



Barnham Parish Council

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22nd April 2014

Dear Sir

Approval of Reserved Matters following Outline Approval BN/15/11 for Appearance, Landscaping, Layout and Scale. Departure from the Development Plan and Affects a Public Right of Way.

At its meeting on 7th April Barnham Parish Council considered the above application and wishes to submit the following comments by way of objection.

Barnham Parish Council submitted a strong and detailed objection to both the original application and the planning inspectorate following which the Inspector approved application BN/15/11.

The Parish Council strongly believes that the comments made in the statement to the planning inspectorate (copy attached) still stand, but have had to accept the decision of the Inspector to approve the application on appeal and that this development is now going to go ahead.

However, the Parish Council would like to make some specific further objections/comments on the currently submitted documents and plans and would ask that these be taken into consideration by the Planning Authority in determining the application.

Firstly, the Parish Council was most concerned to read the drainage statement which does not give sufficient details of proposed surface water drainage system only that they will seek to develop a strategy based on the principles of SUDS. It also states that Southern Water is uncertain that there is sufficient capacity in the sewer to accommodate the development. Surface water drainage and foul sewage disposal formed a substantial part of our previous objection.

The draft Neighbourhood Plan currently going through the examination process states under Policy ES1: Applications for new development must address flooding and drainage issues.

New development should aim to reduce the overall level of flood risk in the area:

- No development shall commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.
- The concept of Sustainable Urban Drainage Systems (SuDs) as an alternative to conventional drainage will be supported provided that they can be shown to be suitable in the intended location. No development shall commence until full details of the maintenance and management of the SUDs system is set out in a site-specific maintenance manual and has been submitted to and approved in writing by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturers' recommended design life. Upon completed construction of the SUDs System, the

owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

- No development shall commence until full details of the proposed foul water drainage scheme to include details of its routing, design and subsequent management/maintenance have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the foul water drainage scheme has been implemented in accordance with the approved details

It should also be noted that the Public Right of Way adjacent to the site suffered severe flooding problems during the winter months due to the water run-off from the site and this issue should be addressed. It may be that a suitable strategic gap should be included between the rear of the properties adjacent to the footpath and the footpath itself.

It has also been brought to the Parish Council's attention that trees and hedgerows have recently been felled or taken down on the proposed site, this is during the nesting season, which is an offence under the Wildlife & Countryside Act 1981 as detailed below:

- The presence of nesting birds (protected under the Wildlife & Countryside Act 1981) can delay, but not prevent, the felling of trees, hedgerows and woodlands.
- Work to hedgerows, trees and woodlands can take place at any time of year, but the onus is on the person doing the work to avoid committing an offence under the Wildlife & Countryside Act 1981.

The Neighbourhood Plan also contains a policy ES9 – Trees and hedgerows will be protected. This action can be seen to be in contravention of this policy.

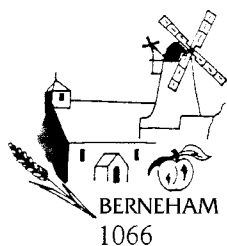
The biodiversity checklist says the site has been surveyed for various wildlife but where such wildlife has been agreed as present the Parish Council would wish to see clear plans for the mitigation measures that are to be put in place before any work begins on site. As mentioned above it would appear that such measures for nesting birds were not put in place. The checklist also says there is no evidence of badgers on the site but the Parish has been informed by residents that this is not the case so we would ask that this is looked at again.

Finally, the original plans showed screen planting along the footpath between the site, the Public Right of Way and ultimately the neighbouring properties in Halliford Drive. The new plans show no such screening and the Parish Council would ask for evidence that adequate fencing or screening would still be part of the scheme to ensure both protection of the footpath, a very well used amenity, and also afford some screening to the neighbouring properties in Halliford Drive.

The Parish Council hope that the District Council will take these comments into account when considering the application.

Yours faithfully

Alison Crabb
Clerk, Barnham Parish Council



Barnham

Parish Council

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22nd November, 2011

The Planning Inspectorate
Room 3/20 Eagle Wing
Temple Quay House
2, the Square
Temple Quay
Bristol
BS1 6PN

Dear Sirs

Appeal Ref : APP/C3810/A/11/2161133/NWF

I enclose Barnham Parish Council's submission to the above planning appeal. There are four main sections:

1. Introduction.
2. Local Plan considerations.
3. A similar local precedent.
4. Specific objections by Barnham Parish Council.

In addition, there are three appendices:

Appendix 1: BPC Newsletter to parishioners dated June 2011

Appendix 2 : Barnham Parish Council interim Position Paper to Arun DC Local Plan.

Appendix 3: BPC response to Arun DC on Local Plan new housing allocation.

Yours sincerely

Eddie Tarbard

Clerk to Barnham Parish Council

1. INTRODUCTION

Barnham Parish Council forcefully objects to Planning Application BN/15/11, which seeks outline planning permission to build 75 dwellings on agricultural land adjacent to Goodacres and Halliford Drive in Barnham parish. We urge the Planning Inspector to reject this unwelcome and potentially very damaging application.

Barnham is a small semi-rural parish with 580 homes and 1,465 residents. For historical reasons, the parish covers only about one-third of Barnham village, the remainder being in Eastergate parish.

Because Arun District Council has not yet completed its Local Plan, several speculative developers are currently or soon about to seek planning permission for large-scale residential development on agricultural land in the parish.

Arun DC, in the process of developing a new Local Plan, have recently decided that Barnham should accommodate 100 new homes over the next 17 years.

A planning application lodged by West Sussex County Council sought to build 95 homes on two defunct nursery sites. The Parish Council reluctantly supported this application because it takes the view that the location (Angel's Nursery & Hyde End Nursery) is the best place in the parish for new housing. But it supported the application only on the basis of "thus far, and no further".

The Parish Council's support was reluctant, because Barnham suffers from chronic surface water drainage and sewage disposal problems. The present drainage/sewage infrastructure cannot cope with present demand in periods of high rainfall. There are also concerns about a lack of school places, limited medical facilities and road congestion. However, the Parish Council accepts that it must accept some new housing; and the WSCC application is in the best possible location for this.

Arun DC refused the WSCC application, but this refusal was overturned on appeal by the Planning Inspectorate. Arun DC is now seeking a judicial review of the Inspector's decision, which is scheduled to take place in February 2012. Despite having supported the application, the Parish Council is backing Arun DC in the judicial review because the Planning Inspector's report appeared to ignore the legitimate concerns of the District and the Parish councils, and worse still, it seemed to give *carte blanche* to other would-be developers.

Planning application BN/15/11 submitted by Seaward Properties for 75 new homes seeks to build on agricultural land in what our Council considers to be a much less favourable location than the WSCC Angel's Nursery site.. The Council is also aware of at least five other potential development applications in the pipeline that, if successful, would at least double the number of houses in the Parish and completely destroy our quiet semi-rural way of life. The attached BPC Newsletter to parishioners dated June 2011 (Appendix 1) further illustrates the Parish Council's views on the Seaward's application BN/15/11, which the Parish Council regards as a test case.

We urge the Planning Inspectorate to consider the philosophy and objectives of the new Localism Act in reaching its decision. The Act seeks to give local people more influence over the character and evolution of their community. Overwhelmingly, parishioners of Barnham are vehemently opposed to the prospective development concerned. Arun DC will have provided copies of 107 letters of objection to the application. I particularly refer you to the letter to Arun DC from Barnham Village Residents' Association, which represents many local people. Furthermore, ninety local people attended a meeting organised by Barnham PC on an uncomfortably hot evening in June, and **all** seemed firmly resistant to the application. A show of hands at the end revealed no supporters of the application, and apparently, unanimous opposition.

2. LOCAL PLAN CONSIDERATIONS

Barnham Parish Council has prepared an interim Position Paper (Appendix 2) to assist Arun District Council in establishing a new Local Plan. In this document, the Parish Council calculated that the people of Barnham will require between 56 and 90 new homes over the 17-year planning period. Subsequently, Arun District Council suggested a total of 100 new homes over the planning period.

Barnham Parish Council accepted this figure as sustainable with certain provisos – see BPC response to Arun DC (Appendix 3).

Were the WSCC application for outline permission to build 95 new homes to be upheld at the judicial review in February this development alone would contribute 95 of the 100 new homes suggested by Arun DC over the whole 17-year planning period,

Seaward's application BN/15/11 would then substantially increase the number of new homes in the parish well beyond the figure needed by local people. Furthermore, were the Seaward's application to be upheld, it would set a precedent that would be difficult to resist for further prospective new housing schemes “waiting in the wings”.

3. A SIMILAR LOCAL PRECEDENT

Barnham Parish Council take the view that application BN/15/11 is a very similar case to that of Chalcroft Nurseries, Arun planning application BE/47/09, which the Planning Inspectorate refused on appeal reference APP/C3810/A/09/2112065 dated 16th February 2010.

The site lies outside the built-up area in the countryside, and the land has not been allocated for residential development. It would have a devastating effect on the character and appearance of the local landscape and environment.

Arun DC's Saved Local Plan policy GEN2 is still in effect. This policy defines the built-up area for the purposes of the Local Plan. By focusing development within urban areas and strictly controlling development in the countryside, the policy aims to promote sustainable development, the core principle underpinning planning. Although the built-up area was defined to take account of the development needs of the West Sussex Structure Plan 1993, which pre-dated the current SP, Arun's LP Policy GEN2 is an extant adopted policy for controlling where the urban areas end and the countryside begins within the District. LP Policy GEN2 was saved by the direction of the Secretary of State in September 2007. It has not been superseded by South East Plan 10. Seaward's application BN.15.11 is in clear conflict with saved policy GEN2.

ADC saved LP Policy GEN3 states that outside the built-up area, the countryside will be safeguarded for its own sake; and development will not be permitted unless, amongst other things, it meets the operational needs of agriculture, forestry, or it is for quiet, informal recreation, or for the diversification of the rural economy. Application BN/15/11 is in clear conflict with policy GEN3.

Due to its siting, width and its substantial depth, much of the proposed BN/22/11 development would extend into the countryside beyond the generally consistent edge to the built-up area. The proposal, with its associated domestic paraphernalia & street lights, would be very noticeable from the edge of the built-up area, and from nearby public footpaths across the countryside. The scheme would not be for any of the specified uses in the countryside, and would consequently fail to safeguard the countryside for its own sake. It would be a sporadic development poorly related to the built-up area, and intrusive in the rural area. Thus, it would also harm the character and appearance of the countryside.

In addition, there are forceful concerns expressed by local residents, who are overwhelmingly opposed to the application.

In summary, Barnham PC considers that the application should be determined in accordance with the Development Plan. The proposal would harm the character and appearance of the countryside.; and would be contrary to saved Arun DC LP Policies GEN2 and GEN3. The PC urges the Inspector to take a similar view with the Goodacres as it did with the Chalcroft Nursery proposal, and reject the application.

4. SPECIFIC OBJECTIONS BY BARNHAM PARISH COUNCIL

1. Directly conflicts with Barnham Parish Council policy, as expressed in the document “Input to the new Arun DC Local Plan” dated March 2011.
2. Departure from the Development Plan, outside the built-up area, in conflict with Arun DC Saved Policy GEN2
3. Conflicts with Arun DC Saved Policy GEN3, protection of the countryside. It would result in loss of good agricultural land & rural amenity, changing the character of the parish.
4. Extremely unpopular with local residents, many of whom (107) have written to Arun DC to express their opposition. Other residents have written directly to the developer opposing the scheme. The Parish Council has a large file of copy letters of objection from parishioners. Ninety local people attended a meeting organised by Barnham Parish Council on an uncomfortably hot Monday evening (27th June), and all seemed to be firmly resistant to the application. A show of hands at the end revealed no supporters of the application, and apparently, unanimous opposition.
5. In June 2011, Arun District Council provisionally chose to support Alternative 3 of the “Options for Growth” consultation. Under this scheme, the allocation of new houses to be built in Barnham Parish over the 17 year plan period is 100. The Planning Inspectorate's decision to allow WSCC's application to build 95 homes on Angel's and Hyde End Nurseries is currently subject to a judicial review. Should that scheme eventually go ahead, it would provide most of the 100 new homes allocated to Barnham over the period of the forthcoming new Local Plan (19% growth in the number of dwellings in the parish).

Barnham PC supports Arun DC in the judicial review of the WSCC Angel's Nursery (BN/27/09) scheme because it regards the Planning Inspectorate report as flawed, inadequate and likely to encourage rampant speculative development applications in the parish.

However, despite reservations over Angel's Nursery, for several good reasons Barnham PC still considers that its location, off Yapton Road, is by far the most suitable site for new housing in the parish over the next 17 years.

6. BPC regards the location of BN/15/11, on high-grade agricultural land off Goodacres and Halliford Drive, as wholly unsuitable for residential development. It would shatter the peaceful quality of life for occupants of quiet residential roads, many of whom are elderly. Churchill House in Goodacres is a retirement home with some 36 occupants. The area is currently almost crime-free, and there is much concern amongst residents that the proposed development, with multiple access points, would stimulate crime & anti-social behaviour.
7. Barnham village and the surrounding rural area has severe, chronic long-standing problems with surface water drainage and with foul sewage disposal. Exacerbated by difficult geological conditions (running sand), in high rainfall the local drainage and sewage disposal systems cannot cope with present needs. Barnham Parish Council takes the view, expressed in its Local Plan Policy document (see 1 above) that there

should be a moratorium on building in Barnham until these inadequacies have been resolved. This would require major investment by Southern Water Services.

A prime reason why Arun DC refused WSCC Angel's Nursery application BN/27/09 was concern over the arrangements for drainage and sewage disposal. Such problems are even more acute and intractable north of the B2233 main road, where BN/15/11 is located.

Barnham's severe, chronic long-standing drainage problems are acknowledged in the planning application. Whilst the applicant is proposing technical solutions specific to the proposed 75-home site, which would probably suffice in the short term, there are good reasons to reject them. They do nothing to resolve Barnham's overall drainage problems; building on farmland reduces its capacity to absorb water, in contravention of Arun DC Saved Policies GEN9 & GEN11; and there are serious doubts whether the competent pro-active long-term maintenance on which the proposed solution is crucially dependent would be sustainable beyond the first few years.

Surface flooding on local roads, especially in Lake Lane, has caused severe deterioration and occasional collapse of road surfaces. The BN/15/11 scheme would exacerbate this problem.

The Environment Agency opposed the application as posing “an unacceptable risk to the water environment”. It considers that as current problems with Barnham's mains systems are likely to be resolved in the long term, private systems such that proposed for BN/15/11 do not provide sustainable benefit. This is in exact accordance with BP Council's position.

8. Council regards BN/15/11 as environmentally & economically unsustainable. The proposed 75 new dwellings are not needed by local people, especially if the WSCC Angel's Nursery development is eventually implemented.. They would be occupied by incoming new residents, for whom there are very few if any local jobs available. Barnham PC's policy as expressed in “Input to the new ADC Local Plan” is to expand local employment and reduce the level of commuting out of the village. We do not wish to be regarded as a “dormitory community”. BN/15/11 would give rise to substantial external commuting, in direct conflict with the Parish Council's objectives.
9. Residents in Goodacres, Halliford Drive & Lake Lane are concerned about road access into the proposed site. The planning application shows the main access via Goodacres, with an “emergency access” from Halliford Drive. The Parish Council is aware that at least one home-owner in Halliford Drive has been approached to sell his property, possibly to make an alternative access. The application also shows a 'cycleway' access into Lake Lane from the north of the site. If this development is upheld, this 'cycleway' could potentially become full vehicular access, thus increasing traffic flows along Lake Lane which already suffers from substantial HGV traffic.
10. Inadequate provision for infrastructure & services, as required by Saved Policy GEN8.

There is no GP surgery in the village, & other medical services e.g. dentistry are scarce.

Local schools, particularly primary schools, are at full capacity, so provision for children's education would have to be found elsewhere in the District. On 1st September 2011, in commenting on planning application AL/69/11 to build 100 new dwellings in a neighbouring parish, Aldingbourne, education authority West Sussex County Council confirmed this severe constraint on local primary and secondary school capacity in the villages.

Whilst Barnham has a good rail service, the proposed development is some distance from the station, and local bus services are extremely limited.

11. Would increase congestion on already overcrowded local roads. This is a very forcefully expressed concern of many local parishioners.
12. Inadequate provision for affordable housing outside of the built-up area.
13. Directly affects a Public Right of Way, and would spoil the view from this Right of Way.

Barnham Parish Council is aware of other proposals for large-scale residential development, outside of the built-up area in the parish, which are likely to be lodged within the next few months, and Council regards BN/15/11 as a test case. Should this application be granted, it would set a precedent for other speculative unsustainable residential developments that would be difficult to resist, and that would eventually result in our pleasant semi-rural area turning into an unpleasant, characterless suburban sprawl. We therefore urge the Planning Inspector to refuse the application.