

Recommendation Report for Outline Consent

REF NO:	BN/142/20/OUT
LOCATION:	Land south of Barnham Station Barnham
PROPOSAL:	Outline planning application with all matters reserved, other than principal means of access, for up to 200 No. dwellings, with access taken from Marshall Close, associated infrastructure & landscaping & demolition of existing buildings. This application is a Departure from the Development Plan, may affect the setting of listed buildings, may affect the Church Lane, Barnham Conservation Area & affects a Public Right of Way.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TOPOGRAPHY	The site has a gradual slope away from the NW corner towards the rife running along the SE boundary and the southern boundary
TREES	The principal trees are on the boundaries. Some are proposed to removed to create the access.
BOUNDARY TREATMENT	The boundary to the W and NW is formed by the branch railway line to Bognor Regis. To the north is an open paddock outside the application site with the Barnham railway station beyond.
SITE CHARACTERISTICS	To the SE is a shallow valley occupied by the rife which flows in a SW direction. The SW boundary is made up of vegetation.
	The site is currently used as paddocks for horses.

RELEVANT SITE HISTORY

BN/102/20/ESO	Screening opinion for development of approximately 200 dwellings, associated green infrastructure provision and access from Marshall Close.	ES Not Required 19-02-21
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REPRESENTATIONS

- 1 representation of support
- Provides much needed homes

103 individual representations of objection (planning grounds only and includes multiple representations from some households) raising the following key points

- Too much housing in area already both built and to be built.
- Too much traffic already both in the local area but also on Church Lane which is inadequate to accommodate significant additional movements
- Poor quality of junction between Church Lane and Marshall Close
- Pavements are insufficient.
- Lack of safe routes to schools and other amenities and facilities
- Existing highway network through Marshall Close is insufficient for the existing usage
- Potential conflict with parking by commuters using the station
- Lack of, or insufficient infrastructure
- Local services would be unable to cope with the increased demand.
- The homes will not be affordable
- Should be brownfield land first
- Destruction of wildlife and environment
- Inadequate bus services
- Inadequacy of existing Foul Water system
- Increased flood risk
- Adverse impact upon ecology
- Transport assessment flawed
- Negatively change the character of the area.
- Loss of public view
- Adverse impact upon the setting of the Conservation Area and Listed Buildings
- Would in combination with other developments represent an overdevelopment of Barnham
- Loss of privacy
- Increased fear of crime
- Loss of agricultural land
- Poor connectivity to the wider cycling network

COMMENTS ON REPRESENTATIONS RECEIVED:

The matters raised by the representations are addressed by the conclusions below. A comment made in many representations was the timing of the Transport Assessment (TA) during the Covid pandemic. Whilst the TA does seem to reasonably reflect pre-covid levels of traffic it doesn't appear to reflect parking patterns for commuters using the local estate roads.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Parish Council

The main planning objections to this application are as follows:

- The site was not allocated in the made Barnham and Eastergate Neighbourhood Plan (BENP) nor is it allocated in the emerging BENP, currently out for Reg.14 consultation.
- The housing numbers are not required to meet the BENP housing targets.
- The Parish is already bearing more than its fair share of the development needs of Arun.
- The site of the proposed development currently forms an important green gap between the SD5 Strategic Allocation and the existing community. The site also falls within a Green Infrastructure Corridor.
- The site is outside the built-up area boundary.
- The site falls within the proposed Area of Special Character that has been identified for designation in

the emerging BENP.

- The site is currently used for an equestrian business, the retention of which is supported in the emerging BENP.

- The proposed access road through the existing cul-de-sac of Marshall Close onto Church Lane and then onto the B2233 is totally unacceptable. The Parish Council has already highlighted to West Sussex Councillors its concerns on Highway grounds as follows:

(a) Traffic flows along the narrow, and bridged, Yapton road are set to increase considerably due to the new high-density housing developments now taking place on the south side of the road or the overall 3000 new homes planned for the "village". The recent traffic survey did not take account of this growth nor the fact that under current Covid restrictions use is lower than normal due to the high incidence of people working at home.

(b) Only one side of the road into Barnham from Church Lane has a pavement and this is extremely narrow - particularly at the junction. Vehicles pass very close to pedestrians and avoiding action has to be taken on occasions to prevent being struck by wing-mirrors.

Increasing traffic flows from this junction will greatly increase the risk to pedestrians.

(c) Church Lane has no pavement and pedestrians have to walk in the road. The route is very well used by pedestrians, children and dog walkers accessing Murrells Field and the countryside beyond. Adding 400 or more vehicle movements a day out of Marshall Close and into the path of pedestrians presents a significant safety hazard.

(d) The use of the Marshall Close access by heavy construction traffic would (as per c above) also present a significant safety hazard for pedestrians.

(e) The junction of Church Lane and Yapton Road is currently used for commuter parking. This will pose visibility and turning issues for high volumes of traffic to and from Marshall Close.

- Marshall Close is a quiet cul-de-sac not intended for heavy vehicular use. It has a green recreation space at the end used by local children. The increased traffic and construction process would have a devastating impact on this community

- The traffic survey undertaken is flawed in several aspects, being taken as it was in 2020 with the impact of Covid-19 reducing traffic movements, in particular as a result of the lack of commuters coming to Barnham to use the railway, including parking vehicles at this very junction with many people working from home.

- It is noted that the WSCC Highways consultation response is seeking further detailed information before giving a formal response to the application.

- Flooding - Environment Agency have objected saying the site is predominantly within Flood Zone 1, with parts in Zone 2 and Zone 3 and no acceptable Flood Risk Assessment has been provided.

- There is no evidence that a sustainability appraisal of the site has ever been undertaken.

- The Parish Council's view is misrepresented in the Statement of Community Involvement.

- Biodiversity checklist. This confirms the rich biodiversity of the land in question including the presence of bats, barn owls, breeding birds, badgers and potentially dormice.

- Archaeology - The report describes the importance of the coastal plain in yielding evidence of Neolithic and Romano-British occupation but says that an up to date aerial survey of the proposed development site has not been utilised due to Covid. Given the historic nature of Church Lane and its surrounds this seems like an omission.

- Landscape and Visual Assessment - This document refers to the land as lying close to the SD5 to the north-west. It fails to mention housing developments taking place to the east. Nevertheless, the report recognises the value of the site as a green buffer preventing the coalescence of high-density housing in a hitherto rural area when it says that Church Lane (and its environs) provides "a degree of dispersed and scattered development" in contrast to the new developments which "are changing the distinct settlements of Barnham, Eastergate and Westergate". Church Lane and its adjoining footpaths offer some of the last remaining uninterrupted views of the South Downs. This important visual amenity would be lost through this proposal.

- Public Rights of Way - The Parish Council would object to any proposal which seeks to divert or extinguish ancient public rights of way in the vicinity of Church Lane.

Environmental Health

Railway Noise external amenity areas

The methodology, calculations, findings and conclusions in the 'Noise & Vibration Assessment' are found to be reliable. It is recommended that the development be conditioned to implement good acoustic design and include the 20 metre buffer zone between dwellings and the railway line.

Air Quality

As this is a major application, consideration must be given to air quality issues. As per the National Planning Policy Framework (NPPF) (updated February 2019) air quality should be considered at the design stage and incorporate appropriate and effective mitigation.

The applicant must follow the Air Quality & Emissions Mitigation Guidance for Sussex (2013), available at: <http://www.sussex-air.net/Consultation/AirQualitydocument.pdf> This countywide adopted guidance states that where a major sized development is proposed a number of checklists should be followed in order to determine the likely impact of the proposed development on air quality. The intention of the guidance is to identify any air quality impacts through an impact assessment and ensure the integration of appropriate mitigation into a scheme at the design stage, so the damage costs on health can be properly mitigated. The air quality impact assessment can follow the procedures contained within the Institute of Air Quality Management (IAQM) Guidance entitled: 'Land-Use Planning & Development Control: Planning For Air Quality' (January 2017), available at: <http://www.iaqm.co.uk/text/guidance/air-quality-planning-guidance.pdf>

Electric Vehicle Charging Points

It is recommended that a condition be imposed requiring a scheme, for the provision of facilities to enable the charging of electric vehicles, to be submitted to the local planning authority for approval and thereafter implemented in full.

Contaminated Land

It is recommended that a condition be imposed to deal with the risks associated with any land contamination.

Unexpected contamination

It is recommended that a condition be imposed to deal with any unexpected contaminated material found during the development.

Construction

It is recommended that a condition be imposed requiring the submission, approval and subsequent implementation of a Construction Management Plan.

Construction hours

To protect the amenity of local residents, it is recommended that a condition be imposed to limit the hours during which construction activity may take place.

Ground/Air source heat pumps

If ground or air source heat pumps are to be installed, a condition is recommended to deal with noise mitigation measures.

Electricity substations

If electricity substations are to be included in the development, a condition is recommended requiring the submission and approval of an acoustic report and the subsequent implementation of approved

mitigation measures.

Occupancy before development completed

If residential properties are to be completed and occupied prior to the whole development being finished, a condition is recommended requiring the submission and approval of a scheme to protect those early occupants from noise and vibration.

Conservation Officer

The site does not contain any listed buildings, historic parks & gardens or registered battlefields, nor does it form part of a conservation area. However, the proposed development could potentially affect the following heritage assets in respect of their setting:

Listed Buildings

- The Parish Church of St. Mary - Grade I
- Barnham Court - Grade I
- The Lodge of Barnham Court - Grade II
- Manor Cottage - Grade II
- The Street Cottage - Grade II
- Curacoa - Grade II
- Luckham Cottage - Grade II

Conservation Areas

- Barnham (Church Lane) Conservation Area

Non-designated Heritage Assets

The only buildings within the site boundary (identified within the heritage statement) are 'the fragmentary remains of two of three barns labelled on historic maps from the middle of the 19th century onwards'. These buildings are in various states of repair with the barn on the south-east side being the most intact. They would appear to reflect the local vernacular tradition and are of limited significance.

Whilst there are no locally listed buildings within the site, four have been identified in the surrounding area:

- Barnham Station
- The Murrell Arms
- Minstrel's Barn
- Nos. 1-4 Field Cottages

The proposals would affect three of the above designated heritage assets which are located in the area around the development site:

- Barnham Court
- The Barnham (Church Lane) Conservation Area
- Luckham Cottage

Barnham Court - The only change that has been identified is the loss of some relatively distant glimpses of the Court's chimneys and roof when looking from the site over and between the trees and woodland within the intervening landscape. As noted in the heritage statement, these are mostly available by accessing private land. This feature is considered to make just a very small contribution to its significance as a heritage asset, and as a result, the proposed development cannot be considered to cause harm to the significance of Barnham Court.

Conservation Area - The application site consists of a significant amount of the land between modern Barnham and the Conservation area, which would leave only a smaller gap between the two when the development is completed. This would impact on the ability to experience and appreciate the change between the conservation area and the land which separates it from modern Barnham, especially in terms of views out from and across the conservation area in the north-east, along Church Lane and from the Public Footpath running down towards Church Lane and across the stream. Such land would historically have supported Barnham's economy and population. It is considered that this would impact upon the conservation area and its significance.

Luckham Cottage - Whilst the majority of Church Lane would not be affected by vehicular movements, there would be an increase at the junction with Yapton Road, which borders two heritage assets; Luckham Cottage and the public house. An assurance is sought that this would not need to be altered. This junction contains an 'island' with an imposing tree which forms an attractive entrance to the lane.

West Sussex Fire & Rescue Service

All dwellings need to be within 150m of a fire hydrant.

Ecology Advisor

The hedgerows on site are used by bats for commuting and foraging and will need to be retained and enhanced. This will include a buffer strip (5m) and fencing during construction to ensure this area is undisturbed. Any gaps should be filled using native hedge species to improve connectivity. Conditions should be used to secure this.

Water courses

The precautionary measures proposed to protect the water courses onsite are suitable and a condition should be used to ensure this takes place.

Bats

The trees which have been noted as having bat potential should be retained and protected from harm during the works (T1, T2, T4, T5, T6). It has been noted that trees T5 and T6 will be lost within the current proposals so they will need to have bat surveys undertaken and submitted as part of a reserved matters application. The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

Badgers

The precautionary measures proposed to protect any badgers onsite are suitable and a condition should be used to ensure this takes place. Prior to commencement, a badger survey should be undertaken to ensure badgers are not using the site. If a badger sett is found onsite, Natural England should be consulted and a mitigation strategy produced.

Dormice

It is noted that dormice surveys will be completed at the end of November 2020. An updated report for dormice is requested prior to determination.

Water voles

An 8m buffer will be installed from the ditch and measures put in place to protect this area and the water voles within it. A water vole mitigation statement will need to be provided as part of a reserved matters application.

Reptiles

The precautionary measures proposed to protect reptiles onsite are suitable and a condition should be used to ensure this takes place.

Hedgehogs

The precautionary measures proposed to protect hedgehogs onsite are suitable and a condition should be used to ensure this takes place.

Nesting Birds

Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st October. If works are required within this time an ecologist will need to check the site before any works take place (within 24 hours of any work).

A check will also be required for birds' nests within the building prior to work commencing. If nesting birds are found, works in the area will need to be avoided and the nest protected until after the young have fledged.

The proposed enhancement measures for birds, including owls, is suitable and should be conditioned as part of a Policy ENV DM5 condition.

Policy ENV DM5

Information on Biodiversity Net Gain needs to be provided as part of the planning application prior to determination. The biodiversity enhancements recommended within section 6.2 of the Ecological Appraisal (Nov 2020) are suitable and should be incorporated into the landscaping scheme. A condition should be used to ensure this takes place.

Housing Strategy Officer

Affordable Housing Policy requirements - 30% of units are to be provided as affordable housing on all new residential developments where 11 dwellings or more are proposed.

Tenure - a tenure split of 75% rented and 25% intermediate housing is required.

Housing Need - High demand for affordable housing throughout the district for both rent and low-cost home ownership. As of November 2020 there were 1036 households in housing need on the Council's housing register.

S106 considerations and Affordable Housing Agreement

To meet the requirements of the Council's Affordable Housing policy the applicants will need to provide 60 x affordable dwellings (45 x rented and 15 x intermediate). It is anticipated that at least 50% of the rented dwellings would be set at rents no higher than 65% of open market rent and that the remainder do not exceed 90% of Local Housing Allowance level. The affordable housing statement should reflect the mix recommended in the Strategic Housing Market Assessment. All of the necessary affordable housing requirements would need to be included in a s.106 planning obligation, not secured by planning condition.

Sussex Police - Designing out crime officer

I have had the opportunity to examine the detail within the application and in an attempt to reduce the opportunity for crime and the fear of crime I offer the following comments from a Secured by Design (SBD) perspective. SBD is owned by the UK Police service and supported by the Home Office and

Building Control Departments in England (Part Q Security - Dwellings), that recommends a minimum standard of security using proven, tested and accredited products. Further details can be found at www.securedbydesign.com

The National Planning Policy Framework demonstrates the government's aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. With the level of crime and anti-social behaviour in the Arun District being average when compared with the rest of Sussex, I have no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends and site specific requirements should always be considered.

Given that this outline application is only to determine the means of access and to seek approval in principle, I have no detailed comment to make at this stage. I am encouraged to note that the accompanying Design and Access Statement clearly indicates the applicant's intentions of creating a safe and secure environment by reference to and by applying the attributes of Safer Places - The Planning System and Crime Prevention. These attributes can be applied to each aspect and every phase of the development.

I thank you for allowing me the opportunity to comment and I look forward to being further consulted at the reserved stage, when I would hope to respond in more detail.

I would also ask you to note that Sussex Police is now exploring the impact of growth on the provision of policing infrastructure over the coming years and further comment on this application may be made by our Joint Commercial Planning Manager.

The Crime & Disorder Act 1998 heightens the importance of taking crime prevention into account when planning decisions are made. Section 17 of the Act places a clear duty on both police and local authorities to exercise their various functions with due regard to the likely effect on the prevention of crime and disorder. You are asked to accord due weight to the advice offered in this letter which would demonstrate your authority's commitment to work in partnership and comply with the spirit of The Crime & Disorder Act.

Highways England

Does not agree with the traffic distribution/assignment and impact assessment. No consideration has been given to the impact on the A27 junctions.

The Arun Local Plan is now adopted and contains agreed highway mitigations for the impacted A27 junctions resulting from the strategic development sites with funding to be provided from developer contributions. Further housing development, even relatively small allocations, will have an additional cumulative impact on the A27 junctions as well as the local highway network and thus is likely to require further mitigation. Therefore, it is recommended that Arun District Council requests an appropriate proportional contribution from this particular site towards mitigation at the A27 junctions. Provided that a contribution of £103,116 is secured from this site towards further mitigation of the A27 junctions in Arun, Highways England would be satisfied that the proposals would not materially affect the safety, reliability and/or operation of the strategic road network in this location.

WSCC Highways

Further information is required in the form of:

1. A stage 1 road safety audit and designers' response for the access
2. A review of the pedestrian infrastructure required to link the site to Yapton Road;
3. Revised trip generation, distribution and assignment in the Transport Assessment;
4. A review of the junction modelling; and
5. A revised Travel Plan.

Environment Agency

Based on the EA flood maps and records whilst the site is predominantly within a Flood Zone 1, part of the site is shown to be within Flood Zones 2 and 3. Furthermore the immediate vicinity has suffered from flooding most notably in 1993, 2000 and 2012. In the absence of an acceptable flood risk assessment (FRA) we object to this application and recommend that planning permission is refused.

Reasons

The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA does not therefore adequately assess the flood risks posed by the development. In particular, the FRA fails to:

- Take the impacts of climate change into account.

There is no assessment of the impact of climate change using the appropriate climate change allowances according to our guidance 'Flood risk assessments: climate change allowances'. The EA product 4 data in Appendix 4 provided outlines, levels and depths for the climate change events (1% AEP plus 35%, 45% and 105% increase in flow). The FRA states that the dwellings will be located in Flood Zone 1 (low risk). However, it is not clear if they will all be located outside the climate change extents, and if not adequate mitigation measures should be provided (e.g. finished floor levels should be at least 300mm higher than the climate change levels).

- Provide an assessment of flood compensation.

The proposed access road and river crossing will be located in the fluvial flood plain. The FRA must demonstrate that as a result of the proposed development there is no loss of fluvial flood flow or flood storage up to the 1% annual probability plus the appropriate climate change allowance, and where possible should seek to create a net flood risk benefit. The preferred method for flood plain compensation is level for level. If this is not achievable the FRA should justify why.

- Provide information in regards to the main river crossing.

The EA will always request road crossings to be of a clear span variety, for the purposes of flood flow. Also the soffit level should be set at least 600mm above the 1% AEP plus the appropriate allowance for climate change. If modelling is going to be used as evidence to demonstrate that the crossing and access road will not increase flooding elsewhere the EA will need to review the modelling information before the FRA can be accepted.

Overcoming our objection

To overcome our objection, the applicant should submit a revised FRA which addresses the points highlighted above.

Leisure & Greenspace (amended)

The information provided within the Illustrative Site Layout 1311.03 indicates a significantly sized development with good areas of POS. The application indicates areas of POS which appear to cater for the existing trees and hedges along the western and southern boundaries which are significant and worthy of retention. There would not appear to be a significant canopy cover - but 3no significant individual Oak Trees on the southern boundary must be protected and retained. These have the potential to become veteran trees and are contributing aesthetically and to wildlife habitat.

CIL contributions will be required towards playing pitches, sport, leisure, pools, halls and ancillary facilities as set out in ADC SPD Open Space, Playing Pitches, Indoor and Built Sports Facilities January 2020.

The design of the site should promote a high-quality development that respects, maintains and enhances

the local landscape character. This new development should reflect local design characteristics where possible and reflect its setting with the surrounding countryside and rural fringe. All nature conservation features including existing habitats, trees, hedges, watercourses and other features should be incorporated into the site design and protected.

Quality, well-designed Public Open Space will be fundamental to any proposal submission, these will need to accord with Arun District Councils OS SPD January 2020. The location and quantum of POS being proposed for this development would need to be confirmed. SPD January 2020 requires 16,500m² minimum of well connected, usable, quality POS provision. POS areas need to connect, promote and enhance footpath and cycle links to the wider area and be sited to help integrate the proposals with existing residential development. Planting should be used to enhance the setting and create a sense of place as well as for screening.

This development will trigger the requirement for play onsite LAPs LEAP/NEAP provision, plus off-site allotment contribution.

SuDS should be integral to the design and should not impact on level of useable public open space provision. The Illustrative site layout shows where the POS could be located and indicates substantial SuDS features within these areas.

Landscaping should be provided as mitigation towards screening and softening of the development. Consideration will be required re the access into the site and the impact this may have on existing trees and hedges on any boundaries. Consideration would also need to be made re access which is proposed through Marshall Close, where an existing District play area is located.

Early consideration should be made of existing topography and assets and any considered tree works within the site in consultation with Arun District Council's Tree Officer. Further information concerning the existing hedges across the site and proposed TPO worthy trees will need to be provided.

Mitigation/requirements

Advice given on achieving high quality design and biodiversity net gain, through tree specification and landscape design, and ensuring future management responsibility.

Recommendation/Conclusion

A landscape led development in this location would be advised in order to blend this development proposal into the character of this local area. I would have no landscape objection to proposals based on the Illustrative site layout submitted. Further detailed landscape information will be required to be submitted to support this application.

Tree Officer - Objection

Agree with the findings of the Tree Survey and Arboricultural Impact Assessment and Arboricultural Method Statement. In relation to the layout - no obvious problem with the proposed location of dwellings and the majority of associated infrastructure. Concerned about the layby's impact on the Root Protection Area (RPA) of a large mature beech tree of high amenity value. Would like reassurance that mature beech tree growing on island verge at the junction of Church Lane and Yapton Road, will not be affected by any enhancement of the public highway deemed necessary to meet the additional traffic demands associated with this development proposal. Advice given in relation to the principles of design layout that need to be considered.

Conclusions:

· The principle of development and access as described is certainly achievable without undue detriment to retained trees. The Illustrative Site Layout is encouraging from an arboricultural perspective, no doubt

informed by the quality submission from the project arboriculturist. Should any substantive evolution of layout proposals occur, expect the design team to uphold the higher-level development principles promoted within our Supplementary Planning Documents: Arun Design Guide and Arun District Public Open Space, Playing Pitches and Built Facilities.

· I register an Objection to these outline proposals on arboricultural grounds, due to the lack of information in support of proposed highway enhancements which are or may be necessary outside of the site boundary shown red and which could have a detrimental effect on trees of high public amenity value.

Recommendation:

I recommend the making of a Tree Preservation Order in respect of two mature beech trees (T43 & T49) to preserve their place in the landscape and adequately inform development proposals.

Archaeology Advisor

The desk-based assessment submitted with the application has demonstrated that this site lies in an area with a general potential to contain structures and deposits of interest and suggest that this should be evaluated in order that a scheme to mitigate the impact of development might be put in place. It also suggests that historic buildings at Tars Barn should be recorded. I agree with both proposals and recommend that the process should be secured via the imposition of standard archaeology condition ARC1.

Engineer (Surface Water)

Within the site there are ordinary watercourses and a main river. We note that the proposals include the infilling of a watercourse which serves the existing hard standing area, land drainage consent and suitable on site compensation will be required. As indicated previously, if the watercourses on the western and south western boundary are within this application land they will require improvement.

It should be noted that the access proposals and proposals to discharge to main river will require flood risk activity permits from the Environment Agency.

We believe that the proposed access will cross the surface water drain that serves Marshall Close and outfalls to the Barnham Rife. This requires further investigation and may require work to facilitate the crossing. We are aware that sewerage flooding does occur on site. This should be investigated further and discussed with Southern Water. We note that the drainage strategy has been formed based on attenuation, this is sensible as it is a worst case scenario. However, the hierarchy for sustainable drainage must be followed with infiltration fully investigated.

Advice provided on need for winter infiltration testing and winter groundwater monitoring to be undertaken and system requirements. Advice also given on proposed drainage water strategy requirements including preference for open features. Attenuation features should not be counted within useable public open space provision and must be located outside of areas at risk of flooding, e.g. flood zone 2 and 3. Adequate treatment of surface water must be ensured prior to discharge.

We would encourage the applicant to progress drainage proposals as early as possible. At Reserved Matters it will be necessary for the applicant to demonstrate that there is adequate space for surface water drainage within the proposed layout and that it does not conflict with other matters such as landscaping and open space provision.

If you are minded to approve the application please apply the following conditions to ensure that the development is adequately drained and does not increase flood risk elsewhere. A number of conditions and informatives were listed.

Southern Water

Southern Water has undertaken a desktop study of the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer network. This initial study indicates that these additional flows may lead to an increased risk of foul flooding from the sewer network. Any network reinforcement that is deemed necessary to mitigate this will be provided by Southern Water.

Southern Water and the Developer will need to work together in order to review if the delivery of our network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement.

It may be possible for some initial dwellings to connect, pending network reinforcement. Southern Water will review and advise on this following consideration of the development programme and the extent of network reinforcement required.

Southern Water will carry out detailed network modelling as part of this review which may require existing flows to be monitored. This will enable us to establish the extent of any works required.

Southern Water endeavor to provide reinforcement within 24 months of planning consent being granted (Full or Outline) however for large developments our assessment of the timescales needed will require an allowance for the following which may result in an extension of the 24 month period.

Requested condition to be applied to phase development in line with improvements.

Advice given in relation to Sustainable Urban Drainage Systems (SuDS) and need for adoption, where appropriate, of the measures set out in the table "Practical measures to reduce the potential impacts of development" due to surface water inundation issues in the Lidsey Catchment.

WSSC- Infrastructure

Our initial response would be that we would have concerns, due to the increase in pupils that the development would generate, and would want to see how the applicant intends to ensure sufficient school places for school age children arising from their development. The local schools are at capacity and whilst the strategic development in the area, known as BEW, is proving infrastructure of 2 x 3 forms of entry primary education facilities with equivalent infrastructure for SEND and Early Years it is not anticipated that there will be capacity in these new schools for an additional development of this size.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The matters raised have been addressed in the assessment section below.

DEVELOPMENT PLAN POLICIES

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

AHSP2	AH SP2 Affordable Housing
CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
EQU DM1	EQU DM1 Equine Development
GISP1	GI SP1 Green Infrastructure and Development
HDM1	H DM1 Housing mix

HERDM1	HER DM1 Listed Buildings
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment
HWBSP1	HWB SP1 Health and Wellbeing
INFSP1	INF SP1 Infrastructure provision and implementation
OSRSP1	OSR SP1 Allotments
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
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
SDSP2	SD SP2 Built-up Area Boundary
SODM1	SO DM1 Soils
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WSP1	W SP1 Water

Barnham & Eastergate Neighbourhood Plan 2014 POLICY CLW4	Provision of allotments
Barnham & Eastergate Neighbourhood Plan 2014 POLICY CLW7	Protection of open spaces
Barnham & Eastergate Neighbourhood Plan 2014 POLICY CLW8	Provision and improvement of school facilities
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 ES11	Energy efficiency of new development
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES2	Water courses
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	Contribution to local character

POLICY ES6

Barnham & Eastergate Neighbourhood Plan 2014 Development affecting heritage assets

POLICY ES7

Barnham & Eastergate Neighbourhood Plan 2014 Connection to sustainable transport

POLICY GA1

Barnham & Eastergate Neighbourhood Plan 2014 Footpath and cycle path network

POLICY GA2

Barnham & Eastergate Neighbourhood Plan 2014 Contributions to maintain and improve the network

POLICY GA3

Barnham & Eastergate Neighbourhood Plan 2014 Parking and new development

POLICY GA4

Barnham & Eastergate Neighbourhood Plan 2014 Windfall sites

POLICY H2

Barnham & Eastergate Neighbourhood Plan 2014 Housing mix

POLICY H3

Barnham & Eastergate Neighbourhood Plan 2014 Integration of new housing into surroundings

POLICY H4

Barnham & Eastergate Neighbourhood Plan 2014 Outdoor space

POLICY H5

Barnham & Eastergate Neighbourhood Plan 2014 Drainage for new housing

POLICY H7**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
SPD12	Open Space, Playing Pitches & Indoor & Built Sports Facilities

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.

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."

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to be weighed in the balance with the Development Plan and these are set out in the assessment below.

CONCLUSIONS

The application is in outline and seeks permission for the principle of up to 200 dwellings with the access (from Marshall Close) to be agreed at this stage. The Council in its assessment is required to determine whether the site could acceptably accommodate a maximum of 200 units.

The application is supported by a number of supporting statements including.

- Design & Access Statement (which includes design coding).
- Heritage Statement.
- Noise & Vibration Statement
- Planning Statement
- Archaeological Assessment
- Ecological Appraisal
- Arboricultural Assessment
- Transport Assessment
- Landscape & Visual Impact Assessment
- FRA & Drainage Strategy

The key issues that have been identified are as follows and each is addressed in turn;

- Principle
- Physical relationship with the strategic allocation in adopted Local Plan
- Impact upon the character and appearance of the locality
- Transport
- Impact upon A27
- Impact upon Heritage assets
- Archaeology
- Flooding & Blue Infrastructure
- Foul Water Drainage
- Housing Mix
- Affordable Housing
- Allotments
- Green Infrastructure Components
- Mineral safeguarding
- Ecology
- Agricultural land
- On-Site Sustainable features
- Noise & Vibration
- Air Quality
- EV Charging
- Contaminated Land
- Equine considerations
- Infrastructure

PRINCIPLE

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications should be

determined in accordance with the plan unless material considerations indicate otherwise. The development plan for the Arun District currently comprises the Arun Local Plan 2011-2031 (ALP), the Barnham & Eastergate Neighbourhood Development Plan (BENDP) and the West Sussex Waste and Minerals Plans.

However, 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 BENDP and the ALP, should therefore be resolved in favour of the latter. Development policies that relate to the supply of housing in the Local Plan (C SP1) have reduced weight as Arun cannot demonstrate an adequate supply of housing land (only 3.3 years). Policies in the BENDP that relate to the supply of housing (H2) have greater reduced weight because they relate to out of date housing needs as the policies were based on the 2003 Local Plan.

Para 14 of the NPPF states that in situations where the 'presumption in favour of sustainable development' applies to applications involving the provision of housing, then the adverse impact of allowing development that conflicts with the neighbourhood plan will not significantly and demonstrably outweigh the benefits if four specific criteria apply. Criteria (a) to (d) are not applicable because the Neighbourhood Plan was made over two years ago. The presumption in favour of sustainable development is unaffected by the Neighbourhood Plan.

The Arun Local Plan:

The key policy considerations in the determination of this application are considered to be H SP1, SD SP1 and C SP1 of the Arun Local Plan.

Policy H SP1 "The Housing Requirement" sets out an overall provision of 20,000 new homes through the Local Plan phased over the plan period to 2031. It includes a reference to additional non-strategic allocations being made across the District through reviews of Neighbourhood Plans and in cases where there is no up-to-date Neighbourhood Plan, through the publication of a "Non-Strategic Site Allocations Development Plan Document". However, it is no longer planned to prepare the latter and instead the Local Plan will be subject to a formal review. Barnham and Eastergate Parish are however working on a review of their Neighbourhood Plan.

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 NPPF. It will work to secure development that will contribute to the social, economic and environmental conditions south of the National Park through to the coast and throughout its settlements (both coastal and inland).

Whilst the site is currently rural in character it is in reasonably close proximity to the historic core of the settlement of Barnham to the SE, the Barnham mainline railway station is physically nearby to the North with the modern centre of Barnham beyond and to the west beyond the branch line to Bognor Regis lies the strategic Allocation of Barnham, Eastergate & Westergate (BEW).

Policy C SP1 "Countryside" states residential development in the countryside outside the BUAB will not be permitted unless in accordance with policies in the Plan which refer to a specific use or type of development. It is noted that none of these relate to the proposal. As this site lies outside the nearest BUAB it is categorised as being in the countryside and the scheme conflicts with ALP policy C SP1.

Barnham and Eastergate Neighbourhood Development Plan (BENDP):

The BENDP was made in July 2014 on the basis of the saved policies in the 2003 Arun Local Plan and the draft policies in the 2014 publication version of the emerging Arun Local Plan. The BENDP does not set a built up area boundary and policy H2 simply states that "Permission will be granted for small residential developments on infill and redevelopment sites within the parishes subject to the policies of this plan being met." The policy does not define what is considered small but in the context of the size of

the site/number of units and the surrounding low density built form & semi-rural environment, it is not considered that this proposal would be considered small-scale. For this reason, it would be considered to conflict with policy H2.

The National Planning Policy Framework (NPPF):

The NPPF is an important material consideration in determining planning applications. As discussed below under "Other Material Considerations", the Council cannot demonstrate a 5-year Housing and Supply (HLS) and para 11 (d) of the NPPF and the application of the 'presumption' for sustainable development is triggered.

This means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (such as where the local planning authority cannot demonstrate a five year supply of deliverable housing sites), planning permission should be granted unless (i) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

Other material considerations on the broad issue of principle:

The Council has recently reported (December 2020) that it is not able to demonstrate a 5 year Housing Land Supply. The Council's last published Housing Delivery Test (HDT) result for November 2019 show the Council is below the level of delivery required by the Government and therefore corrective action is required.

The Council's Action Plan (June 2019) makes a series of recommendations to boost housing delivery. This includes relying on the 'presumption in favour of sustainable development' until such time as the 5-year housing land supply is re-established and the HLS is progressed through plan making. It recommends the Council consider inviting applications from landowners/developers on 'deliverable' HELAA sites to re-establish the 5 year housing land supply. The release of further land for housing will help to maintain delivery rates and this may have to include sites outside the built up area boundary. It would be preferential if such sites were located close to the edge of the BUAB and in sustainable locations which minimise the need to use the private car.

This site (BA12A) is shown in the HELAA and considered to be available and deliverable. The assessment of suitability identified the site in the 2006 Landscape Study as having a medium/high capacity for development. A number of constraints were identified including foul and surface water drainage matters. It is also noted that at the time the HELAA report was prepared it was envisaged that there would be no delivery before 2023 but would anticipate the site to be completed by Dec 2026. Therefore, it is considered that the site would not have any significant benefit in addressing 5-year land supply issues in the short term but could make a contribution to the Council's requirement to deliver a 5 year supply of housing.

Conclusion on Matters of Principle:

The principle of development is contrary to the local and neighbourhood policies in the development plan. The policies of the ALP that relate to the supply of housing have reduced weight due to the Council not being able to demonstrate an adequate supply of housing land. Policies in the BENDP that relate to the supply of housing have greater reduced weight because they relate to out of date housing needs as the policies were based on the 2003 Local Plan.

The presumption in favour of development is considered to apply unless it can be shown that the proposals harm protected assets or areas and whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole. These matters are discussed below.

PHYSICAL RELATIONSHIP WITH STRATEGIC ALLOCATION IN ADOPTED LOCAL PLAN

The proposal is separated from the Barnham, Eastergate, Westergate (BEW) strategic allocation by the branch railway line from Barnham to Bognor Regis. The only direct connection between the two is a footpath that crosses the branch line but also the mainline through the strategic allocation. The proposal is not considered to represent a natural extension of the strategic allocation.

IMPACT UPON THE CHARACTER & APPEARANCE OF THE LOCALITY

The site lies on ground that rises in a broadly SE to NW direction up from the Barnham rife. Public views are principally from the railway lines and station, the right of way (No. 323) crossing site and from Church Lane to the SE. The character of the countryside and built form in the locality is largely one of sporadic individual dwellings laid out in an organic form along the highway network and paddocks down to grass.

The views from Church Lane are extensive in a NW direction over the site, across the railway lines to the built form in the distance around Eastergate. The site is largely open with limited tree cover within (some trees are subject to TPO's) but the landscape is more verdant along the SW boundary. Whilst this will change in due course with the delivery of the BEW strategic allocation, this site will still have a greater affinity both visually and in terms of character with the land to SE of the branch line.

Marshall Close (the site of the proposed access) which lies to the NE of the site is at a lower level and is typical in form and layout of traditional Sussex public sector housing (circa 25 dph). Thus, it has a significant degree of uniformity but also a reasonably spacious layout.

The application has been provided with an illustrative layout plan and parameters plan which demonstrates how a development of 200 homes could be accommodated. The Council is not being asked to agree to this layout at this stage, that is a matter for the reserved matter stage, nonetheless it is helpful in terms of considering the likely form of the development and more importantly at this stage the proposed quantum of development.

The layout does show some extensive areas of un-developed land to the SE (which is on a slope) and to the South (intended for Surface water attenuation). There is also an area of land to the north of the site which lies outside the application site which separates the site from the southern side of Barnham Railway Station.

To accommodate 200 homes the character of the proposed built development of up to 2.5 storeys is being shown as very uniform and regimented and would appear as an isolated pocket of housing divorced physically and characteristically from the existing built form by the proposed open areas. It is suggested in the DAS that the density would be varied across the site from low (20-30 dph) to high (40-50 dph) but the overall illustrative plan does not suggest any variation in density would be significant. The DAS confirms the proposed density is 35 dph. This is in striking contrast to the existing built form in the immediate vicinity and the overall effect would appear very jarring as there is no natural and substantive transition between the existing built form and the proposal. Furthermore, there a number of traditional agricultural buildings existing on site which the illustrative layout does not seek to incorporate in some form nor respect their contribution to the rural character of the area.

As a consequence, a reasonable conclusion to draw, notwithstanding the consultation response from the 'Leisure & Greenspace Team' would be that the scale of the development proposed is inappropriate for this location because of the significant harm that would be caused to the character and appearance of the locality. This could not be satisfactorily addressed by mitigation or revisions within the parameters

set by the application.

Overall, the proposal would, if permitted result in a form of development which represents poor place making and a failure to create beautiful place contrary to achieve the aims and intention of a number of policies from both the ALP and the Neighbourhood Plan as set out in the reason for refusal below.

TREES

On the edge of the site the hedgerows contain Blackthorn, Hawthorn, Ash, Field Maple, Dog Rose, Beech, Elder, Willow, Alder, Snowberry and Horse Chestnut. There are also a number of individual trees on the boundaries of the site which are subject to TPO's. These include English Oak, Field Maple, Common Alder and Corsican Pine. Some trees are to be removed to facilitate the access.

The Council's Tree officer has assessed the proposals. Detailed comments are provided above in the consultee section. He has concerns around some of the potential off site works which would be subject to a s278 agreement (if solely in the highway) and which lie outside the red line boundary. If the application was not being recommended for refusal on other grounds it would be normal practice to endeavour to resolve this objection.

However, in the absence of appropriate information to address this concern the proposal is considered to be contrary to the aims and intentions of policies D DM1 of the ALP and policy ES10 of the Neighbourhood Plan

TRANSPORT

A number of concerns have been raised that the assessment was undertaken during Covid restrictions and therefore the results have unrepresented the 'true' situation. The assessment does however address this in terms of vehicular movements but probably fails to address adequately the reduction in commuter parking (for the station) in Marshall Close. This has been reflected in the assessment below.

In terms of assessing the cumulative impact of development the assessment appears to have only assessed one approved site of 95 dwellings plus the BEW strategic allocation (but at a level of 3000 homes) rather than the planned 4300 homes. Furthermore, significant developments are approved and planned for in Yapton, Walberton and Ford which are likely to use the road network through Barnham, potentially to access the road network to the west. Support for this stance comes from the objection of Highways England to this proposal (without appropriate mitigation) for the impact of the proposal on the A27 junctions which are some distance from the site. Whilst, WSCC has not raised this as an issue it is a matter of concern to the Council that the traffic assessment has not addressed the known quantum of development in the general locality and given that substantial infrastructure improvements are being sought to accommodate the approved growth it is unclear how, if at all these improvements might need to be altered or enhanced.

As a result it is considered that the TA is deficient and thus it hasn't been satisfactorily demonstrated that the proposal is not contrary to the aims and intentions of policy T SP1 of the Arun Local Plan.

Travel Plan and Improvements to Marshall Close

The framework for a Travel Plan has been submitted. A number of 'soft measures' (eg: car sharing) are proposed but very little information is provided in the form of infrastructure improvements. There are changes proposed to the environment of Marshall Close to improve the parking situation to allow the free flow of traffic, although this is only necessary to facilitate the proposed development. The result is that significant areas of verge would be lost to create parking areas. This is considered harmful to the overall street scene and the character of the locality and adds weight to the overall conclusion that the proposal

does not represent quality place making.

Public Transport

There are a number of services accessible from Yapton Road. The level of service provision is considered acceptable.

Walking & Cycling

The submitted information is brief and doesn't demonstrate how the proposal would integrate successfully with the surrounding communities. This site is only a short distance south of Barnham Station and no proposals have been put forward (which might involve land outside the applicant's control) to provide a direct access to the station. Instead any potential residents of this development would have to walk (or cycle or drive) to the station via a longer route under the mainline bridge. The distance is not a concern, however this path is substandard in places in terms of its width, although some limited improvements are proposed in the Marshall Close area. Cyclists would have to use the proposed access road as no cycleway provision leaving the site is proposed.

Furthermore, there will be a number of community uses (schools etc) in the BEW strategic allocation which will be more accessible in terms of time via the crossings over the railway. There are no proposals to mitigate this by providing a bridge, nor are any measures proposed to improve linkages with the proposed cycle way along the line of the former canal to the south. This route would also be the main off-road route to the proposed secondary school at Ford.

Church Lane is currently part of the strategic cycle network in part because of the low level of vehicular movements.

The general width and alignment of the road at this point is also generally not attractive for cycling. The proposal only proposes to provide spaces for the parking of cycles. Whilst this is supported the lack of specific measures to support safe walking and cycling to the key amenities and facilities which are within a reasonable distance weighs against this proposal.

WSCC in their consultation response have identified a number of matters for which they require further information as set out in their consultation response above. Some of these matters coincide with the issues identified above but not all. Overall, it is considered that the proposed mitigation of potential impacts set out in the Transport Assessment is insufficient to address all of the concerns and this alone justifies the refusal of this application.

IMPACT UPON A27

Highways England have sought a contribution of £103k towards further mitigation of junction impacts on the A27 in Arun. However, as this site is not within a strategic allocation it is subject to CIL. It is not possible to guarantee that such a sum could be secured through CIL because it would need to be considered alongside other infrastructure asks of CIL. Therefore, the comments of Highways England should be treated as an objection. The way to resolve this would be for the applicants to submit a scheme of proposed mitigation measures which could be secured by means of a negatively worded condition.

However, in the absence of an agreed scheme the Council believes the proposal to be contrary to T SP1

IMPACT UPON HERITAGE ASSESTS

Non-Designated Heritage Assets including Locally Listed Buildings

The Heritage Statement indicates that the remains of the two non-designated brick and flint barns are assessed as being of negligible significance. It is disappointing that the illustrative layout does not attempt to accommodate these buildings and simply removes them contrary to the spirit of policy HER SP1 of the Arun Local Plan and paragraph 192 (a) and 193 of the NPPF. However, since this is an outline application this issue would be better addressed as part of considering any Reserved Matter application.

Other nearby locally listed buildings include Minstrel's Barn & 1-Field Cottages on Church Lane. The impact of the proposal is on the setting of these buildings. Whilst this impact would be a negative impact it is considered that the distance between the two and the proposals would be insufficient to warrant an objection to the proposal on the basis of the harm that is considered to arise to the setting of these individual buildings but the harm adds weight to the concerns regarding the impact upon the setting of the Conservation Area.

Listed Buildings

The proposal has been assessed by the applicant as being in the setting of Barnham Court (grade 1) and Curacoa Cottage (grade 2). There are other Listed Buildings nearby but the setting of these would not be harmed.

The proposals will impact upon the setting of these important buildings but the degree of any harm is at the lower end of less than substantial given the distance and intervening features.

It is possible to draw a distinction between how the setting of individual listed buildings might be impacted and the setting of a Conservation Area, with the latter giving as much value to the spaces as the buildings.

Overall, it is considered that any policy conflict with policies designed to protect or enhance the setting of listed buildings is limited and consideration has been given to the statutory tests and the 2014 case of *Barnwell v East Northamptonshire DC* in arriving at this decision.

In applying the test in the NPPF the scale of public benefits that might arise from this proposal is considered to outweigh the limited harm.

Conservation Area

The proposed development does not lie within the Church Lane Conservation Area but it does impact upon its setting.

The applicant confirms that the fields between Church Lane and the river are important to the immediate setting and rural character of the development.

The impact upon the setting of the Conservation Area is more pronounced through the changes proposed to the landscape in the locality which will impact upon views in and out of the Conservation Area, particularly along the public footpath crossing the railway line that passes through the site and will adversely change the character of the area which lies within the setting of Conservation Area to the NW.

As a consequence there is considered to be conflict with policies HER SP1 and HER DM3 (f) of the Arun Local Plan and policy ES7 of the Neighbourhood Plan. It should be noted that the wording of the Arun policies does not qualify the level of harm to the setting of the Conservation Area.

However, against the terms of the relevant paragraph in the NPPF the harm is considered less than substantial. Once again it is necessary to weigh the public benefits arising from the proposal. However, in respect of the impact upon the setting of the Conservation the level of harm is considered to be more substantial and the degree of harm is not considered to be outweighed by the public benefits arising.

It is also considered that the proposal has failed to satisfy the statutorily desirable objective of preserving the character or appearance of the area either achieving by a positive contribution to preservation or by development which leaves character or appearance unharmed, that is to say preserved.

ARCHAEOLOGY

The assessment provided with the application identifies no items of significant interest above ground other than the existing agricultural buildings. In terms of the prospect for below ground features there is some potential for this.

FLOODING & BLUE INFRASTRUCTURE

Part of the site is identified as Flood zone 3 (high probability) and some as Flood zone 2 (medium probability). However none of the proposed buildings would be in these areas, although the proposed access would cross the flood zones.

The Environment Agency is concerned that the submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. Therefore, the EA believe the FRA does not therefore adequately assess the flood risks posed by the development. In particular, the FRA fails to take the impacts of climate change into account, provide an assessment of flood compensation, and provide information in regards to the main river crossing.

In the absence of this information the Council is unable to satisfy itself that proposal would not have a harmful impact upon the environment and residents in terms of flooding contrary to the aims and intentions of policies W DM1, W DM2 of the ALP and policy ES1 of the Neighbourhood Plan.

The proposed SuDS strategy involves permeable surfaces, a series of swales and a large attenuation basin.

FOUL WATER DRAINAGE

The proposal is to connect the existing public sewer operated by Southern Water which feeds into the Lidsey Foulwater Treatment Plant.

The consultation response for Southern Water is set out above. Whilst, they have not objected (as they believe they are unable to because of legislative restrictions) they have raised concerns based on the existing inadequacies of the current system.

It is important that any mitigation is clearly set out and delivered prior to the occupation of any development. Therefore, in the absence of a detailed scheme for the upgrading of the Foul Water Drainage system to be delivered within the lifetime of any planning permission the Council is not satisfied that the proposed development would not cause an additional adverse impact upon the local environment and the residential amenity of local residents as a result of existing pollution incidents contrary to the aims and intentions of policy W DM1 of the Arun Local Plan.

HOUSING MIX

The Design & Access Statement indicates a likely overall (affordable & market housing) mix of 50% 1 and 2 bed units and 50% 3 and 4 bed units. This is considered acceptable.

AFFORDABLE HOUSING

The proposals suggest a 30% policy compliant approach delivering 62 units in total 'pepper potted' across the site in clusters of up to 15 units based on a tenure split of 75% rented and 25% shared ownership. The Housing Strategy Officer has indicated that this is acceptable, and this would be addressed via a s106 agreement.

ALLOTMENTS

A 0.3 ha area of allotments with car parking is proposed. This is a welcome addition and accords with the policy aspirations of the Arun Local Plan and the BENP.

GREEN INFRASTRUCTURE COMPONENTS

The DAS indicates that the proposal has met the standards for the 2020 Arun Greenspace Standards. Whilst there is a substantial SuDs feature in the proposed community park the remaining space is considered to be of sufficient size to satisfy the size requirements for a development of this size. The Park would in the main be formed from the general slope above the Rife. Therefore, at times some of the park area may be subject to flooding. Furthermore, a potential conflict arises between recreational users of the park and the water vole population, which requires further exclusion zones.

However, overall the proposed park should be regarded as a positive feature of the proposed development and provide public access where none exists at present.

Other areas of amenity green space are proposed along with a green edge adjacent to the railway and an equipped area of play.

Details of these matters would normally be secured by condition or Legal agreement and through the consideration of any Reserved Matters application.

It should also be noted that the proposed access passes through an area defined in the BENP as a local open space. However, the area in question is not used extensively as open space and the proposal does not compromise the use of the main area as open space therefore whilst there is a technical policy conflict the material considerations in favour of the proposed development would outweigh any technical infringement.

Overall the relevant policy tests are considered to have been satisfied in respect of the provision of open space.

AGRICULTURAL LAND:

The application is not accompanied by an Agricultural Land Classification Report. The existing use of the land is as an equestrian small holding.

ALP policy SO DM1 considers soils. It states: "Unless designated by this Plan or a Neighbourhood Development Plan, the use of Grades 1, 2 and 3a of the Agricultural Land Classification for any form of development not associated with agriculture, horticulture or forestry will not be permitted unless need for

the development outweighs the need to protect such land in the long term."

In allowing an appeal at Clays Farm, Yapton which concerned a refusal on loss of grade 2 agricultural land (Y/20/18/OUT), the Inspector noted that although adjacent land was used for the growing of crops, there was no evidence that the site itself would in future be so used. The Inspector stated that whilst this does not in itself justify the loss of the land, it does act to reduce the level of environmental and economic harm that would be caused by its development. The Inspector considered the loss of grade 2 agricultural land represented only moderate harm. The Inspector decided the benefits of the proposal including economic & social benefits alongside the contribution to the housing land supply shortfall outweighed the moderate harm to the loss of the grade 2 land. The appeal was allowed.

Given the current use of the land is not agricultural the proposal would not technically be in conflict with policy SO DM1, even though it is capable of agricultural use in the future. Overall, notwithstanding other matters referred to elsewhere in this report, it is considered that on this issue, this development would boost the Council's housing land supply shortfall and outweigh the loss of land which still has the ability to be used for agriculture.

MINERALS SAFEGUARDING:

The site is located just outside a Sharp Sand and Gravel Mineral Safeguarding Area as defined by the West Sussex Joint Minerals Local Plan (2018). As a consequence there is not a requirement to assess the impact upon this mineral reserve further.

ECOLOGY

The site is not subject to any statutory or non-statutory ecological designations. In terms of habitat the site is generally improved grassland, although there are watercourses, hedgerows and individual trees to consider. In terms of species the main considerations are Bats and water voles along the watercourses.

The proposals include a mitigation strategy for bats and reptiles. The opportunity does exist to improve the biodiversity of the site, particularly in the proposed open areas. Special attention to lighting would be required to mitigate the impact upon any bats.

A 8m fenced off zone next to the watercourse is proposed to protect any water voles from increased recreational pressures. Finally, mitigation is proposed to provide nesting opportunities for owls.

Overall, the proposed mitigation of ecological impacts is considered acceptable and the opportunity does exist to secure a net biodiversity gain as required by policy ENV DM5 of the ALP.

ON-SITE SUSTAINABILITY FEATURES

The proposal is intending to provide a policy compliant form of development. This would include matters such as waste collection, energy generation, EV Charging points and efficiency and water usage. These matters are appropriately addressed at any Reserved Matters stage.

PUBLIC SAFETY

The intention is that the proposals would follow the principles of 'Secured by Design'. This matter is best addressed at any Reserved Matters Stage.

NOISE & VIBRATION

The applicant has assessed the relationship with the adjacent railway in respect of matters of noise and vibration and has concluded that the likely impact would be within acceptable limits. The Council's Environmental Health team have confirmed their agreement with this and therefore Policy QE DM1 and

the guidance at para 180 are deemed to be satisfied in respect of this issue.

AIR QUALITY

No statement on air quality has been submitted. The normal approach if the application was considered acceptable in principle would be to invite the submission of such an assessment. However, given the application is being refused for other reasons this is an additional reason for refusal.

CONTAMINATED LAND

The Environmental Health Section have recommended the imposition of conditions.

CONSTRUCTION HOURS

The Environmental Health Section have recommended the imposition of conditions.

EQUINE CONSIDERATIONS

The land is used primarily as paddocks for the keeping of horses. The loss of this site for this purpose is not considered to be in conflict with the development Plan.

INFRASTRUCTURE

The site is located in an area which is subject to the CIL charging schedule. As a consequence matters such as education provision, libraries and healthcare provision would be addressed through the provision of CIL.

However, WSCC have raised concerns about the timing of the provision of education facilities. In the absence of details of how this will be addressed this adds weight to the reasons for rejecting this proposal.

At the time of writing this report a draft s106 agreement does not exist to secure the delivery of infrastructure on-site.

OVERALL CONCLUSION

It is necessary to consider the development plan as a whole. Whilst, there are certainly positive aspects to this proposal, overall a development in this location, of this scale would have a harmful impact on the character and appearance of the locality and would represent poor place making and a failure to achieve a beautiful form of development. There are also a number of other issues where the evidence presented has failed to address satisfactorily the relevant issues.

The Council acknowledges that it doesn't enjoy a 5 year supply of housing but in considering the guidance of paragraph 11 of the NPPF the Council is not satisfied that the benefits of granting planning permission outweigh the adverse impacts of doing so.

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 any Human Rights. 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 at this outline stage would have a neutral impact on the protected characteristics.

CIL DETAILS

This application is CIL Liable therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply)

RECOMMENDATION

REFUSE

- 1 The proposal, if permitted would result in a form of development which does not represent a natural progression of the built form in this locality and would appear divorced and isolated from the local community. Furthermore, the scale and density of the proposed development when considered in combination would create a form of development out of character with the locality. Overall, the proposal would, if permitted result in a form of development which represents poor place making and a failure to create beautiful places contrary to achieve the aims and objectives of policies C SP1, LAN DM1, D SP1 and D DM1 of the Arun Local Plan 2018, policies ES6 and H4 of the Barnham & Eastergate Neighbourhood Plan 2014 and the Arun Design Guide 2020.
- 2 The submitted Transport Assessment has failed to take into account the scale of committed development in the locality and the proposed increased scale of the BEW strategic allocation and as a result it has not been demonstrated satisfactorily that the proposal would not have a significantly harmful impact upon the local road network (with or without appropriate mitigation) contrary to the aims and objectives of policy T SP1 of the Arun Local Plan 2018.
- 3 The mitigation measures proposed to provide a safe and acceptable impact upon the local highway network for all users of the public highway including pedestrians and cyclists is considered insufficient as described in the submitted Transport Assessment. In the absence of a comprehensive package of mitigation measures the Council is concerned that the proposed development would be inadequately connected to local facilities and amenities for non motorised travel and would encourage either unsafe journeys or greater use of the private car contrary to the aims and objectives of policies D DM1 (1), T SP1, T DM1 and QE DM3 of the Arun Local Plan 2018 and policies GA1 and GA2 of the Barnham & Eastergate Neighbourhood Plan 2014 and the Arun Design Guide 2020.
- 4 In the absence of sufficient information to demonstrate that the proposed highway enhancements outside of the site boundary shown red would not have a detrimental effect on

trees of high public amenity value the proposal is considered contrary to the aims and objectives of policy D DM1(7) and ENV DM4 of the Arun Local Plan 2018 and policy ES10 of the Barnham & Eastergate Neighbourhood Plan 2014 and the Arun Design Guide 2020.

- 5 In the absence of a detailed scheme for the upgrading of the Foul Water Drainage system to be delivered within the lifetime of any planning permission the Council is not satisfied that the proposed development would not cause an additional adverse impact upon the local environment and the residential amenity of local residents as a result of existing pollution incidents contrary to the aims and intentions of policy W DM1 of the Arun Local Plan 2018.
- 6 In the absence of a detailed scheme of mitigation for further impacts upon the A27 junctions in Arun the Council is unable to satisfy itself that the proposal would not cause demonstrable harm to the strategic highway network contrary to the aims and intention of policy T SP1 of the Arun Local Plan 2018.
- 7 The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA does not therefore adequately assess the flood risks posed by the development. In particular, the FRA fails to:

- Take the impacts of climate change into account.
- Provide an assessment of flood compensation.
- Provide information in regards to the main river crossing.

Contrary to the aims and objectives of policies W DM1 and W DM2 of the Arun Local Plan 2018 and policy ES1 of the Barnham & Eastergate Neighbourhood Plan 2014 and the Arun Design Guide 2020.

- 8 In the absence of an assessment of Air Quality the Council is unable to determine that the proposed development would not be contrary to the aims and intentions of Policies QE SP1 and QE DM3 of the Arun Local Plan 2018 and Arun design Guide 2020.
- 9 In the absence of a completed s106 agreement the proposed development would fail to provide a satisfactory mechanism to mitigate the impact of the proposed development and provide the required affordable housing contrary policies INF SP1 and AH SP2 of the Arun Local Plan 2018 and policy CLW8 of the Barnham & Eastergate Neighbourhood Plan 2014 and the Arun Design Guide 2020.
- 10 The proposal if permitted would have a less than substantial but still harmful impact upon the setting of the Barnham Church Lane Conservation Area through changes to the character and appearance of the surrounding landscape to the North West contrary to the aims and intentions of Policies HER SP1 and HER DM3 of the Arun Local Plan 2018 and policy ES7 of the Barnham & Eastergate Neighbourhood Plan 2014 and the Arun Design Guide 2020 which would not be outweighed by any identified public benefit.