

Recommendation Report for Planning Permission

REF NO: BN/131/19/PL

LOCATION: Land At Angels Nursery
Yapton Road
Barnham
PO22 0AY

PROPOSAL: Application for variation of conditions imposed on planning reference BN/43/16/PL relating to Conditions 2 (Approved Plans), 8 (Access/Maintenance of Watercourse or Culvert) and 18 (Access and Associated Off-Site Highway Works).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This is a Section 73 application to vary Condition 2, Condition 8 and Condition 18 imposed on planning permission (BN/43/16/PL) on Land at Angels Nursery, on Yapton Road, in Barnham. Condition 2 comprises a list of the approved plans as part of the existing planning permission (BN/43/16/PL). This Section 73 application proposes amendments to the detailed design of the scheme in terms of the site layout, the design of several house types and the approved landscaping. Condition 8 relates to arrangements for the future access and maintenance of any watercourse or culvert crossing or abutting the site. Condition 18 is a pre-commencement condition which relates to the site access and associated off-site highway works.
----------------------------	--

RELEVANT SITE HISTORY

BN/43/16/PL	95 No. dwellings together with access, landscaping open space & associated works.	App Cond with S106 03-05-17
BN/42/18/PL	Variation of condition 2 imposed under BN/43/16/PL relating to approved plans.	ApproveConditionally 31-01-19
BN/93/19/PL	Continuance of use without compliance with condition 18 following the grant of planning permission BN/43/16/PL relating to 'the development, hereby permitted, shall not be occupied until the access and associated off-site	

highway works have been constructed in accordance with plans and details (including recommendations of any associated Road Safety Audits) to be submitted to and approved by the LPA after consultation with the Local Highway Authority'.

BN/58/15/PL	Erection of 9 No. dwellings.	Refused 22-02-16
BN/51/15/PL	Variation of condition No.1 imposed under planning reference BN/29/13/ relating to approved plans	Refused 18-02-16
BN/29/13/	Application for approval of reserved matters following Outline approval BN/27/09 for demolition of all existing structures and redevelopment with 86 dwellings together with associated open space, landscaping and access improvements.	ApproveConditionally 14-03-14

Planning permission (BN/43/16/PL) has been granted for the development of 95 dwellings on the former Angel's Nursery site. However, development has not commenced on the site and none of the conditions imposed on the planning permission have been discharged.

There is a Section 73 permission (BN/42/18/PL) for minor changes to the elevations of all 95 dwellings that have already been granted planning permission (BN/43/16/PL). The Section 73 permission varied Condition 2 which was imposed on the planning permission (BN/43/16/PL). Condition 2 lists all of the submitted plans that have been approved under BN/43/16/PL including the elevations and floor plans of all 95 dwellings. The approved changes were to the windows, and the removal of windows; to the external doors on the elevations of the houses and apartments; to increase the ridge heights of the roofs from between 49mm and 375mm at the most; together with amendments to the roof heights of the double garage roofs; and removing a chimney from one of the plots.

A rising main was laid by Southern Water along the front of the site in February / March 2016.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Barnham & Eastergate Parish Council

No objection.

A letter of representation has been received from a local resident objecting to the proposed development on the following grounds:

- The removal of the requirement in permission BN/43/16/PL for a pumping station for foul water.
- The proposed attenuation basin is reduced in size from that previously approved under BN/43/16/PL.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

WSCC Strategic Planning
 Engineering Services Manager
 Engineers (Drainage)
 Southern Water Planning
 Environment Agency
 Environmental Health
 Parks and Landscapes
 Arboriculturist
 Sussex Police-Community Safety
 Ecology Advisor
 Archaeology Advisor
 Conservation Officer

CONSULTATION RESPONSES RECEIVED:**LOCAL HIGHWAY AUTHORITY:**

The Local Highway Authority requested more information and modifications to the proposed layout as set out in the plans submitted for Condition 2. These modifications to the layout have not been submitted:

- The previously approved layout showed a footway/cycleway connection to the Murrells Field site which should be re-instated;
- The previously approved layout showed a footway/cycleway connection to the neighbouring Lillies development site which should be re-instated;
- The proposed layout shows a distinct lack of visitor parking;
- A plan should be submitted showing the proposed extent of adoption and what areas are to remain private;
- Confirmation is needed that the central features on the central private access road and the southern private access roads would permit through movement of vehicles;
- Tie-in points where conventional roads with footways change to shared surface need to be shown clearer;
- Cycle provision for all properties without garages needs to be shown;
- Cycle access provision to enable cyclists to enter and leave the shared-use path and highway which was previously shown opposite plot 59 needs to be re-shown;
- Access to car parking for Plot 86 appears to be too tight/restrictive and should be amended;
- Service margin widths should be a consistent 2.0 metres wide; and
- An access plan for fire appliances and refuse vehicles should be provided in order to demonstrate that all properties meet the required access requirements.

The Local Highway Authority raises no objection to the proposed amended wording to Condition 18.

SOUTHERN WATER:

No objection. There are restrictions on the proposed tree planting adjacent to Southern Water's sewers, rising mains or water mains and any such proposed assets in the vicinity of existing planting.

ENVIRONMENT AGENCY:

No comments to make.

ADC DRAINAGE:

Object. The proposed alterations to Condition 8 would not be acceptable, since the pond size and location could change as a result of the applicant having to satisfy Condition 3 (surface water drainage design). Consequently, the layout could be affected, depending on the outcome of the detailed design.

ADC ENVIRONMENTAL HEALTH:

No comments to make.

ADC GREENSPACE:

Object. ADC Greenspace objects to the quantity of Public Open Space (POS) being proposed, albeit layout, positioning not having changed significantly from the original approved application. The provision of SuDS areas and no clear detail of the nature of these and therefore the potential to further deplete the usable POS within this development would conclude that POS provision within the site does not meet the ADC Open Space SPD requirements.

ADC ARBORICULTURAL OFFICER:

No consultation response submitted.

ADC ECOLOGICAL ADVISOR:

No objection.

ADC CONSERVATION OFFICER:

Whilst there are no heritage assets on the site, Ivy Cottage Listed Building and Luccombe Cottage Listed Building; The Old School House and The Murrell Arms Locally Listed Buildings; and Church Lane Conservation Area are within close proximity. Having undertaken an assessment of the location of the heritage assets and considered the visibility between them and the application site, it is considered that the development would not cause harm to the assets or their settings. It is considered that the proposed development would not harm the significance of the heritage assets due to their location and there is plenty of existing development and/or trees and vegetation which will mean that there is no inter-visibility between them.

SUSSEX POLICE:

No objection. The development needs to be constructed to Secured by Design standards. Additional visitor parking bays should be provided around the site. The proposed layout plan shows side paths between plots 73 and 33, between plots 36 and 37 and between plots 46 and 47. It is preferable that footpaths are not placed at the back of properties. If they are essential to give rear access they must be gated and be capable of being key locked from either side.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and issues addressed in the Conclusions section below.

POLICY CONTEXT

Designation applicable to site:

Within the Built up Area Boundary (BUAB) in the Arun Local Plan.

DEVELOPMENT PLAN POLICIES

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

AHSP2	AH SP2 Affordable Housing
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCDM1	ECC DM1 Renewable Energy
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
HERDM6	HER DM6 Sites of Archaeological Interest
OSRDM1	Protection of open space,outdoor sport,comm& rec facilities
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

<u>Barnham & Eastergate Neighbourhood Plan 2014</u> <u>POLICY ES1</u>	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 ES5	Quality of design
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES6	Contribution to local character
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES8	Buildings should be designed to reflect the three-dimensional qualities of traditional buildings
Barnham & Eastergate Neighbourhood Plan 2014 POLICY GA2	Footpath and cycle path network
Barnham & Eastergate Neighbourhood Plan 2014 POLICY GA4	Parking and new development
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H3	Housing mix
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H4	Integration of new housing into surroundings
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H5	Outdoor space

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

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

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

Barnham and Eastergate Neighbourhood Plan (2014-2029) was made in July 2014. Relevant Neighbourhood Plan (NP) policies have been taken into account and are addressed in the Conclusions section of this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal does not comply with the Development Plan due to the layout of the development, the lack of on-site public open space and the lack of cycleway and footway connections to Murrells Field and to the Lillies site. This would result in a development of unacceptable quality causing harm to the amenities of the occupiers of the development and other material interests.

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**

The principle of residential development was established with the granting of planning permission (BN/29/13/) for 86 dwellings in 2014. In early 2016, the applicant sought to increase the number of dwellings to 95 but the two re-plan applications were refused due to the layout, design, and lack of public open space.

In March 2016 the approved application (BN/29/13/) was about to commence when the applicant discovered that the Southern Water sewer pipe, that crossed the site was 20 metres out of line from the Southern Water plan. This resulted in the developer seeking to re-plan the site to take account of the pipeline. The amended site layout was granted planning permission (BN/43/16/PL) on 3rd May 2017 for the development of 95 dwellings on the site.

The residential use of the site at Angels Nursery has clearly been established, however, no construction works have commenced on the site.

VARIATION OF CONDITION 2

Part of the current Section 73 application is to vary Condition 2, which was imposed on planning permission (BN/43/16/PL) on the Angels Nursery site and lists all of the approved plans, including the layout plans.

This Section 73 application proposes amendments to the detailed design of the scheme in terms of the site layout and the design of certain house types and the approved landscaping.

The application proposes to substitute approved plans with the set of plans listed below:

- Drawing No. P19-0723_10 - Site Layout, November 2019.
- Drawing No. P19-0723_09 Rev. A - Public Open Space Plan, November 2019.
- Drawing No. P19-0723_11 - Sheet No. 16 - Tavy Middle Elevations AH (Brick), November 2019.
- Drawing No. P19-0723_11 - Sheet No. 17 - Tavy Middle Floor Plans AH, November 2019.
- Drawing No. P19-0723_11 - Sheet No. 18 - Apartments Front Elevation AH (Brick), November 2019.
- Drawing No. P19-0723_11 - Sheet No. 19 - Apartments Side Elevation AH (Brick), November 2019.
- Drawing No. P19-0723_11 - Sheet No. 20 - Apartments Rear Elevation AH (Brick), November 2019.
- Drawing No. P19-0723_11 - Sheet No. 21 - Apartments Side Elevation AH (Brick), November 2019.
- Drawing No. P19-0723_11 - Sheet No. 22 - Apartments Ground Floor Plan AH, November 2019.
- Drawing No. P19-0723_11 - Sheet No. 23 - Apartments First Floor Plan AH, November 2019.
- Drawing No. P19-0723_11 - Sheet No. 24 - Apartments Second Floor Plan AH, November 2019.
- Drawing No. P19-0723_11 - Sheet No. 25 - SP2 Elevations AH (Brick), November 2019.
- Drawing No. P19-0723_11 - Sheet No. 26 - SP2 Ground Floor Plan AH, November 2019.
- Drawing No. P19-0723_11 - Sheet No. 27 - SP2 First Floor Plan AH, November 2019.
- Drawing No. P19-0723_11 - Sheet No. 28 - Single Garage Elevations and Floor Plan (Brick), Nov.19.
- Drawing No. P19-0723_11 - Sheet No. 29 - Twin Garage Elevations and Floor Plan (Brick), Nov. 2019.
- Drawing No. P19-0723_11 - Sheet No. 30 - Bin Store Elevations and Floor Plan, November 2019.
- Drawing No. P19-2044_01 - Landscape Masterplan, November 2019.

Policy D SP1 (Design) of the Local Plan says: "all development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details". Policy D DM1(2 - appearance / attractiveness) of the Local Plan requires applications to "demonstrate a high standard of architectural principles, use of building materials, craftsmanship and hard and soft landscaping to reflect the local area".

Policy ES6 of the Barnham and Eastergate NP says: "new development should contribute positively to the character of the two villages, and should reflect the design qualities of their time, so that the richness of varied character continues and is extended into the future".

Policy H4 of the Barnham and Eastergate NP says: "proposals for residential development should be of high quality, and designed so that the new housing integrates into its surroundings and is well connected to the village".

An assessment of the proposed site layout and character; density, scale and massing is set out below.

SITE LAYOUT

Policy D DM1(1 - Character) of the Local Plan says "when considering any application for development

to have regard to make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping and design features". Policy D DM1(10 Layout - movement) of the Local Plan requires "any application for development to utilise existing networks or improve access via delivery of a variety of integrated networks, to and from residential areas, commercial zones, open spaces, facilities and public transport. Development schemes should carefully consider walking and cycling as an integral part of the overall design concept". Policy D DM1(10 Layout - legibility) of the Local Plan requires any application for development "deliver or contribute to the ease of navigation within a new or existing development scheme through use of focal points (landmarks, gateways, vistas, corner buildings, active edges, existing topography), and/or a variety of detail within the public realm (sculpture, planting, street furniture, building materials, building details, signage).

Policy ES8 of the Barnham and Eastergate NP says: "generally, buildings should be designed: as a three dimensional whole, so that elements such as bay windows are designed in from the start rather than being 'bolted-on' at the end; with windows and doors set back from the external surface of the buildings, to introduce some depth and modelling to the facade; with changes in material related to the design of the building rather than a random approach. For example, changes in material may relate to a change in form such as a setback or projection".

The proposed layout plan identifies the location of the residential development and the public open space. The only parts of the layout which look the same as the layout approved in the planning permission (BN/43/16/PL) are the broad street layout and the main areas of open space; it is considered that everything else is different. The layout shows an area of public open space at the front of the site, facing onto Yapton Road; with another area of public open space within the western part of the site. There is a large attenuation basin with public open space fronting onto the basin which extends almost the full length of the southern boundary of the site, until it is curtailed at the eastern end by the siting of a large apartment building.

The submitted layout plan identifies the public open space at the front of the site with "potential for provision of play area"; however, it does not denote whether a local area of play (LAP): would be provided. It is considered that the location of the open space at the site entrance is not a good location for the provision of a LAP, in close proximity to the highway. A LAP should be provided on the public open space in the south west corner of the site, but avoiding the root protection areas (RPAs) of the trees.

The proposed layout lacks a central green space, but it mirrors - in general terms - the layout that was approved in planning permission BN/43/16/PL. There is a green space provided in the western part of the site, which reflects the location of the open space approved in the planning permission (BN/43/16/PL).

Provision was made in the S106 Agreement with BN/43/16/PL, that in lieu of on-site provision of play spaces (i.e. LEAP) that a financial contribution be made towards Murrells Field. A Deed of Variation to the Section 106 Agreement was signed on 22nd September 2017, regarding the community facilities contribution, however the commuted sum still goes to enhance facilities on and access to Murrells Field. Consequently, no provision has been made for a LEAP on the site.

The layout plan includes less public open space than that shown on the approved layout plan (Drawing No. 081). The proposed layout includes the provision of an apartment building situated on the public open space in the south east corner of the site. The loss of this public open space is considered to be unacceptable, due to the low level of open space provision proposed on the layout plan. The layout of the site would be greatly enhanced by the provision of more public open space on the site, in line with the approved layout plan (Drawing No. 081).

The layout includes an area for surface water attenuation running along the southern boundary of the site. The layout indicates that an ordinary watercourse is to be infilled. The ordinary watercourse should not be infilled for development, but should be retained as an open water feature. The reduction on the size of the SuDS area running along the entire southern boundary of the site is unacceptable due to the size of area of SuDS which would be lost to built development. In addition, the SuDS feature should be utilised as an attractive landscape feature within the site; and the proposed houses should be aligned to front onto the SuDs feature.

The apartment building in the south east corner of the site appears to book-end with the approved apartment building on the adjacent site (The Lillies site), which has reserved matters approval (BN/6/18/RES). The frontage of the apartment building on the Angels Nursery site would face onto the internal estate road and it is considered that the siting and layout of the building could provide an attractive landmark building if designed sympathetically. However, as stated above, the siting of the apartment building into what was previously shown as public open space (POS) depletes the amount of useable POS in this location and should be moved outside the area of open space, or be removed entirely from the development.

The back-to-back houses (Units 16-23 inclusive) located in the south east corner of the site are unacceptable. There are concerns about the amenity space for these units and the need to provide suitable located bin stores and cycle stores. It is considered the provision of 8 units on this plot appears cramped and over-intensive development; and 4 terraced houses on this plot, to mirror the terraced houses on Units 37-40 inclusive would be appropriate.

The layout of the gardens located to the rear of Units 43-46 and to the rear of Units 33-36 and Units 37 - 40 needs to be revised to ensure that the rear gardens are accessible in a safe and secure manner.

All of the trees on the site that are protected by a Tree Preservation Order, with the exception of one pine tree at the entrance to the site, have been incorporated into open space or landscape buffer zones on the layout plan. The loss of T75 Pine (protected by a TPO) at the main site entrance is unfortunate. The Pine is a highly visible (potential landmark) tree with long-term potential and could be accommodated with a minor adjustment to the layout. Consideration should be given to moving the access due west. Careful consideration should be given to any development beneath existing canopies of established trees and the potential for further tree growth. There would need to be a compelling argument in favour of any Root Protection Area (RPA) incursion as this site clearly lends itself to a layout that avoids any direct interference with established trees of current and future landscape value; especially as this site has relatively few established trees of moderate to high quality.

The intrusion into the RPA of two Oaks (T64 and T65), both of which are protected by a TPO is unsatisfactory and avoidable. These trees need to be given plenty of room to develop into late-maturity without coming under pressure to prune or remove. The provision of play areas in and about the crown spread of these trees is not supported from a safety perspective and they would curtail the trees growth. The play areas need to be provided outside the RPAs of the trees in the public open spaces. The group of trees (T85-T87) including Poplar (protected by a TPO) are a management concern as they will be so close to the houses. There will need to be careful analysis of soil type when considering appropriate foundation type/depth for built structures within potential distance of influence as well as provision of no-dig construction within RPA's. To overcome any tree loss, the layout should be amended by extending the area of open space to the west of the tree-line and to remove the driveways of Units 93-95 inclusive from the RPAs.

The rows of car parking spaces serving Units 43-46, Units 51-53 and Units 33-40 have been enhanced by the introduction of tree planting to break-up the visual impact of the parking spaces; and improve the

visual appearance of the parking spaces; which is supported.

As the layout includes less public open space than that shown on the approved layout plan (Drawing No. 081), this is unacceptable, due to the low level of open space provision proposed on the layout plan, the development is contrary to Policy D DM1(1) of the Local Plan

ACCESS AND MOVEMENT

Policy GA2 of the Barnham and Eastergate NP says: "support will be given to proposals that improve and extend the existing footpath and cycle path network, allowing greater access to new housing, the village centres, green spaces and the open countryside. The loss of existing footpaths and cycle paths will be resisted".

The site benefits from planning permission (BN/43/16/PL) including the means of access from Barnham Road, subject to detailed design. Condition 19 imposed on the permission says the development shall not commence until the access and associated off-site highway works have been constructed in accordance with plans and details to be submitted and approved by the LPA. Condition 20 requires that the development shall not be occupied until the internal roads and associated infrastructure has been constructed in accordance with plans and details to be submitted and approved by the LPA. This shall include visibility splays, pedestrian and cycle access considerations.

The apartment building in the south east corner of the site needs to be accompanied by a secure cycle store.

Details of the cycle path / footway linking the Angels Nursery site to the approved residential development on the Lillies site in the south east corner of the site; and linking with Murrells Field in the south west corner of the site are missing from the proposed layout plan. The lack of footway and cycleway connectivity from the site to Murrells Field and to the Lillies site is unacceptable.

As the layout lacks footway and cycleway connectivity to the surrounding area it is contrary to Policies D DM1(10), T SP1 and T DM1 of the Local Plan and Policy GA2 of the Barnham and Eastergate NP.

DENSITY, SCALE AND MASSING

Policy D DM1 (13) of the Local Plan requires: "the density of new housing will make efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. Proposals should take into account the density of the site and its surroundings. The density of large sites should be varied to guard against uniformity".

All of the higher density developments are focussed in apartments, and terraced houses (town houses) and back to back houses situated in the south eastern corner of the site in Units 16-40 inclusive; with the lower densities comprising detached houses focussed towards the northern and western parts of the site.

It is considered that the proposed layout of the site is unacceptable as it needs to ensure that there is a more equal distribution of densities across the site, so as to ensure that there is a balanced development across the whole site. The site appears to have insufficient amenity space and visitor parking spaces. The proposed layout is contrary to Policy D DM1 of the Local Plan due to the disproportionate concentration of higher density development in the south eastern corner of the site.

RESIDENTIAL AMENITY

Policy D DM1(3) of the Local Plan says that developments should: "have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance.

Policy H5 of the Barnham and Eastergate NP says: "proposals for new housing should include good quality outdoor amenity space - either private gardens or a shared amenity area".

Policy H6 of the Barnham and Eastergate NP says: "the design of new housing should give full consideration to bin stores, recycling facilities and cycle stores".

The proposed layout of the residential development would ensure that the houses and apartments are located broadly in the areas identified for residential development on the approved layout plan (BN/43/16/PL); apart from the large apartment building which is located in the south east corner of the site. The siting of the houses and apartments would ensure that there would be no materially adverse overlooking or overbearing impacts on existing houses along Yapton Road, or on the houses that are approved but construction has not started on the Lillies site to the east.

Although there are no adopted standards on rear garden sizes in the Arun Local Plan, all of the rear gardens of the houses on the site appear to measure at least 10m in length, to ensure adequate amenity space is provided. The apartment building in the south east corner of the site incorporates the provision of private amenity space.

Consequently the development complies with Policy D DM1(3) of the Local Plan in terms of the provision of sufficient internal and external space and the impact upon neighbouring residential amenity.

AFFORDABLE HOUSING

The affordable dwelling mix in Policy AH SP2 of the Local Plan is:

- 1 bedroom: 35 - 40%
- 2 bedroom: 35 - 40 %
- 3 bedroom: 15 - 20%
- 4+ bedroom: 5 -10%

The Section 106 Agreement which accompanied the planning permission BN/43/16/PL sets out that 28 dwellings would be affordable with:

- 14 (50%) being Affordable Rented Dwellings (14 x 2 bed houses); and
- 14 (50%) being Intermediate Affordable Housing (8 x 2 bed houses, 2 x 1 bed flats, and 4 x Studio Flats).

In accordance with Policy AH SP2 of the Arun Local Plan, the Council aims to ensure that 30% affordable housing is achieved on all new residential developments in the district where more than 11 units are proposed such as on this site.

To date, Redrow have had feedback from two affordable housing providers (Worthing Homes and Aster Group). Both Registered Providers have confirmed they would not be willing to take 6 flats that are 1 bed or smaller as Intermediate (shared ownership) housing and would not make an offer. This makes the delivery of the site (and the affordable housing) challenging. The preference is for the studio flats to be replaced by larger dwellings.

There is high demand for affordable housing throughout the Arun District for both rent and low cost home ownership. As at August 2019 there were 792 households in housing need on the Council's housing register.

The Affordable Housing policy requires a tenure split of 75% rented and 25% intermediate housing. However, the existing planning permission (BN/43/16/PL) contains a 50/50 tenure split between shared ownership and rented and this split is considered to be acceptable in principle.

The following mix is proposed: 8 x 1 bed houses; 11 x 2 bed houses; and 9 x 2 bed flats; with 50% shared ownership and 50% affordable rented.

Policy AH SP2 says: "affordable housing must be visually indistinguishable from market housing with large groupings of single tenure dwellings or property types avoided. Affordable housing units shall be permitted in small clusters throughout development schemes." The proposed development needs to comply with Policy AH SP2 of the Local Plan in terms of clustering.

The layout includes large groupings of affordable housing clustered in the apartment building and the back-to-back houses (Units 16-23) in the south eastern part of the site; and the terraced and semi-detached houses (Units 43-46 and 51-53) in the centre of the site. The affordable units need to be broken-up into smaller clusters pepper-potted through the development, rather than concentrated as they are on the layout plan.

HOUSING MIX

Policy HDM1 provides for a mix of housing to meet local needs and requires that all housing development should provide a mix of dwelling types and sizes to address the nature of local housing needs and market demand. It is important to highlight that the policy does not prescribe a specific housing mix that must be met by individual applications, with the policy stating that each must be considered on its own merits. The supporting text to the policy (paragraph 12.2.4) continues to acknowledge that the final mix will be the negotiated on a site-by-site basis, having regard to the most up-to-date strategic housing market assessment (SHMA).

The 2012 SHMA was the subject of an update in 2016 in which paragraph 6.3 stated that the evidence highlighted a direction towards the provision of 2 and 3 bed units for market units and smaller affordable units. The GL Hearn 2016 update acknowledges at paragraph 6.10 that the analysis clearly shows the different profiles in the different broad tenures with affordable (rented) need being more heavily skewed towards smaller dwellings and market housing predominantly homes with three or more dwellings. Table 29 identifies a suggested broad mix housing by size and tenure for the District.

The mix in BN/43/16/PL was not SHMA compliant but provided a better housing mix than that submitted in the proposed layout in the current application. It would be inappropriate to approve any scheme that has a housing mix which would be worse than the previously approved housing mix in planning permission BN/43/16/PL.

The layout comprises detached, semi-detached and terraced houses (town houses) and 1 apartment building which provide for variety not only in housing size but type. The overall market and affordable mix provides for a range of dwelling sizes from 1, 2, 3 and 4 bed flats and houses. The development delivers over half of the overall scheme as 2 and 3 bed dwellings. This is consistent with the objectives of the SHMA in providing a focus on family housing across a range of housing sizes and types whilst also providing a proportion of smaller 1 bed units overall. The proposal includes a large number of 4 bed units compared to the recommended proportion of 10-15% in the SHMA update. The number of 4 bed units would need to be reduced to comply with the SHMA update.

The approved housing mix and the proposed housing mix do not accord with Policy H DM1 of the Local Plan or the SHMA.

BARNHAM CONSERVATION AREA AND LISTED BUILDINGS

In considering whether to grant planning permission for development that affects a listed building or its setting, the Council shall have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. The Conservation

Officer considers residential development would not harm the significance of the heritage assets due to their location and there is plenty of development and/or trees and vegetation which will mean that there is no inter-visibility between them.

The layout submitted under the variation to Condition 2, the housing mix the lack of footway and cycleway connections and the lack of open space and impact on trees provision are unacceptable and contrary to Policies D DM1, T SP1, T DM1 and ENV DM4 of the Local Plan and Policy GA2 of the Barnham and Eastergate NP.

ARUN DESIGN GUIDE

The design guide is a draft with consultation having been undertaken in early 2020 with adopted expected later in the year. The guide promotes good design in new development through setting out key design objectives. It encourages creating a network of streets (F.01), appropriate open spaces (H.03), appropriate external space standards (H.04) and appropriate building design (J.01). The proposal fails to accord with the provisions of the guide.

VARIATION OF CONDITION 8

Part of the current application is to vary Condition 8 imposed on BN/43/16/PL, which relates to arrangements for the future access and maintenance of any watercourse or culvert crossing or abutting the site.

Condition 8 currently says:

"The development layout shall not be agreed until such time that arrangements for the future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site has been submitted and approved in writing by the Local Planning Authority.

No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent to the site.

Reason: To ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion."

It is claimed that it would not be necessary to require agreement on the layout if the layout is to be agreed through Condition 2.

It is proposed Condition 8 imposed on BN/43/16/PL is varied to read:

"No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent to the site."

However, the alterations to Condition 8 would not be acceptable, since the pond size and location could change as a result of the applicant having to satisfy Condition 3 (surface water drainage design). Consequently, the layout could be affected, depending on the outcome of the detailed design.

VARIATION OF CONDITION 18

Part of the current Section 73 application is to vary Condition 18 - a pre-commencement condition that was imposed on BN/43/16/PL, which relates to access and associated off-site highway works.

Condition 18 currently says:

"The development, hereby permitted, shall not be commenced until the access and associated off-site highway works have been constructed in accordance with plans and details (including recommendations of any associated Road Safety Audits) to be submitted to and approved by the LPA after consultation

with the CHA.

Reason: To ensure fit for purpose roads constructed to appropriate design and safety standards."

The proposal is to amend the condition from a pre-commencement requirement to a pre-occupation requirement and that it be varied to read:

"No dwelling hereby permitted shall not be occupied until the access and associated off-site highway works have been constructed in accordance with plans and details (including recommendations of any associated Road Safety Audits) to be submitted to and approved by the Local Planning Authority after consultation with the Local Highway Authority."

The pre-commencement wording of Condition 18 would result in a newly constructed road into the site being used by earth moving vehicles, which could damage the new road surface. The proposed main access into the site would be utilised initially by a sales area, which would be located on the eastern part of the application site.

It is understood that a temporary construction access would be created to the western end of the site fronting onto Yapton Road, which would be detailed in a Construction Management Plan, which would be required to be submitted to the LPA under Condition 27, which was imposed on planning permission (BN/43/16/PL).

The variation to the wording of Condition 18 would enable the initial construction phase of the development to be completed, following which the off-site highway works would be implemented.

The approved off-site highway works comprise a right hand turning lane and pedestrian refuge on Yapton Road at the vehicular access into the site. The off-site highway works on Yapton Road are required to service the approved residential development at the Angels Nursery site. The off-site highway works would not be required to make the construction work acceptable. It is considered that it would be counter-productive to construct the right hand turning lane and the pedestrian refuge on Yapton Road prior to the initial on-site construction works, including earth moving operations to level the ground on the site; as the contractor vehicles could damage the off-site highway works, which would then need to be re-instated following the completion of the initial onsite construction works (i.e. groundworks).

The on-site highway works include the provision of visibility splays at the site entrance commensurate with a 20mph design speed.

It is considered that the site layout would not be affected by this proposed variation to the wording of Condition 18.

The proposed variation to the existing wording in Condition 18, enabling the site access and associated off-site highway works to be constructed prior to occupation rather than prior to commencement, is considered to be acceptable as it would ensure that the development provides safe access on to the highway network.

The variation to the wording of Condition 18 has been approved in a separate Section 73 application (BN/93/19/PL) which was submitted by Redrow. Permission for the variation of Condition 18 under the Section 73 application (BN/93/19/PL) from a pre-commencement to a pre-occupation requirement had not been granted at the time that the current application (BN/131/19/PL) was submitted to the Local Planning Authority for determination. Consequently there is no need to repeat the approved variation to the wording of Condition 18 in this application as it has already been resolved under BN/93/19/PL.

SUMMARY

The layout, the lack of footway and cycleway connections to the surrounding area, the housing mix and the reduction in on-site open space provision set out in the variation to Condition 2 are considered to be unacceptable for the reasons set out above. Affordable housing should be pepper-potted around the site rather than being concentrated in the south eastern part of the site and the centre of the site.

The alterations to Condition 8 would not be acceptable, since the pond size and location could change as a result of the applicant having to satisfy Condition 3 (surface water drainage design). Consequently, the layout could be affected, depending on the outcome of the detailed design.

The proposed variation to the wording of Condition 18 is not considered to be necessary as the proposed wording has already been approved in BN/93/19/PL. Permission for the variation of Condition 18 under BN/93/19/PL from a pre-commencement to a pre-occupation requirement had not been granted at the time that the current application was submitted. Consequently there is no need to repeat the approved variation to the wording of Condition 18 in this application as it has already been determined and resolved under BN/93/19/PL. However this is not a reason for refusal.

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.

SECTION 106 DETAILS

A Unilateral Undertaking under Section 106 of the Town and Country Planning Act was prepared and signed that accompanied BN/43/16/PL and it covers the requirements of WSCC highways, Traffic Regulation Order (TRO), contributions to education, libraries and fire and rescue, and maintenance and management of the public open spaces.

The implication of varying Conditions 2, 8 and 18, on BN/43/16/PL, would be to require a Deed of Variation to enable this Section 73 application to be listed in the Unilateral Undertaking. As the application is recommended for refusal there is no need for a Deed of Variation to be issued.

RECOMMENDATION

REFUSE

- 1 Condition 2 should not be varied for the following reason:

The layout, the lack of footway and cycleway connectivity to the surrounding area, the lack of visitor parking spaces, the non-SHMA compliant housing mix, the clustering of the affordable housing, the disproportionate concentration of higher density development in the south eastern corner of the site, the lack of open space and the loss of a protected tree and development within the root protection area of protected trees result in a development that has an unacceptable layout, housing mix, connectivity and design causing harm to the future occupiers of the development and the character of the area contrary to Policies D DM1, AH SP2, T SP1, T DM1 and ENV DM4 of the Local Plan and Policy GA2 of the Barnham and Eastergate NP.

- 2 Condition 8 should not be varied for the following reason:

The proposed alterations to Condition 8 would not be acceptable, since the pond size and location could change as a result of the applicant having to satisfy Condition 3 (surface water drainage design). Consequently, the layout could be affected, depending on the outcome of the detailed design.

- 3 **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 determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.