

Application for Outline Consent

DECISION NOTICE

Application Ref: BN/142/20/OUT

1 To Addressee

Nexus Planning Ltd
5th Floor
Thames Tower
Station Road
Reading
RG1 1LX

2 Site Address

Land south of Barnham Station
Barnham

3 Description of Development

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.

4 In pursuance of their powers under this Act and related Orders and Regulations the Council **REFUSE** to approve the development as described in the application and plans for the reasons stated.

- 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.



Neil Crowther
Group Head of Planning

Case Officer: Raymond Cole

Decision Issued: **23rd February 2021**

Arun District Council
The Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

IT IS IMPORTANT THAT YOU READ THE NOTES ATTACHED TO THIS DOCUMENT

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, and you want to appeal against this planning application decision, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and you want to appeal against this planning application decision, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.

Otherwise, if you want to appeal against this decision then you must do so within 6 months of the date of this notice.

Appeals must be using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <http://acp.planninginspectorate.gov.uk>

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must send notice to the Local Planning Authority and Planning Inspectorate(inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details can be found at www.GOV.uk

PURCHASE NOTICES

If either the local planning authority or the Secretary of State refused permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (that is, where the land is situated in a National Park, the National Park authority for the Park, or in any other case the district council in whose area the land is situated). This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 of Part VI of the Town & Country Planning Act 1990.

Please note that this decision notice only relates to matters under the Planning Acts and does not give consent under any other legislation that may apply to the development. You will need to carry out your own checks to determine whether any other consents or permissions are required. For example, the Building Regulations are likely to apply to most developments, and a Highways Licence may be required from West Sussex County Council for any development within the public highway (including the placing of skips on

highway land).