II listed) is the closest. There are a number of twentieth century developments either side of Rose cottage which informs its setting. The remaining listed buildings are separated from the application site by a line of more recent development.

As this is an outline application, little information has been provided as to the appearance/height of the development, nor of the materials. Careful consideration should be afforded to the design and the use of materials should permission be granted. As development is in close proximity to Rose Cottage, a listed building, there is potential for the setting of this designated heritage asset to be affected.

Should you be minded to recommend approval, you may wish to include an informative which states that a Heritage Statement will be required as part of any detailed planning application.

Based on information provided the proposal can be described as causing less than substantial harm to the assets in accordance with para 196 of the NPPF (2019). As such, there is a need to consider the public benefits the development may achieve as part of assessment of the application, along with the contents of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

WSCC HIGHWAYS -

A Stage 1 Road Safety Audit and Designer's Response accompanies the proposal. The audit has raised five concerns and provided recommendations alongside these. The designer has agreed with the recommendations made. WSCC require that a Stage 1 RSA be undertaken, submitted and agreed prior to determination of the application.

While internal access arrangements would not be eligible for adoption the footway shown entering the site narrows where it meets the first 'bank' of parking spaces adjacent to part of the care home. As part of the detailed design, it is recommended a minimum width of 1.5m is provided for any continuation of a footpath into the care home if it is intended to run behind and beside the parking spaces. If the intention is to provide a shared arrangement for users using the access 'road', including to the assisted living units, and while shared space arrangements are common, provision should be made to ensure that residents will have a suitable place to walk along and cross the internal access 'road' to reach the units (i.e. markings, pram ramps, tactile paving and visibility splays).

Advice is contained in the Arun District Council Parking SPD. It does not provide numbers for parking for the specific uses proposed in this planning application. As guidance is based on expected demand, the applicants set out their case for the number now shown (44 in total, 26 for the care home and 18 for the assisted living units). The Arun DC parking guidance states that key to any consideration of parking numbers is what any residual impact parking might be on the local road network - to avoid overspill and importantly, road safety implications, whilst maintaining a balance to promote sustainable access modes. The CHA considers the applicant hasn't provided enough evidence to support the numbers shown. Also more disabled parking required. Layout of parking (and access) area appears to generally comply in terms of space sizing and circulatory provision for refuse/other large vehicles.

Mobility scooter parking - Further work is required to demonstrate that provision would be adequate for users (both in terms of numbers and actual facilities).

Cycle parking - Appears acceptable in principle - some additional spaces should be provided for the assisted care units.

A Framework Travel Plan is provided alongside the application. In addition to the measures already set out in it, the following should be included in any final plan:

- Trip rate reduction target (for vehicle-based trips);
- Provision of storage and changing facilities, showers etc. for cyclists (not 'consideration of' as currently stated); and,
- Provision of interest-free season ticket loans for staff wishing to use public transport.

Bus - Service 66a and 66C operate a fairly infrequent service along Yapton Road (approximately 1 bus every 1.5 - 2 hours). Stops are, however, located relatively close by.

Rail - Barnham Railway station is west of the site - approximately 1.5kms providing regular services along the south coast and to London.

To maximise potential for trips by those not able or wishing to travel by car, the applicant should consider where improvements to footway widths can be made and provide this to the LPA and CHA to consider.

A 2.4m x 2.4m pedestrian inter-visibility splay should be provided at the south-eastern corner of the site adjacent to the Public Right of Way (PRoW) for visibility purposes for users.

Based on that submitted, the CHA considers additional information and/or modifications is/are required:

ADC ENVIRONMENTAL HEALTH -

Recommend a number of planning conditions.

ARCHAEOLOGICAL ADVISOR -

Recommended planning condition requiring an archaeological scheme of investigation and assessment to be submitted and approved prior to the commencement of development.

WSCC LEAD LOCAL FLOOD AUTHORITY (LLFA) -

Site is identified at high risk of groundwater flooding and low risk from surface water flooding. There are no historic records of surface water flooding within the confines of the site. However, this should not be taken that this site has never suffered from flooding, only that it has never been reported to the LLFA. Other locations within Barnham have experienced historic surface water flooding. The District Council Drainage Engineer may want to review this application to identify if there are any land use considerations that may affect surface water management and for a technical review of any drainage systems proposed.

It is recommended that any existing surface water flow paths across the site should be maintained and mitigation measures proposed for areas at high risk. If local or field boundary ditches are present around or across the site these should be maintained and highlighted on future plans. Works affecting the flow of an ordinary watercourse will require ordinary watercourse consent and an appropriate development-free buffer zone should be incorporated into the design of the development.

ADC DRAINAGE ENGINEER -

Drainage could be challenging if ground conditions prove unfavourable for infiltration. Infiltration must be fully investigated. The applicant will need to determine peak winter groundwater levels, which then inform winter infiltration testing (to be agreed with ADC Drainage). From the Drainage Strategy submitted, it is unclear whether drainage ditches exist within close proximity of the site.

Recommend planning conditions and associated informatives.

SOUTHERN WATER -

Network reinforcement to increase capacity to the existing sewage system to accommodate the proposed development would need to be agreed between Developer and Southern Water. Under current legislation and guidance, SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long-term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Request planning condition is attached.

ECOLOGY ADVISER -

No objection, subject to planning conditions.

ADC TREE OFFICER:

Significant trees on and off this site which could be adversely affected by the proposals. The Tree Survey data provided is comprehensive and accords with the requirements of BS5837:2012.

The Arboricultural Report needs to be amended to reflect that the highest standard of protective fencing will be used.

There does not appear to be an approved surface water drainage strategy. This fundamental element of the design ought to be addressed to our satisfaction in association with layout proposals, so that we are not subsequently held hostage to flood mitigation measures which could then impact heavily on retained

trees/landscape plans/greenspace provision.

Since layout is a reserved matter, would support scheme once refinements to the Arboricultural Report have been made. Subject to amended Arboricultural Report, recommend planning conditions.

ADC HOUSING STRATEGY AND ENABLING MANAGER -

The Council aims to ensure 30% affordable housing is achieved on all residential developments where more than 11 dwellings are proposed. This application consists of 14 new dwellings, so in order to be policy compliant the scheme should provide 4 x affordable dwellings of which 3 x dwellings should be provided as rented and 1 x intermediate. All of the necessary affordable housing requirements would need to be included in S106 planning obligation (not secured by planning condition).

WSCC LIBRARY AND FIRE SERVICES -

Seek financial contribution (formula based) toward the provision of additional floorspace and facilities at Bognor Regis Library in respect of the extra demands for library services that would be generated by the development. Fire and rescue contributions are sought towards fire stations and services serving the area, Southern Division, within which the proposals would be based.

COASTAL WEST SUSSEX NHS CLINICAL COMMISSIONING GROUP -

Request financial contribution of £129, 504 towards the cost of additional healthcare infrastructure capacity in the vicinity of the site.

ADC GREENSPACE AND LANDSCAPING OFFICER -

Sufficient landscaping mitigation has been indicated at this stage to reduce its visual impact on nearby residents and it looks to have incorporated an acceptable quantity of usable greenspace within the site. Recommend a Landscape Plan would be required detailing existing trees and vegetation to be retained and removed and proposed landscape planting, showing densities and size.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Outside Built-Up Area Boundary
Lidsey Water Treatment Catchment Area
Grade II listed Building (Rose Cottage) opposite the site

DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
SODM1	SO DM1 Soils
HDM2	H DM2 Independent living and care homes
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
LANDM1	LAN DM1 Protection of landscape character
HERDM1	HER DM1 Listed Buildings
HERDM6	HER DM6 Sites of Archaeological Interest

HERSP1	HER SP1 The Historic Environment
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
AHSP2	AH SP2 Affordable Housing
INFSP1	INF SP1 Infrastructure provision and implementation
ECCDM1	ECC DM1 Renewable Energy
WMDM1	WM DM1 Waste Management

[Barnham & Eastergate Neighbourhood Plan 2014](#) Support independent living
[POLICY CLW1](#)

Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES1	Applications for new development must meet the local drainage requirements
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES10	Trees and hedgerows
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES4	Protection of open views
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES5	Quality of design
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES6	Contribution to local character
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES7	Development affecting heritage assets
Barnham & Eastergate Neighbourhood Plan 2014 POLICY GA1	Connection to sustainable transport
Barnham & Eastergate Neighbourhood Plan 2014 POLICY GA2	Footpath and cycle path network
Barnham & Eastergate Neighbourhood Plan 2014 POLICY GA4	Parking and new development
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H6	Attention to detail

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
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POLICY COMMENTARY

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

The policies of the Barnham & Eastergate Neighbourhood Plan (July 2014) have been taken into account in the determination of the application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to conflict with relevant Development Plan policies in that the site lies outside the Built-Up Area Boundary where development is unacceptable in principle and would not accord with policies C SP1 and SD SP2 of the Local Plan. The proposal has a materially adverse impact on the visual amenity of the locality and the established character of the area and would not accord with policies D SP1, D DM1 and LAN DM1 of the Local Plan and policies ES4 and ES6 of the Neighbourhood Plan. The proposals would also not accord with the requirements for care homes and independent living as set out in policy HDM2 of the Local Plan and policy CLW1 of the Neighbourhood Plan. The proposals have failed to demonstrate suitable and safe access, that trees and hedgerows would be adequately protected, and no affordable housing contribution has been secured. The proposals are contrary to Arun Local Plan policies T SP1 (a) and T DM1(a), ENV DM4, AH SP2, and Barnham and Eastergate Neighbourhood Plan policy ES10.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS**PRINCIPLE OF DEVELOPMENT:**

The site lies outside the Built-Up Area Boundary of the village of Barnham. The site is therefore located within the designated Countryside. Para 170 of the National Planning Policy Framework (NPPF) states decisions should protect and enhance valued landscapes and recognise the intrinsic character and beauty of the countryside.

Development Plan policies seek to exert a strict control over new development in the countryside to protect its intrinsic character and beauty. Policy SD SP2 of the Arun Local Plan (ALP) requires

development to be focussed within the Built-Up Area Boundaries. ALP policy C SP1 states that outside the Built-Up Area Boundaries land will be defined as Countryside and development will only be permitted in the countryside where the criteria set out in policy C SP1 is met, or there is a strong justification for a countryside location.

The site is in the countryside, outside the defined settlement boundary, and does not meet any of the exception tests set out in ALP policy C SP1 for countryside development. Development in this location is therefore unacceptable in principle and would conflict with the NPPF and policies C SP1 and SD SP2 of the Arun Local Plan.

There are no specific policies in the Barnham and Eastergate Neighbourhood Plan (B&E NP) which relate to development in the built-up areas or countryside. As such, the application is acceptable in principle in respect of the B&E NP, as it contains no BUAB policies and policy CLW1 sets out that the principle of new care homes is supported, subject to an assessment of design, scale and amenity.

Notwithstanding this, Section 38 (5) of the Planning and Compulsory Purchase Act 2004 states: "If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document". Any conflict between the Barnham and Eastergate Neighbourhood Development Plan (2014) and the Arun Local Plan (2018), should therefore be resolved in favour of the latter, and the proposals would be unacceptable in principle, given its conflict with policies C SP1 and SD SP2 of the Arun Local Plan.

Loss of Agricultural Land -

Policy SO DM1 of the ALP advises the use of Grades 1, 2 & 3a agricultural land for development not associated with agriculture, horticulture or forestry will not be permitted unless the need for development outweighs the need to protect such land in the long term, and where development is permitted, it should, as far as possible, use the lowest grade of land suitable for that development.

The site appears to lie in an area classified by Natural England as Grade 2 Agricultural Land. This Class is defined as 'Very Good' with the Grades varying from 1 highest to 5 poorest. This is supported by the findings in the Arun Soils Study (2013). The justification for the development on this site is not sufficient to outweigh the loss of this high quality agricultural land and the loss of the potential use of the land for farming in the long term. The proposal is in conflict with Arun Local Plan policy SO DM1.

Addition of Care Home & Independent Living -

Policy H DM2 of the ALP specifically relates to independent living and care homes. It requires new independent living and care homes to be permitted provided applications can demonstrate the following (amongst other things), and where it is consistent with all other Local Plan policies;

- Located within the Built-Up Area Boundary if it is a new facility
- Easily accessible by foot or public transport to community and social facilities
- The design and scale of the scheme shall be appropriate to the local context

B&E NP policy CLW1 states new independent living and care homes will be supported provided that the design and scale of development are in keeping with the character of the location and that the impact on the amenity of surrounding residential properties is acceptable.

The supporting text to ALP policy H DM2 (paragraphs 12.6.1 and 12.6.2) acknowledges Arun has one of the highest older populations compared in West Sussex, and "recognises the need to support the provision of Nursing homes and specialised care units".

The SHMAA indicates the care home population will increase by "around 1,470 persons between 2012 and 2030" but this need isn't being met in allocations. Despite acknowledged need for C2 development, the Local Plan makes no C2 allocations in the proposal's 2.5 mile catchment area.

Under another care home application (CM/16/18/PL), West Sussex County Council Children, Adults, Families, Health and Education Department made the following comments:

The numbers of people aged 65 or over will rise to 14.5 million in 2035, an increase of 49%. The numbers of those aged 85 or more are projected to rise faster during this period, by over 122%, to 2.9 million in 2035. Overall demand for different types of care from 2014 to 2034 is estimated to rise by 67% in West Sussex. This translates to an additional demand in the County for 9,707 residential care home beds and 6,720 nursing beds between 2014 and 2034.

The applicant has supplied two Demand and Demographic Reports. In summary, the report suggests that the area has an ageing population, with those aged over 75 years old estimated to increase by just over 14% by 2028, that there is a shortfall in existing care home/assisted living accommodation for the elderly with supply in the area heavily skewed towards retirement and sheltered housing instead, that there are very few facilities within a 5 mile radius with only 1 home with extra care scheme within the catchment area and that there is a lack of proposed supply within the development pipeline.

It is acknowledged there is an unmet demand for this type of accommodation in Arun, but this is not sufficient grounds to outweigh the harm in terms of the new facility being located outside the Built-Up Area Boundary, in conflict with policy H DM2, and the serious harm to the character and appearance of the area failing to be appropriate in scale to its local context and in keeping with the character of the location, in conflict with ALP policy H DM2 and NP policy CWL1.

Under a recent appeal decision for a care home (CM/16/18/PL and APP/C3810/W/19/3227374) the Inspector noted the proposals would free up general needs (C3) housing which would contribute toward housing supply in the District which is currently unable to demonstrate a 5 year HLS, would reduce hospital admissions and 'bed blocking', and would have economic benefits in terms of the construction industry, job creation and increased spending in the local economy. It was noted the site's rural location would have positive impacts on the physical and mental wellbeing of residents and this would outweigh any disadvantages arising from the location outside the Built-Up Area Boundary. The Inspector concluded that these social and economic benefits and the significant identified unmet need for specialist housing in Arun held significant weight and outweighed the conflict with policies C SP1, SD SP2 and H DM2 in terms of the proposals being sited outside of the Built-Up Area Boundary.

There is a key difference between this appeal scheme and the current application proposals, which is the site context. Under the appeal, the Inspector concluded that there would be no significant harm to the character of the countryside nor the integrity of the Settlement Gap. This was based on the specific merits of the site and the scheme; that the land was physically contained and enclosed by another building in front and surrounding boundary treatments, that the new care home would be read as part of the backdrop of existing development, and that the development would relate closely to Climping and not undermine the physical and visual separation of settlements.

In this case, however, the site is currently undeveloped, unenclosed open grazing/agricultural land within a semi-rural setting. There is no existing development in the foreground (as was the case for the appeal site) within which the care home and bungalows would be read as part of the backdrop. Indeed the Inspector there concluded that 'A decision to allow this appeal would not prejudice the Council's ability to resist schemes on more open sites'. As such, in the planning balance, there is not only the principle issue of the site being located outside the Built-Up Area Boundary (which in the case of the appeal was given limited weight), but there is the added harm in terms of character and visual amenity of the local

area (which was not concluded as being the case for the appeal site).

Adverse Impacts: Character, Landscape, Visual Amenity -

Policy D SP1 of the ALP states that development should seek to make efficient use of land but reflect the characteristics of the site and local area. ALP policy D DM1 looks at aspects of form and design quality, including; character, attractiveness, innovation, residential amenity impact, adaptability, density, scale, trees and crime prevention. New buildings should be harmonious with their surroundings and successfully integrate with the existing surrounding environment.

ALP policy LAN DM1 states that development within the setting of the South Downs National Park must have special regard to the conservation of that setting, including views into and out of the Park and will not be permitted where there would be harmful effects. ALP policy H DM2 specifically relates to independent living and care homes and requires that the design and scale of a scheme shall be appropriate to the local context. B&E NP policy CLW1 states that new independent living and care homes will be supported provided that the design and scale of development are in keeping with the character of the location.

Policy ES5 of the B&E NP states that 'All new development with the parishes should be of a high quality design, and will be expected to conform to the forthcoming Barnham and Eastergate Design Guide once it has been adopted as supplementary planning guidance in accordance with paragraph 1.41 of the Local Plan'. Policy ES6 of the B&E NP requires that new development should contribute positively to the character of the two villages.

Paragraph 127 of the NPPF details the design requirements for new developments, including that developments should function well, are visually attractive and sympathetic to local character and history, have an appropriate mix of development including green and public space and create places that are safe, inclusive and accessible.

The Arun District Council Design SPD is due to be adopted mid 2020 and provides detailed design guidance for developments in the District. The National Design Guide (September 2019) forms part of the Government's collection of planning practice guidance.

The site is not located in a designated Settlement Gap. The emerging B&E Neighbourhood Plan (2020) will seek to protect this gap to prevent the coalescence of the two villages of Barnham & Yapton, the loss of which would impact the rural character of the villages. The existing pattern of linear development along the southern side of Yapton Road and the fact that the site currently provides a physical and visual gap between the villages of Yapton & Barnham, by providing an open green space, is a consideration.

Under the appeal for the nearby Lillies site (ref. APP/C3810/A/13/2201753) the Inspector provided a detailed assessment on the character and appearance of Yapton Road and the issue of encroachment in to the countryside. His view of Yapton Road along this particular stretch was that it is neither predominantly rural or urban. The Inspector describes "At points which coincide with the start of Angel's nursery to the south and the permitted site to the north the character of the road changes from an urban area to one which is more rural"... "When considering the wider landscape, beyond the developed sites, there is a clear perception of being in a more rural location in the open countryside".

Since the current application site is further to the east than the Lillies appeal site it can only be said to have a greater rural character.

The site is undeveloped, unenclosed open grazing/agricultural land within a semi-rural setting. To the southern side of Yapton Road there is linear development of individual dwellings fronting onto Yapton Road and beyond these open countryside to the south. There are some individual dwellings to the east

and west side of the site but these are individual properties along the Yapton Road frontage and this type of 'ribbon' development is typical of areas close to the edge of settlements. This is a quite different type and pattern of built form than a large scale development set back from the road and within the land as is being proposed here. To the northern side of this stretch of Yapton Road there is the site, an open field, which is visually integrated with and provides views of the surrounding countryside to the north and long distance views to the South Downs beyond. The land cannot be described as enclosed by other built form and there is no existing built form there within which the proposed development would be read as being part of this existing development backdrop. The proposed development would extend the built form east of the existing settlement, creating linear and continuous development along this part of Yapton Road. This would change the character of this part of the Yapton Road, which is currently a rural/semi-rural route travelling through the countryside with only sporadic buildings to a more built up area of land more closely associated with the urban area to the west and not the rural character to the east. The introduction of built form on this open land would represent a significant encroachment into the countryside with the loss of the existing openness resulting in an adverse impact on the intrinsic character of the countryside.

The applicant has submitted a Landscape and Visual Impact Assessment (LVIA). The LVIA finds that there are no medium or long distance views of the site which would be significantly adversely affected and that the main visual impact is likely to be at close distances. However, these impacts would reduce over time once mitigation (planting/screening) has occurred and matured. The LVIA concludes that the site can absorb the proposed development and it can be integrated into the setting of the local landscape character.

It is acknowledged by the LPA that appropriate soft landscaping and green spaces would over time provide some screening and assimilation of the development into its surroundings, however, the fact remains that by the very nature of its siting it would result in substantial harm to the landscape character. Given the position, size and height of the large building and the site coverage including the 14 bungalows in this open area it would erode the open landscape character of the countryside and would disrupt established and long distance views across the open countryside and towards the SDNP.

By reason of its siting and overall scale, the proposals would result in significant adverse impacts on the character of the countryside and landscape and the visual amenities of the area, and would be in direct conflict with Local Plan policies H DM2, D SP1, D DM1 and LAN DM1 and Neighbourhood Plan policies CLW1, ES4, ES5 and ES6. The proposals would also fail to comply with all of the characteristics for good design as set out in the National Design Guide, namely Context and Identity.

Heritage Impacts -

In accordance with Section 66 of the Planning (Listed Buildings and Conservations Areas) Act 1990, in considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

ALP policy HER SP1 advises that designated heritage assets including listed buildings and their settings will be given the highest level of protection and should be conserved and enhanced in a manner appropriate to their significance. ALP policy HER DM1 requires proposals affecting statutorily listed buildings to protect, and where possible enhance, the setting of the building.

B&E NP policy ES7 requires that development affecting listed buildings and their settings should be designed so as to preserve and enhance them, so as to reinforce the quality and character of the villages.

There are a number of listed buildings in close proximity to the site. The closest one being Rose Cottage (Grade II) located on the southern side of Yapton Road, opposite the application site. As the development is in close proximity to Rose Cottage, there is potential for the setting of this designated heritage asset to be affected.

Contrary to paragraph 189 of the NPPF, which states that local planning authorities should require an applicant to describe the significance of any heritage assets affected as part of their proposals, including any contribution made by their setting, in determining applications, only basic information has been submitted in the form of a heritage section in the Planning and Design & Access Statement.

The Conservation Officer comments that, given this is an outline application, little information has been provided as to the appearance/height of the development, nor of the materials proposed, but that careful consideration should be afforded to the design and the use of materials under any future reserved matters application. In addition, they have commented that the potential impact on the setting of the listed building could partly be reduced through the retention of the existing mature boundary screening, and the provision of a suitable landscaping scheme.

The Conservation Officer concludes that, based on the information provided as part of the application, the proposal can be described as causing 'less than substantial harm' to the heritage assets and, as such, this harm should be weighed against the public benefits of the development, in accordance paragraph 196 of the NPPF (2019), and the requirements of the Planning (Listed Buildings and Conservations Areas) Act 1990, including having special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The LPA concludes the public benefits of the development, in terms of social and economic benefits, on balance, are likely to outweigh the 'less than substantial harm' to the nearby listed building.

Alternative sites -

The applicants have submitted a Review of Potential Alternative Sites (March 2020). This seeks to demonstrate that the applicant has considered all other suitable, available and viable sites within an appropriate 'catchment' area of the application site (defined as a 2.5 mile radius). In accordance with the Inspectors conclusion for the allowed appeal in Climping (CM/16/18/PL and APP/C3810/W/19/3227374), the applicants methodology and approach is considered acceptable and appropriate. As such, in view of this appeal decision, in the case of this current application, it is accepted that there are currently no alternative sites available for the proposed development within the 2.5 mile catchment area of the application site.

Conclusion on matters of Principle -

There is an unmet need and demand for this type of accommodation for older persons in the District. Policy H DM2 of the Local Plan supports this form of development for new care homes and independent living, where applications meet certain criteria and are consistent with all other Local Plan policies. Similarly, B&E Neighbourhood Plan policy CLW1 supports new independent living and care homes, subject to acceptable character and residential amenity impacts.

However, the site is located outside of the Built-Up Area Boundary within the designated Countryside, where the principle of development is unacceptable, and the proposals conflict with policies C SP1, SD SP2 and H DM2 of the Arun Local Plan in this respect. In addition, the development would result in the loss of high quality agricultural land, in conflict with Local Plan policy SO DM1. Furthermore, the proposals would result in serious harm to the character of the countryside and landscape and the visual

amenities of the area, which would be in conflict with Local Plan policies H DM2, D SP1, D DM1 and LAN DM1 and Neighbourhood Plan policies CLW1, ES4 and ES6.

As such, there are not considered to be other material considerations of sufficient weight to warrant a decision other than refusal and the site is considered unsuitable for the proposed development.

ACCESS, HIGHWAYS SAFETY & PARKING:

Policy T SP1 of the Local Plan relates to congestion, climate change and access and requires that development 'provides safe access on to the highway network'. ALP policy T DM1 (a), supports development which is designed to reduce the need to travel by car, and requires new development to be located within easy access of established public transport services.

Arun District Council has a Parking Standards SPD (adopted Jan 2020).

B&E NP policy GA1 states that new developments should provide access to public and community transport to connect with the social, community and retail facilities of the villages. NP policy GA2 supports proposals which improve and extend the existing footpath and cycle path network. NP policy GA4 states development proposals will be supported only if they include the maximum level of off-street parking consistent with current standards under the Local Plan.

Paragraph 108 of the NPPF states that in assessing specific applications for development it should be ensured that (b) safe and suitable access to the site can be achieved for all users. Paragraph 109 of the NPPF states that: "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe". Policy 106 refers to maximum parking standards for residential and non-residential development.

Access and Highways Safety:

The current planning application is outline only, with all matters reserved, except for means of access. A new site access would be created by removing a section of the hedging that runs along the frontage of the site off Yapton Road (B2233). This access point would be 5.5m wide with a 6m radii. Visibility splays of 2.4m x 51m and 2.4m x 54m are to be provided. It is proposed that the existing footpath that runs adjacent to the frontage of the site on the northern side of Yapton Road would be widened to 2m.

The CHA have raised some concerns with regard to the Stage 1 Road Safety Audit (RSA), undertaken by RKS Associates dated 27th February 2020, supplied by the applicants. In particular, the CHA have raised concerns about the site access visibility splays and requested the provision of further information relating to visibility requirements and demonstration by the applicants/the designer that the sight line splays comply with the latest and appropriate standards, and as per the speeds on Yapton Road recorded by the applicant. In addition, they requested the provision of an amended plan showing a 2.4m x 2.4m pedestrian inter-visibility splay at the south-eastern corner of the site adjacent to the Public Right of Way (PRoW). They also requested plans showing consideration of off-site footway improvements for the section running westwards towards Barnham.

To date, these matters have not been resolved by the applicant. As such, the submission currently lacks adequate information and there has been a failure to demonstrate that the proposed access would be suitable and that highway safety matters have been satisfactorily addressed. Furthermore, the application is not accompanied by a completed Section 106 legal agreement to secure any required highway safety works e.g. off-site footway improvements, which themselves are yet to be seen and agreed. As such, the proposals fail to accord with the NPPF and Local Plan policy T SP1.

Parking:

The illustrative layout shows a total of 44 car parking spaces.

Under the recently adopted Arun District Council Parking SPD (2020), parking provision for this type of development is to be based on expected demand. The applicants set out their case for the number of parking spaces shown. The ADC Parking SPD states that key to any consideration of parking numbers is what any residual impact parking might be on the local road network - to both avoid overspill and importantly, road safety implications, whilst maintaining a balance to promote sustainable access modes. The CHA's key consideration is road safety.

The CHA considered the applicant did not provide enough evidence to support the car parking numbers shown. As such, the CHA requested more information with examples of similar sites to justify the car parking numbers shown.

Whilst the consultation comments from WSCC are acknowledged, the current application is outline only for the means of access, and the actual numbers and layout of parking provision would be dealt with at reserved matters stage (layout/design).

Sustainable modes of transport:

The CHA have confirmed that the site is in a relatively sustainable location in terms of access to sustainable modes of transport e.g. cycling, buses, railway and taxis, and access to the range of facilities and services within Barnham.

With regard to walking, the proposal includes widening the footway (to 2m) running along the entirety of the site frontage to Yapton Road. Any works would need to have been accompanied by an additional Stage 1 Road Safety Audit and Designer's Response (Road Safety Audit 'log') and be agreed prior to the planning application being determined by the LPA.

To date, these matters have not been resolved by the applicant. As such, the submission currently lacks adequate information and there has been a failure to demonstrate that the proposed access would be suitable and that highways safety matters have been satisfactorily addressed. Furthermore, the application is not accompanied by a completed Section 106 legal agreement to secure any required highway safety works e.g. off-site footway improvements. As such, the proposals fail to accord with the NPPF and Local Plan policy T SP1.

Conclusion:

Several matters regarding access and highways safety (including site access visibility splays, a pedestrian inter-visibility splay at the south-eastern corner of the site adjacent to the Public Right of Way, and consideration of off-site footway improvements for the section running westwards towards Barnham) remain unresolved. The application is not accompanied by a completed Section 106 legal agreement to secure any required highway safety works e.g. off-site footway improvements. As such, the proposals fail to demonstrate compliance with paragraphs 108 and 109 of the NPPF and Arun Local Plan policy T SP1 (a) and T DM1(a). This forms a further reason for refusal of the application.

RESIDENTIAL AMENITY:

Policy D DM1 of the Arun Local Plan that new development will have minimal impact to users and occupiers of nearby property. Policy QE SP1 states that the Council requires all development contributes positively to the quality of the environment.

The Council have drafted a Design Guide SPD (the consultation for which has just ended) which is due to be adopted by mid 2020. G.03 states that minimum back-to-back distances should be 21m for the purposes of privacy and the 25 degree rule should also be used to inform these distances to ensure proper provision of daylight and sunlight. It advises that back-to-side distances should be informed by the 45 degree rule to ensure adequate daylight and sunlight and there should be a minimum distance of 14m between habitable rooms and the side gable of the adjacent property. H.04 advises that front-to-front distances should be a minimum of 16m between habitable of properties facing each other.

B&E NP policy CLW1 states that new independent living and care homes will be supported provided that the impact on the amenity of surrounding residential properties is acceptable.

Impact on residential amenity would be considered at reserved matters stage in respect of scale, layout, design and landscaping. Although an indicative site layout and illustrative elevations have been provided it is not possible to assess in detail the impacts on residential amenity on the basis of these drawings.

The indicative layout suggests the nearest of the two 'wings' off the central atrium of the care home and the nearest of the assisted living bungalows would have a separation distance of around 30m to the front elevations of the nearest neighbouring properties across the road on the southern side of Yapton Road. The proposal is for a 2 storey care home building and the 14 assisted living units would be single storey bungalows. The properties opposite are a mixture of 2 storey buildings and single storey bungalows. It is acknowledged that due to the topography of the land in the area, the site is set above the level of Yapton Road and the properties on the southern side, however, the site is not at a significantly higher ground level. Taking into account the separation distances and the 2 and single storey scale of the buildings proposed, it is concluded that the proposed development could be designed in such a way as it would be unlikely to have a significant overbearing, overshadowing or overlooking impact on these neighbours and their outlook, light and privacy levels would remain acceptable. Whilst it is accepted there may be some overshadowing and loss of light as a result of the proposals, this would be unlikely to be materially significant and harmful, dependent on the specific siting.

The indicative layout suggests the care home building would be located around 7m from the western boundary of the site which adjoins the side garden to Highfield House, and a total of around 40m from the side elevation of Highfield House itself. Taking into account the separation distances and the 2 storey scale of the buildings proposed on this side of the site, it is concluded the development could be designed in such a way as it would be unlikely to have a significant overbearing, overshadowing or overlooking impact on the occupants of Highfield House and their outlook, light and privacy levels would remain acceptable.

The indicative layout suggests the nearest proposed assisted living units would be located around 6m from the eastern boundary to the public right of way which is adjacent to Old Mill Cottage, and a total of around 13m to the side elevation of Old Mill Cottage itself. Whilst this is a limited separation distance, given the single storey nature of these units, and that they could have pitched roofs sloping away from this property, and the layout and window positioning and type could be such to avoid overlooking, it is concluded the proposed development could be designed in such a way as it would be unlikely to have a significant overbearing, overshadowing or overlooking impact on the occupants of Old Mill Cottage and their outlook, light and privacy levels would remain acceptable.

As such, it appears that the scheme of this siting and scale could be designed to maintain neighbouring residential amenity, in accordance with the NPPF, policies D DM1 and QE SP1 of the Local Plan, and B&E Neighbourhood Plan policy CLW1.

LIGHT POLLUTION:

Policy QE DM2 of the Local Plan emphasises the need to consider the impact of outdoor lighting on neighbouring uses and wider landscape, particularly with regard the South Downs International Dark Sky Reserve designation. Policy H6 of the B&E NP says 'the design of new housing should give full consideration to lighting.' Lighting schemes should prevent light spillage and glare and face inwards away from open landscapes (paragraph 9.3.4).

The site is in a semi-rural area of the district, east of Barnham and west of Yapton. There is no street lighting along this part of Yapton Road. ADC Environmental Health have requested a planning condition to secure details of an external lighting scheme, due to the relative proximity of existing residential properties, and to protect the amenity of local residents. This is reinforced by the ADC's Ecological Advisor's request. As such, the principle of external lighting, subject to details, would be acceptable.

Subject to the imposition of a planning condition requiring details of the external lighting scheme, which could either be imposed at outline or reserved matters stage, it is considered that the proposed development would have acceptable light impacts and comply with Policy QE DM2(a), (b), (c) and (d) inclusive of the Local Plan and Policy H6 of the Barnham and Eastergate NP.

NOISE POLLUTION:

Policy D DM1 of the Arun Local Plan that new development will have minimal impact to users and occupiers of nearby property and land, by avoiding... unacceptable noise and disturbance. Policy QE DM1 of the Local Plan seeks to protect existing residents from new noise generating uses and future occupants of noise sensitive development from noise generating uses.

The proposals for a 70 bed care home and 14 assisted living units would clearly result in an increase in the general vehicular and pedestrian movements in and out of the site of users including residents, visitors, staff and deliveries. However, given the separation distances to neighbouring properties and that this is a semi-rural area with existing residential uses, it is concluded that the proposed use would not be incompatible in principle and the increased activity would be unlikely to result in an unacceptable level of noise and disturbance to neighbouring residents. ADC Environmental Health have requested a number of planning conditions to control noise from plant equipment etc. As such, the principle of the development, subject to details, would be acceptable with regard to noise impacts.

Subject to the imposition of planning conditions, which could either be imposed at outline or reserved matters stage, it is considered that the proposed development would have acceptable noise impacts and would comply with Policy D DM1 and QE DM1 of the Local Plan.

AIR POLLUTION:

Policy QE DM3 of the Arun Local Plan states 'All major development proposals will be required to assess the likely impacts of the development on air quality and mitigate any negative impacts.

The transport sustainability of the proposals is discussed in detail under the 'Access, Highways Safety and Parking' section of this report. The illustrative site plan indicates electric vehicle charging points and this could be secured by way of planning condition. ADC Environmental Health have recommended a planning condition requiring the applicants to produce an Air Quality Assessment which would identify any air quality impacts and ensure the integration of appropriate mitigation into the scheme at design stage. As such, the principle of the development, subject to details, would be acceptable with regard to air quality impacts.

Subject to the imposition of a planning condition requiring an AQA, the proposed development would

have acceptable air quality impacts and would comply with Policy QE DM3 of the Local Plan.

LAND CONTAMINATION:

As per policy QE DM4 of the Arun Local Plan, development on or in close proximity to hazardous sites or contaminated land will be permitted provided the Council is satisfied that appropriate remedial measures can be or have been undertaken in respect of human health and groundwater.

ADC Environmental Health have confirmed that, as the application site lies within 10 metres of land which has been identified as potentially contaminated, and to account for the possible migration of contaminants and discrepancies with historical maps, the full 4-stage contamination planning condition is recommended.

As such, this planning condition would be added at outline planning stage, to ensure any land contamination would be dealt with appropriately, in accordance with the NPPF and ALP policy QE DM4.

ARCHAEOLOGY:

Local Plan policy HER DM6 requires that where a site on which development is proposed has the potential to include heritage assets with archaeological interest (having consulted the Historic Environment Record) permission will only be granted where it can be demonstrated that development will not be harmful to the archaeological interest of these sites.

The Council's Archaeological Advisor has confirmed that, although the site contains no known archaeological interest, it lies in a location on the coastal plain that has been demonstrated to have been particularly attractive to later prehistoric and later occupation, and is of such a size that related features and deposits are likely to be present. They have requested a planning condition requiring an archaeological scheme of investigation and assessment to be submitted and approved prior to the commencement of development.

Subject to the imposition of this planning condition, the proposals would be capable of preserving any archaeological remains, in accordance with the NPPF and policy HER DM6 of the Arun Local Plan.

FLOODING AND SURFACE WATER DRAINAGE:

Arun Local Plan policy W DM2 sets out the requirements for development in areas at risk of flooding, including; the need for the sequential test, an FRA, adaptation and mitigation measures, flood warning and evacuation plans and site drainage plans. ALP policy W DM3 states that all development must identify opportunities to incorporate a range of Sustainable Urban Drainage (SUDs) systems. These features may include green roofs, permeable driveways, soakaways, water harvesting such as water butts.

Policy ES1 of the Barnham and Eastergate NP says 'new development should aim to reduce the overall level of flood risk in the area, and that new development will not be supported unless specific matters with regard to drainage and flooding are addressed.

Paragraph 155 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk and Paragraph 163 states that when determining planning applications, LPAs should ensure that flood risk is not increased elsewhere.

The site is located within Flood Zone 1 (low risk of flooding). The site is located within the Lidsey Water Treatment Works Catchment Area. The application has been accompanied by a SUDS / Drainage

Strategy for Planning, which also includes an FRA for completeness. It is not proposed to use infiltration techniques for drainage and the document instead suggests SUDS techniques are restricted to the use of surface storage, permeable paving and additional storage with restricted discharge to an attenuation basin and drainage ditch/public sewer. The illustrative layout shows areas where these measures could be incorporated into the scheme.

The LLFA recommend that any existing surface water flow paths across the site should be maintained and mitigation measures proposed for areas at high risk.

ADC Drainage Engineers have said that drainage of the site could be challenging if ground conditions (geology) prove unfavourable for infiltration, however, infiltration must be fully investigated. They state that the applicant will need to determine peak winter groundwater levels, which will then inform winter infiltration testing (to be agreed with ADC Drainage). From the Drainage Strategy submitted, it is unclear whether drainage ditches exist within close proximity of the site. Three planning conditions and associated informatives are recommended to ensure that the development is adequately drained and does not increase flood risk elsewhere.

Subject to the imposition of planning conditions, it is considered that the proposed development would have acceptable flood risk and surface water drainage impacts and would comply with the NPPF, policy W DM2 and W DM3 of the Local Plan and policy ES1 of the B&E NP.

FOUL WATER DRAINAGE:

Policy W DM1 of the Local Plan deals with foul water drainage: development which will materially increase foul water discharges will be refused unless the LPA is satisfied that either adequate drainage capacity exists or appropriate drainage capacity can be provided as part of the development.

Southern Water have stated that capacity in the existing sewerage system to accommodate the needs of the proposed development would have to be provided (by Southern Water in agreement with the Developer) with appropriate network reinforcement. They also make the point that the long-term maintenance and the effectiveness of the SUDS facilities will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. A planning condition is recommended to secure details of the surface water and foul sewerage disposal.

Subject to a planning condition requiring the submission of a foul drainage scheme, the proposal is capable of providing foul water drainage, as required by Policy W DM1 of the Local Plan.

ECOLOGY/BIODIVERSITY:

Arun Local Plan policy ENV DM5 states that development shall seek to achieve a net gain in biodiversity and protect existing habitats on site. Paragraphs 170, 174 and 175 of the NPPF indicates that developments should aim to protect or enhance, minimise impacts, and provide net gains to biodiversity. Net Biodiversity Gain is an important aspect of the Environment Bill and the NPPF.

Development will need to avoid impacts on protected species on a site such as this, and where this is not possible, mitigation or compensation will be necessary. The presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat.

The application is accompanied by an Ecological Impact Assessment (Nov 2019) and an updated version Ecological Impact Assessment (March 2020). The Council's Ecological Adviser has requested

various planning conditions with regard the protection of bats, Great Crested Newts, reptiles, and wild nesting birds. They have also confirmed that, following submission of the Updated EIA (March 2020), they are now satisfied that the proposed biodiversity enhancements are suitable and inline with Policy ENV DM5 of the Arun District Local Plan for Biodiversity Net Gain, and recommend a planning condition should be used to ensure these enhancements are implemented.

Subject to the imposition of these planning conditions, the proposal would have an acceptable impact on ecology including protected species, and would result in Net Biodiversity Gain, as required by the Environment Bill, the NPPF and policy ENV DM5 of the Local Plan.

TREES:

Policy ENV DM4 seeks to protect trees with TPOs, identified as Ancient Woodland, in Conservation Areas, or contributing to local amenity. Policy ES10 of the B&E NP is also relevant.

There are boundary trees and hedges around the perimeter of the site, particularly roadside hedgerow along the Yapton Road frontage. An Arboricultural Report including a Tree Protection Plan have been provided with the application.

The Council's Arboricultural Officer has noted significant trees on and off the site which could be adversely affected by the proposals. They have confirmed that The Tree Survey data contained within the Arboricultural Report and Tree Protection Plan is comprehensive and accords with the requirements of BS5837:2012.

However, they have raised concerns with regard the quality of the proposed tree protective fencing. The Tree Officer has concluded that these essential amendments to the tree protective fencing specification will need to be incorporated into the Arboricultural Report and all otherwise generic references to protective fencing or lesser specifications removed, so as to provide absolute clarity. This matter remains unresolved.

As such, the submission currently lacks adequate information and there has been a failure to demonstrate that trees and hedgerows on the site would be adequately protected from the proposed development. As such, the proposals fail to demonstrate compliance with the NPPF, Arun Local Plan policy ENV DM4 and Barnham and Eastergate Neighbourhood Plan policy ES10. This forms another reason for refusal of the current application.

AFFORDABLE HOUSING:

In implementing its Affordable Housing Policy AH SP2 of the Arun Local Plan, the Council seeks 30% affordable housing on-site on residential developments of 11+ residential units. The Council's position in the case of residential care homes is that they are classed as C2 use and therefore exempt from affordable housing contributions. This accords with the recent appeal decision for a dementia care home in Climbing (ref. CM/16/18/PL and APP/C3810/W/19/).

However, in this instance, where there are additional self-contained units, these should be subject to affordable housing contributions as there is no (or limited) care element and just being specified for a specific age group is insufficient to comply with paragraph 64 of the NPPF. As such, the Affordable Housing Policy is to be applied in this instance to the assisted living element of the scheme since these would be counted as residential development of 11+ units.

The Council's Housing Strategy and Enabling Manager has confirmed that, in order to be compliant with ALP policy AH SP2, the scheme of 14 units in total should provide 4 x affordable dwellings (30%), of

which 3 dwellings should be provided as rented and 1 x intermediate. All of the necessary affordable housing requirements would need to be included in a Section 106 planning obligation and cannot be secured by planning condition.

Given that the application is not accompanied by a completed Section 106 legal agreement to agree the terms of affordable housing provision, the application currently fails to comply with Local Plan policy AH SP2. This forms a further reason for refusal of the current application.

COMMUNITY INFRASTRUCTURE CONTRIBUTIONS:

Policy INF SP1 of the Local Plan states that 'The Local Planning Authority will support development proposals which provide or contribute towards the infrastructure and services needed to support development (including the necessary infrastructure set out in the Infrastructure Delivery Plan) to meet the needs of occupiers and users of the development and the existing community'.

Subject to securing CIL contributions, the proposals would be acceptable in terms of infrastructure provision and impacts, and would accord with Arun Local Plan policy INF SP1.

CLIMATE CHANGE:

Policy ECC SP1 of the Local Plan says 'The Council will support development which is located and appropriately designed to adapt to impacts arising from climate change such as the increased probability of tidal and fluvial flooding; water stress; health impacts as a result of extreme temperatures and a decline in the quality of habitats and richness in biodiversity'. Policy ECC SP2 of the Local Plan is also relevant and sets out a number of sustainability measures to promote energy efficiency and renewable energy.

Paragraphs 150 (b) and 151 of the NPPF are relevant since they state that new development should be planned in ways that can reduce greenhouse gas emissions, such as through its location, orientation and design and seek to increase the use and supply of renewable and low carbon energy and heat.

The illustrative site plan show a range of sustainability measures including solar panels on the roof, sedum roofs, electric vehicle charging points and attenuation rainwater gardens. Such features could be secured at reserved matters for the detailed design of the scheme.

In addition, a standard planning condition would be imposed requiring 10% on-site generation from renewable or low carbon energy generation, plus the fabric first approach. As such, the proposal would comply with the NPPF and Arun Local Plan policies ECC SP1 and ECC SP2.

LANDSCAPING:

Arun Local Plan policy D SP1 states that development should reflect the characteristics of the site and local area in terms of their landscaping. Policy D DM1 of the Local Plan states that: 'When considering any application for development the Council will have regard to the following aspects: 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, landscaping, and design features; demonstrate a high standard of architectural principles, use of building materials, craftsmanship and hard and soft landscaping to reflect the local area'.

Paragraph 127(b) of the NPPF requires planning decisions to ensure that development are visually attractive as a result of effective landscaping.

The illustrative site plan shows soft landscaping including tree and general planting and the provision of green areas. The Council's Landscape Officer has concluded that sufficient landscaping mitigation has been indicated at this stage to reduce its visual impact on nearby residents and it looks to have incorporated an acceptable quantity of usable greenspace within the site. A detailed Landscape Plan would be required.

Details regarding the landscaping of the proposed development would be submitted for consideration as part of a reserved matters application; at which point the proposed development would be assessed against Policies D SP1 and D DM1 of the Local Plan, in terms of landscaping.

INTERNAL AND EXTERNAL SPACE STANDARDS:

Policy D DM2 of the Arun Local Plan states that the planning authority will require internal spaces to be of an appropriate size and that the Nationally Described Space Standards provides guidance.

H.04 of the emerging Arun Design Guide SPD 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 10.5 metres and buildings should be set back by 2m from the plot boundary to mark defensible space.

The application is in outline and an assessment against this policy and guidance with regard to internal and external space provided will be made at reserved matters stage.

BIN STORAGE:

Policy WM DM1 of the Arun Local Plan advises that all new residential development, including flat conversions, will be permitted provided that:

- (a) it is designed to ensure that kerbside collection is possible for municipal waste vehicles
- (b) where appropriate, communal recycling bins and safe bin storage areas are available to residents of flats

Whilst such matters would be formally approved at reserved matters stage, it is appropriate to consider whether the overall quantum of development could be accommodated on the site, in compliance with requirements for refuse storage. The illustrative site plan shows an area for bin storage which would probably only be sufficient in size to serve the needs of the care home, and an area of provision would also be required to serve the assisted living units. However there appears to be sufficient room on the site in any case to allow for safe and secure bin storage, whilst allowing for municipal kerbside collection. Notwithstanding this, such matters would need to be assessed and approved at reserved matters stage.

SUSTAINABLE DEVELOPMENT:

ALP policy SD SP1 "Sustainable Development" states the Council will take a positive approach that reflects the 'presumption in favour of sustainable development' contained in the National Planning Policy Framework (NPPF).

The NPPF's 'presumption in favour of sustainable development' would apply to the proposed assisted living units which would likely be considered to fall within a C3 use as 'dwellings'. The Council is unable to demonstrate a 5 year housing land supply; a recent appeal decision (APP/C3810/W/19/3236911) determined that the Council has 2.9 years housing land supply. Paragraph 11(d) of the NPPF is therefore engaged.

Paragraph 8 of the NPPF sets out the three dimensions to sustainable development - the economic, social and environmental objectives. The application is assessed against each of these objectives below:

Economic objective -

The proposal for a 70 bed care home and 14 assisted living units would lead to an increase in jobs during the construction phase and staff employed at the care home, in Council Tax receipts and local spending too. This would provide a benefit to the local economy. This is indicated by the comments received from the Council's Economic Development Team requiring that local companies are used as part of the supply chain and that the Developer signs and works with the principles of the Arun Developer & Partner Charter. These economic benefits weighs in the scheme's favour.

Social objective -

The proposal would support the community by the provision of a new care home and 14 assisted living units which would contribute to elderly care provision and meeting future local housing needs with the 14 new units. CIL receipts could be used to contribute financially towards local schools & libraries and as such, there would be a further benefit to the local community. This social benefit weighs in the scheme's favour.

Environmental objective -

The site is close to the settlement boundary and is within walking/cycling distance (around 1 mile) to the local facilities and services of Barnham. It is around 1.5kms from Barnham train station, which provides regular services to the south coast and London. There is a well-used taxi rank alongside the station. There are 2 bus services (66a and 66c) which operate a fairly infrequent service along Yapton Road (1 bus every 1.5-2 hours), however, bus stops are located relatively close by to the site. There is no dedicated cycle route/lane but Yapton Road can be used by cyclists. The proposal includes the widening of the current footpath to 2m along the entire frontage of the site onto Yapton Road and the applicant has suggested a financial contribution could be made to the County Highway Authority to make improvements to the local footway network. As such, from a transport perspective, and subject to footway improvements, the site is in a relatively environmentally sustainable location, since occupants, staff and visitors would not have to rely on the private vehicle to access the site. This would accord with policies T SP1 and T DM1 and H DM2 in this respect.

That being said, the proposals would result in significant environmental harm with regard to its impacts on the open and rural character of the countryside and landscape.

However, on balance, the proposals would represent sustainable development. Paragraph 11 (d) of the NPPF states that planning permission should be granted unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole. Whilst the proposals would be sustainable development, the adverse impacts of the development in terms of its siting outside of the BUAB, loss of high grade agricultural land and serious harm to the character of the countryside and visual amenity of the area (as set out in the sections above) significantly and demonstrably outweighs the benefits of the proposal. For this reason, the presumption in favour of sustainable development is not triggered.

SUMMARY:

The proposals would provide older persons accommodation, have the potential to boost the Districts housing supply by freeing up C3 housing stock, and would offer other social and economic benefits in the form of CIL receipts for community infrastructure, new construction and care jobs, council tax receipts and local spending.

However, the site is located outside of the Built-Up Area Boundary within the designated Countryside,

where the principle of development is unacceptable, and the proposals conflict with the NPPF and policies C SP1, SD SP2 and H DM2 of the Arun Local Plan in this respect. In addition, the development would result in the loss of high quality agricultural land, in conflict with Local Plan policy SO DM1. Furthermore, the proposals would result in serious harm to the character of the countryside and landscape and the visual amenities of the area, which would be in conflict with the NPPF, Local Plan policies H DM2, D SP1, D DM1 and LAN DM1 and Neighbourhood Plan policies CLW1, ES4 and ES6.

The assisted living element of the scheme would engage the NPPF's 'presumption in favour of sustainable development'. Although on balance it would represent sustainable development, the adverse impacts of the proposed development in terms of its siting outside of the BUAB, loss of high grade agricultural land and serious harm to the character of the countryside and visual amenity of the area significantly and demonstrably outweighs the benefits. For this reason, this element of the development does not benefit from a presumption in favour of sustainable development.

With regard to the care home, whilst there are material considerations in the form of the social and economic benefits offered by the scheme, it is considered that these would not be sufficient grounds to override the conflict with policy and the resultant adverse impact on the intrinsic character of the countryside and the visual amenities of the locality.

In addition, the submission currently lacks adequate information and there has been a failure to demonstrate that a safe and suitable access to the site onto the highway network can be achieved and fails to demonstrate compliance with paragraphs 108 and 109 of the NPPF and Arun Local Plan policy T SP1 (a) and T DM1(a).

The submission also lacks adequate information and there has been a failure to demonstrate that trees and hedgerows on the site would be adequately protected from the proposed development. As such, the proposals fail to demonstrate compliance with the NPPF, Arun Local Plan policy ENV DM4 and Barnham and Eastergate Neighbourhood Plan policy ES10.

The application is not accompanied by a complete Section 106 agreement to agree the terms of affordable housing provision, and as such, the application currently fails to comply with Local Plan policy AH SP2.

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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

The proposal would be CIL liable for contributions.

RECOMMENDATION

REFUSE

- 1 The development by reason of the serious harm to the character of the surrounding countryside & landscape and the visual amenities of the area would be inappropriate and contrary to policies C SP1, SD SP2, D DM1, LAN DM1, D SP2 & H DM1 of the Arun Local Plan (2018), policies CLW1, ES4 & ES6 of the Barnham and Eastergate Neighbourhood Plan (2014) and the guidance on design and character in the National Planning Policy Framework (2019).
- 2 The development results in the loss of high quality agricultural land without adequate justification and causing harm due the loss of an important natural resource, in conflict with the National Planning Policy Framework (2019) and policy SO DM1 of the Arun Local Plan (2018).
- 3 The application fails to demonstrate a safe and suitable access to the site onto the highway network can be achieved for all users, that the residual cumulative impacts of development on transport would not be severe and that the development would contribute to highway improvements and promote sustainable transport through improvements to the pedestrian network. As such, the proposals fail to demonstrate compliance with paragraphs 108 and 109 of the National Planning Policy Framework (2019) and policies T SP1 (a) and T DM1(a) of the Arun Local Plan (2018).
- 4 The application fails to demonstrate that trees and hedgerows on the site would be adequately protected from the proposed development. As such, the proposals fail to demonstrate compliance with the National Planning Policy Framework (2019), policy ENV DM4 of the Arun Local Plan (2018) and policy ES10 of the Barnham and Eastergate Neighbourhood Plan (2014).
- 5 The application is not accompanied by a completed Section 106 legal agreement to agree the terms of affordable housing provision, and as such, is contrary to policy AH SP2 of the Arun Local Plan (2018).
- 6 INFORMATIVE: If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.
- 7 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.