

Recommendation Report for Approval of Reserved Matters Following Outline Approval

REF NO: BN/28/17/RES

LOCATION: Land R/O Lillies
Yapton Road
Barnham
PO22 0AY

PROPOSAL: Approval of reserved matters following outline consent BN/32/15/OUT relating to appearance, landscaping, layout & scale for erection of 38 No. dwellings including open space, landscaping & new access

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This application seeks approval of Reserved Matters for the erection of 38 No. dwellings following the granting of outline planning permission (BN/32/15/OUT) on the site of the former Lillies Caravan Park, Yapton Road, Barnham. The reserved matters include a new access to the site off Yapton Road, appearance, scale, layout and landscaping.

The 38 dwellings would comprise of the following:

- 6 x 2 bed flats (accommodated in a three storey apartment building)
- 5 x 2 bed terraced houses
- 4 x 2 bed semi-detached houses
- 8 x 3 bed semi-detached houses
- 6 x 3 bed detached houses
- 4 x 4 bed detached houses
- 5 x 5 bed detached houses

The two semi-detached houses on plots 12 and 13 have been revised from two storey to 2 and a 1/2 storey properties; timber boarding has been replaced with flint walls on the first floors of the detached houses on plots 2 and 36; tile hung panels have been added to a number of dwellings; chimneys have been added to the terraced houses; stone sills and brick headers have been added to some properties and decorative brick banding (string and soldier courses) added to a number of the houses and to the apartment building; Juliet balconies have been added to the front elevations of the apartment building.

An area of public open space (POS) would be provided on the southern part of the site, which would be occupied by an attenuation pond and a pumping station.

The site layout has been revised to show an increase in hedgerow planting along the site spine road; an adjustment in the siting of properties in the southern part of the site to enable 3.0 metres off-set from the watercourse; and there is space for a pedestrian and cycle link through to the adjacent housing development that has been granted on the Angel's Nursery site. Further amendments have been submitted and advertised on site, showing the proposed apartment building (Block A) which has been re-orientated through 90 degrees and the pumping station has been moved from the southern side to the northern side of the attenuation pond.

SITE AREA	1.2 hectare.
RESIDENTIAL DEVELOPMENT DENSITY	32 dwellings per hectare.
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	High hedging on three sides of the application site with a small number of trees within.
SITE CHARACTERISTICS	The site was formerly occupied by The Lillies Caravan Park and comprised tourist accommodation in the form of log cabins, static caravans and touring caravan pitches, all of which have been removed from the site which is now vacant and derelict. The site is located on the south side of Yapton Road, Barnham. Current access to the site is directly from Yapton Road, immediately to the east of the residential curtilage of Number 47 Yapton Road.
CHARACTER OF LOCALITY	The application site is located south east of Barnham village along Yapton Road. The area around the application site comprises many horticultural uses and there are also a number of residential dwellings to the north and east of the application site. To the north of the application site is a residential site for 44 dwellings that was granted on appeal. To the west is Angel's Nursery which was granted planning permission (BN/43/16/PL) at appeal for up to 95 dwellings and associated open space; it also provides a layout that has properties located along the frontage of Yapton Road. To the south of the application site there are various nurseries with greenhouses along Hill Lane. The application site is bounded to the east by a two storey detached house at number 47 Yapton Road which fronts onto the highway, which appears to have been part of the Caravan Park reception and office in the past; with an extensive back garden, including a timber building on the boundary. There is a small car park adjacent to the site entrance and next to the

former site office/reception.

To the south of number 47 Yapton Road there is a significant hedgerow which separates the application site from the greenhouses at Fleurie Nursery.

RELEVANT SITE HISTORY

BN/32/15/OUT	Outline application with all matters reserved for the erection of 38 No. dwellings including open space, landscaping & new access. This application is a Departure from the Development Plan.	App Cond with S106 05-04-16
BN/3/13/	Demolition of 6 no holiday lodges, toilet block. Removal of circa 30 touring caravans/motorhomes/camping pitches & replace with erection of 38no. residential dwellings, associated garages/car parking, formation of access road & change of use from current C1 (Hotels) to C3 (Dwelling Houses) - This application is a Departure from the Development Plan	Refused 25-06-13
		Appeal: Dismissed 07-04-14

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Barnham Parish Council

Barnham Parish Council

Object. The submitted plans show no connection to the land known as Angel's Nursery which was agreed in the outline planning permission, which would have enabled residents to safely access the local amenities provided at Murrell's Field and Barnham Community Hall. The siting of the pumping station needs to be reconsidered as it is far too close to the watercourse/ditch into which the applicant wants to run the surface water. The watercourse is overgrown and would need to be cleared and engineered to enable water to flow freely and avoid flooding. The District Council needs to be satisfied that appropriate contracts will be in place to ensure that long term future maintenance of the pumping station will be undertaken. The risk of contamination of the watercourse from any failure to the pumping station is a real threat that the Parish Council would wish to see properly covered. The proposed position of the apartment building is too close to the watercourse. The Parish Council understands that there is a certain distance that the building must be away from the watercourse, which is not achieved.

Following the submission of amended plans in December 2017, the Parish Council (PC) upholds its objection. The PC has looked at the drainage document and still has major concerns in respect of the inclusion of a SuDs system for dealing with surface water and the amount water that will be discharged into the watercourse at the southern end of the site into an area that already has flooding problems in severe weather conditions. The Barnham and Eastergate Neighbourhood Plan Policy ES1 Flooding, drainage and new development relates. The Council has also noted that the ADC drainage engineer has also commented on this issue. The PC would therefore wish to see the ADC's drainage engineers's

suggestions incorporated into the scheme and hope that ADC will not allow the development to commence until they are satisfied that the risk of flooding through this site is negligible. The plans as submitted still appear to show no connection to the land known as Angel's Nursery which was agreed in the original planning application and the PC feel that this should be reinstated to enable residents to safely access the local amenities provided at Murrell's Field and Barnham Community Hall. The PC has noted the proposed maintenance contract for the SuDs depression which was an issue they had previously commented on.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and addressed in the Conclusions section of this report.

CONSULTATIONS

Southern Water Planning
 Engineering Services Manager
 Engineers (Drainage)
 WSCC Strategic Planning
 Surface Water Drainage Team
 Environmental Health
 Parks and Landscapes
 Arboriculturist
 Planning and Housing Strategy
 Sussex Police-Community Safety
 NHS Coastal West Sussex CCG
 Parks and Landscapes
 Environmental Health
 Engineers (Drainage)
 Planning and Housing Strategy
 Sussex Police-Community Safety
 Parks and Landscapes
 WSCC Strategic Planning
 Southern Water Planning
 Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

LOCAL HIGHWAY AUTHORITY:

No objection raised, but requested a plan showing the extent of any proposed adoption; and a Design Audit setting out compliance with relevant highway standards. The applicant has submitted an access plan illustrating visibility splays of 2.4 metres x 25 metres at the junction with Yapton Road, kept clear of landscaping above a height of 600mm and below a height of 2000mm. The applicant has submitted plans of the garages with internal dimensions of a minimum of 3.0 metres x 6.0 metres; and car parking spaces measuring a minimum of 2.4 metres x 4.8 metres, as requested by the Local Highway Authority. The Local Highway Authority considers that the proposed internal layout will not have a detrimental impact on the operation of the local highway network. In terms of visitor car parking, the Local Highway

Authority requested an assessment should be undertaken against the WSCC Parking Demand Calculator to determine the suitability of the parking provision when compared to the anticipated demand, and clarification of the number and location of visitor and unallocated parking spaces. The applicant responded with the requisite information and the Local Highway Authority is satisfied that the site allows for 90 total car parking spaces on plot which should be more than enough to deal with 38 residential units and visitors parking requirements. Since the last Highway Authority comments on this application dated 20th October 2017 the only additional information that has been submitted that relates to a transport impact is in relation to a bin and cycle store drawing BCS.01 Rev A and a revised landscaping scheme. The Highway Authority has no objections to the proposed cycle store and the revised landscaping proposals are not considered to materially change the Highway Authority recommendations included within any previous comments.

ADC HOUSING:

No objection raised. The proposed number of affordable homes (i.e. 11) complies with the Council's policy requirements for 30%; and the tenure split (5 affordable rent and 6 shared ownership) is set out in the approved Section 106 Agreement which accompanied the outline planning permission. There were 1,228 households in housing need on the Council's housing register. The affordable housing should be provided in clusters across the whole development and be indistinguishable from the market housing.

SOUTHERN WATER:

No objection. There is insufficient capacity within the existing foul sewerage system to accommodate the proposed development flows; as such, relevant infrastructure is to be provided to service the development. If the applicant wishes to offer drainage for adoption, all adoptable drainage should comply with sewers for adoption standards.

ADC DRAINAGE ENGINEER:

The proposed development layout satisfies condition no.9, imposed on the outline planning permission, in respect to maintaining access to the existing watercourse. A 3.0 metre wide easement strip is required from the top of the bank and to be free of all obstructions including boundary fences. The access strip needs to be excluded from gardens. Easements within gardens (even with easement rights/covenants in place) leads to problems in respect to access into property 24 hour a day, 7 days a week; homeowners planting in the rear 3.0 metre section of garden making it difficult to access the ditch; erecting sheds/greenhouse, etc and dumping over their rear fences (i.e. into the ditch). The foul water pumping station compound and one of the dwellings initially conflicted with this requirement, but the applicant submitted an amended layout plan which shows the pumping station and the dwelling (Plot 18) re-located to ensure the 3.0 metre stand-off distance is achievable. Whilst there is possibly a slight reduction in the 3.0 metre' requirement in the extreme south east corner of the site, ADC Drainage Engineer considers that this is not a major issue. The ADC DRAINAGE ENGINEER requested but has not received proposals to incorporate other SuDS storage features in the development i.e. tanked permeable paving. This could reduce the size/depth of pond required, as additional water storage will be provided. It was made clear to the applicant that the ADC Drainage Engineer wanted to see other SuDS features on the development to help provide further water treatment, etc. This is now particularly important as the pond will be 'offline' i.e. normal flows will not pass through the pond, and water treatment will therefore be limited based upon their current scheme. The applicant needs to address the overall drainage arrangements, and provide revised calculations to suit, The pond will also need to be tanked/lined to ensure that it does not fill with groundwater (high water table here).

ADC ENVIRONMENTAL HEALTH OFFICER:

No objection raised subject to the imposition of a condition regarding unsuspected contamination. Without this condition, the proposed development on this site poses an unacceptable risk to the environment and Environmental Health would wish to object to the application. Environmental Health does not have any comments on the amended plans of the layout of the rear of the site submitted in

December 2017. Environmental Health are still waiting for information to assess whether Condition 5 of BN/32/15/OUT, which relates to drainage can be discharged, which is expected to be submitted as a DOC application following the determination of the current reserved matters application.

ADC GREENSPACE:

Object to the proposed development. Where is the play provision identified within the proposals, for this site? There is no mention of play provision on the site, which a development of this site would trigger the need for. Play provision needs to be detailed and agreed. It is acknowledged that the Section 106 agreement requires the applicant to provide £38,000 towards off-site play (this should in fact have been index linked to October 2000) therefore, there is no requirement for a LEAP on-site. The revised drawings (MAT21212 11A sheets 1 and 2) differ greatly from those submitted and approved at the outline planning stage. The outline plans indicated the Public Open Space to be centrally positioned with footpath and open space connecting with land with planning permission for housing to the west of the application site. The proposed layout has the area of open space in the south west corner of the site behind the apartment building (Plots 19-24) which does not benefit the wider development and with no shown connection to the wider area. This proposed scheme also precludes the formation of the green corridor, which was previously proposed at outline planning application stage. The area of landscaping along Yapton Road is now shown as reduced in area with a hardstanding and vehicular turning area. The proposed landscaping shows a significant reduction to the tree planting in comparison with that proposed in the outline planning application (BN/32/15/OUT).

ADC GREENSPACE requested that the developer confirms the total of Open Space (in metres square) being provided on this development; and requested clarification of whether the attenuation pond would be a standing water body, and for what part of the year. The POS area now confirmed in metres square falls significantly short of the ADC Supplementary Planning Guidance (SPG) for open space requirement. This is even before what is proposed is considered as useable or un-useable which now as it is shown as the majority forming an attenuation basin, would not be classified as usable. The prospect of heavy rain being the determining factor to usability this would give no certainty as to availability year round. If this is the primary Open Space within this proposal for children to play, would it be deemed acceptable to be proposing that they play in a potential waterbody? For clarity a cross section through this area particularly from the corner of the flats 19-24 would show this in context. Also further detail of the SuDS depression regarding flow and water holding capacity could be passed back to the drainage engineers for further comment as to whether they would have any concern if proposed as primary POS for this development? The outline plans showed tree planting to this open space area, again trees would not thrive if this area were to hold water. It is therefore concluded that ADC GREENSPACE would still uphold the objection to the plans relating to good design, regarding Open Space and landscape provision as proposed.

ADC GREENSPACE considers that the amended layout plans re-siting of the apartment building (Block A) by 90 degrees still does not solve the issue with the POS; it merely shifts the issue to another location. It is fair to say that the POS is still compromised as the only open space within this proposed development and therefore ADC GREENSPACE would still have to uphold an objection to the layout as submitted. When viewed in conjunction with the SuDS to POS, the apartment building (Block A) still adversely undermines the available POS for this site. The apartment block would need to be omitted in order for any credible area of POS to be made available in this location.

ADC ARBORICULTURE:

No objection raised. The Tree Protection Plan (plan reference 15192-BT1) is very detailed and the measures recommended are adequate to ensure that the existing trees on the site are adequately protected.

SUSSEX POLICE:

No objection raised. The development has outward facing dwellings with back to back gardens which would create good active frontages with the streets and the public areas being overlooked. The design would all but eliminate the need for vulnerable rear garden pathways. Parking would be provided with in-curtilage and garage parking, which should leave the street layout free and unobstructed. The external cycle storage should be located as close to the apartment building as possible, with internal lighting and lockable door. The proposed bin store serving the apartment building should also be internally illuminated and lockable. Sussex Police recommended that the development be constructed to Secured by Design standards. Sussex Police have no issues regarding the amended layout, drainage of landscaping from a crime prevention viewpoint. The amended plans indicate an (informal) small play area close to the SuD in the south west corner of the site. Although the repositioned flats overlook the area, it is recommended that a barrier between the SuD and the play area such as a dense 1 metre high hedge or fencing to deter children accessing the SuD which potentially may contain a depth of water which may be hazardous to them. For a Local Area of Play (LAP) it is recommended that the area should be situated in an environment that is stimulating and safe for children, be overlooked with good natural surveillance to ensure the safety of users and the protection of equipment, which can be vulnerable to misuse and would recommend that the eventual location is surrounded with railings with self-closing gates to provide a dog free environment.

NHS COASTAL WEST SUSSEX CCG:

No representation submitted.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and addressed in the 'Conclusions' section of this report.

POLICY CONTEXT

Designation applicable to site:
Outside the built-up area boundary (BUAB)
located in the countryside.

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

DEV17	Affordable Housing
GEN12	Parking in New Development
GEN14	Public Transport
GEN15	Cycling and Walking
GEN18	Crime Prevention
GEN2	Built-up Area Boundary
GEN20	Provision of Public Open Space within New Development
GEN25	Water Resources
GEN3	Protection of the Countryside
GEN7	The Form of New Development
GEN8	Development and the Provision of Infrastructure
GEN9	Foul and Surface Water Drainage

Publication Version of the Local Plan (October 2014):

D DM1	Aspects of Form and Design Quality
H DM1	Housing Mix

H SP2 Affordable Housing
 INF SP1 Infrastructure provision and implementation
 OSR DM1 Open Space, Sport & Recreation
 C SP1 Countryside
 D DM3 External Space Standards
 D SP1 Design
 ECC SP2 Energy and climate change mitigation
 ENV DM4 Protection of Trees
 ENV DM5 Development and Biodiversity
 SD SP1 Sustainable Development
 T SP1 Transport and Development
 W DM3 Sustainable Urban Drainage Systems

<u>Barnham & Eastergate Neighbourhood Plan 2014</u> <u>POLICY ES1</u>	Applications for new development must meet the local drainage requirements
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES5	Quality of design
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES8	Buildings should be designed to reflect the three-dimensional qualities of traditional buildings
Barnham & Eastergate Neighbourhood Plan 2014 POLICY GA4	Parking and new development
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H4	Integration of new housing into surroundings
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H5	Outdoor space
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H6	Attention to detail

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework
 NPPG National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new Local Plan is in preparation and constitutes a material consideration when determining planning applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was suspended whilst Arun District Council addressed matters raised by the Inspector but it resumed on 17th September 2017 and has now concluded. The District Council is awaiting the Inspector's report which is due out in Spring 2018. The Main Modifications to the Arun Local Plan and evidence base are being made available for public consultation. Representations

can be submitted to the council over a six week period starting on Friday 12 January until 5pm on Friday 23 February. This follows on from the Arun Local Plan examination hearings held in September 2017.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account. The examination ended in Autumn 2017 following publication of modifications to the Plan.

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Regulation 14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Regulation 14).

Barnham and Eastergate Neighbourhood Plan was made on 16th July 2014 and is relevant to the consideration of this application for approval of reserved matters.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposed development lacks the provision of well designed, poorly located on-site open space which would result in a lack of privacy for occupiers of the proposed apartments and is therefore considered to be contrary to the relevant Development Plan policies.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background which were considered at the outline planning application stage.

CONCLUSIONS

PRINCIPLE

The principle of residential development on this site was established on 5th April 2016 when outline planning permission (BN/32/15/OUT) was granted for 38 dwellings, with all matters reserved. There can, therefore, be no objection in terms of the location of the site outside of the built-up area boundary (the BUAB) to the south east of Barnham. The key issues to be considered are ones of detail and relate to the access, layout, design, appearance and landscaping of the site.

ASSESSMENT

It should be noted that the applicant has amended the scheme during the process of this reserved matters application (BN/28/17/RES) including the provision of additional tree and hedge planting along the site frontage and the access road. Alterations have also been made by the applicant to the external appearance of the dwellings comprising the use of stone sills to windows throughout the development, the greater use of tile hung panels, the use of flint panels on the houses fronting onto Yapton Road, the addition of chimney stacks on the terraced houses (Plots 14 to 18 inclusive), the use of different styles of porches on the front elevations of Plots 14 to 18 inclusive, the inclusion of 'Juliet' balconies onto the apartment building (Plots 19 to 24 inclusive), and the use of string courses and soldier courses on the brickwork to enhance the visual appearance of the blank brickwork elevations on the dwellings.

ACCESS

The proposed site access would not use the former Caravan Park access, but would be moved to a more central position on the site boundary onto Yapton Road. The Local Highway Authority is satisfied with the proposed access onto Yapton Road in terms of sightlines and visibility splays following the submission of amended plans. However, the red line boundary on the submitted reserved matters application excludes the access to the site off Yapton Road. The red line boundary falls short of the site access. The applicant claims that the red line submitted with the reserved matters application is consistent with the outline permission; and that naturally there will need to be works going forwards which will enable the site to join with Yapton Road, which the applicant claims can be sorted out in further construction details after the reserve matter application has been granted. It is considered that the proposed development complies with Policy T SP1 of the modified eALP in terms of access and highway safety.

USE AND AMOUNT OF DEVELOPMENT

The site has outline planning permission for 38 houses (BN/32/15/OUT) and the reserved matters application reflects this number of dwellings. The proposed affordable housing provision - amounting to 11 units (i.e. 30% affordable provision) - is in accordance with the Council's requirements and the existing Section 106 Agreement (i.e. 5 affordable rent and 6 shared ownership; comprising a range of 2 bed flats and 2 bed terraced houses). The Council's Housing Strategy & Enabling Manager has raised no objection and considers the proposed quantum and location of the affordable housing to be suitable, in accordance with policy DEV17 of the Arun District Local Plan and Policy H SP2 of the eALP.

SCALE AND BUILDING HEIGHTS

There are limited surrounding dwellings to this site and these are to the north and west; with number 47 Yapton Road immediately east of the application site. Dwelling types in the vicinity are a mixture of two-storey and some single storey. There is also other non-residential horticultural development nearby to the east. The site itself, for the most part, enjoys good separation from surrounding development and good screening from nearby residential development. There is a predominance of two storey dwellings on this site, with 2 and a half storey in key locations and the three storey apartment building to the rear

part of the application site. The two and two and a half storey dwellings are in keeping with the character of the surrounding area and ensure that the development reflects the surrounding built form. The applicant is proposing a mix of 2 to 5 bed units across the site.

SITE LAYOUT AND CHARACTER

Policy H4 of the Barnham and Eastergate Neighbourhood Plan (NP) says: "Proposals for residential development should be of high quality, and designed so that the new housing integrates into its surroundings and is well connected to the village". The supporting text to Policy H4 goes on to say that "it is important that any new housing does not feel like an add-on to the villages but is fully integrated in to the community and its facilities" (paragraph 9.3.1 of the Barnham and Eastergate NP). Policy D DM1(10) of the modified eALP requires "any application for development to utilise existing networks or improve access via delivery of a variety of integrated networks, to and from residential areas, commercial zones, open spaces, facilities an public transport. Development schemes should carefully consider walking and cycling as an integral part of the overall design concept".

The proposed residential scheme is generally laid out with detached and semi-detached dwellings along the access road, and terraced properties and an apartment building towards the rear of the application site, encompassing an area of open space.

Barnham Parish Council and ADC Greenspace have objected to the proposed layout of the residential development, as the proposed application for reserved matters differs greatly from the layout plans submitted and approved at the outline planning stage. The plans approved at outline planning stage indicated the Public Open Space to be centrally positioned with footpath and open space connecting by means of a green corridor with land with planning permission (BN/43/16/PL) for housing on the Angel's Nursery site to the west of the application site. The layout of both the residential development on the Angel's Nursery site and the application site have been substantially revised due to the identification of the exact location of a foul sewer and rising main that crosses both sites. Once the exact location of the foul sewer and rising main were pinpointed, the layout plan submitted for information at outline planning permission stage for the Lillies Caravan Park site needed to be revised substantially, which resulted in the layout that has been submitted by the applicant for the current application for reserved matters.

The applicant claims that the proposed layout on the application site has been designed in a manner which provides for open space in the south west corner with connectivity via open space to the adjoining Angel's Nursery site (BN/43/16/PL), thereby enabling residents to safely access the local amenities provided at Murrell's Field and Barnham Community Hall. The proposed layout plan lacks a footpath link between open space on the application site and the open space on the Angel's Nursery site which has planning permission (BN/43/16/PL) for housing. Connectivity to the open space on the adjoining site would be achieved by means of a condition. The provision of a link would enable people to walk between the two sites and the ideal solution would be to join the areas of Public Open Space together. There is potential for greater connectivity between the application site, the housing approved on the adjacent Angel's Nursery site and on to Murrell's Field. Murrell's field is the largest public use pleasure, recreational and leisure land in the village of Barnham, incorporating a multi-use games area, fitness trail, football pitches and children's playground; with footpaths around the perimeter, which are extremely popular with walkers.

In response to the objection received from Barnham Parish Council, regarding the layout, the proposed residential layout takes into account a foul sewer and rising main that crosses the site; and a 5.0 metre easement is provided either side of the rising main and foul sewer. The location of the pumping station to the rear of the site, within an area of open space is acceptable to the ADC Drainage Engineer. The pumping station needs to be at the low point of the site. There will be in excess of 15 metres between the pumping station and the habitable rooms of dwellings. The applicant was requested to submit elevations of the pumping station, but responded claiming that this was not something that would typically be

submitted as part of the reserved matters application, and the applicant requested that this be conditioned and sorted after approval of the reserved matters application.

The applicant claims that there would be good surveillance of the open space and the pumping station from five terraced houses and the three storey apartment building to the rear of the site. Notwithstanding this, the apartment building would lack any external private space. The apartment building lacks a domestic curtilage or defensible space particularly on the rear elevation which backs onto the area of Public Open Space (POS), constituting an unacceptable loss of privacy. The current arrangement would allow users of the POS to access the area immediately to the rear of the apartment building which is unacceptable in terms of privacy for the residents of the apartment building, which would be contrary to Policy D DM1(3) of the modified eALP in terms of impact.

The proposed layout includes an area of open space in the south west corner of the site behind the apartment building (Plots 19-24) which does not benefit the wider development and with no shown connection to the wider area. This proposed scheme also precludes the formation of the green corridor, which was previously proposed at outline planning application stage.

The fundamental issue is the proposed layout at the rear of the application site in the vicinity of the proposed apartment building. It is considered that the layout of the open space, hidden away behind the apartment building at rear of the site is unacceptable, as is the lack of a domestic curtilage or defensible space for the apartment building, which is contrary to Policy GEN7 of the Arun District Local Plan (ADLP), Policy D DM1 in the emerging Local Plan and Policy H4 of the Barnham and Eastergate NP.

DESIGN AND FORM OF BUILDINGS

The proposed building designs and use of materials are considered to sympathetically respond to its location. The development will have its own distinctive character and quality, whilst at the same time reflecting the local vernacular, with the tile hung walls and the flint panelling.

The applicant has proposed a series of dwelling types of mixed design and materials. The main street frontage has been carefully designed. The buildings will have traditional elements of roof forms, with punctuating design details which reflect the local vernacular. A consistent palette of materials would be utilised including tile clad walls, flint panelled walls, the use of brickwork soldier courses and string courses, and stone window sills, which would result in a consistent character overall. The applicant is proposing to use bay windows, which will add interest to house frontages and side elevations; used at important locations, such as where houses turn corners or to add emphasis to a building that terminates a key view.

The proposed street scenes demonstrate a variety of house types and external finishes, which would create visual interest to the residential development. It is considered that the design and form of the individual dwellings complies with Policy GEN7 of the ALP, Policy D DM1 and Policy D SP1 of the eALP, Policies ES5 and ES8 of the Barnham and Eastergate NP.

EMERGING DWELLING SPACE STANDARDS

The Council's emerging internal space standards are under review. House types do, however, comply with National Space Standards.

EXTERNAL SPACE STANDARDS

In terms of the emerging external space standards private gardens all meet the minimum required depth of 10 metres so provide sufficient and suitable private outdoor amenity space. Larger dwellings generally have larger back gardens throughout the site. Garden areas are in excess of the required minimum areas and are therefore satisfactory. Consequently, it is considered that the proposed development complies with Policy D DM3 of the eALP and Policy H5 of the Barnham and Eastergate NP.

RESIDENTIAL AMENITY FOR NEIGHBOURING DWELLINGS

The amenity of the residents of number 47 Yapton Road immediately east of the application site would not be affected unduly by the development. The stand-off distance between the side elevation of number 47 Yapton Road and the side elevation of the nearest dwelling on Plot 1 meets the distance requirements. The side elevation of the dwelling on Plot 1 includes obscure glazing in the downstairs WC to ensure privacy is maintained.

PUBLIC OPEN SPACE

Policy H5 of the Barnham and Eastergate Neighbourhood Plan says: "proposals for new housing development should include good quality outdoor amenity space - either private gardens or a shared amenity space". The supporting to Policy H5 goes on to explain that "the amount of land used for garden or amenity space should be commensurate with the size and type of dwelling and the character of the area, and should be of appropriate utility (for play and recreation) and quality having regard to topography, shadowing (from buildings and landscape features) and privacy" (paragraph 9.3.3 of the Barnham and Eastergate NP).

Policy OSR DM1(2. a) of the modified emerging Local Plan (eALP) says: "Housing will be required to contribute towards open space provision in accordance with guidance set out in the current Open Space Study. In some parts of the district open space provision is identified as being sufficient in terms of quantity. Therefore, provision of new open space is not deemed necessary but what is needed is to seek contributions for quality improvements and/or new off site provision in order to address any future demand."

The Public Open Space (POS) would be occupied by an attenuation pond, and as such it does not constitute usable POS; and would be located at the rear of the site, behind an apartment building, as such, the POS is not located in a prominent location which is accessible to all of the residents of the development. The applicant claims that the attenuation basin is not permanently wet and would only have water in if there was a very heavy rainfall thus this area would then be feasible use as POS.

The proposed on-site public open space would lack the provision of a play area and would comprise a grassed area, predominantly occupied by an attenuation basin. ADC Greenspace has raised an objection to the lack of play provision on the site, which a development of this site would trigger the need for. Play provision needs to be detailed and agreed; and section 106 monies would be sought for off-site play if provision is not included within the application site. ADC GREENSPACE requested that the developer confirms the total of Open Space (in metres square) being provided on this development; and requested clarification of whether the attenuation pond would be a standing water body, and for what part of the year. The applicant claims that the POS approved as part of the previous outline planning permission comprised of 1,344 metres square of land, whereas the reserved matters application proposes 1,504 metres square of open space, which equates to an increase of 160 metres square. However, the 1,504 metres square of land does not comprise useable public open space.

The Planning Inspector in the determination of the 2013 appeal for a similar 38 residential units, which was dismissed, recommended the provision of a reduced area of on-site open space together with a financial contribution for the enhancement of off-site open space. Enhanced open space provision, including additional play equipment could be provided off-site is one of the developer contributions included in the Section 106 Agreement which accompanied BN/32/15/OUT, to which the current application for reserved matters relates directly. The applicant has agreed to the payment of a commuted sum for the provision or enhancement of off-site open space in accordance with the section 106 Agreement imposed on BN/32/15/OUT.

The on-site public open space will consist of an attenuation basin with mown amenity grassland and the

applicant claims it will incorporate native tree planting. The applicant claims that the attenuation pond would not be permanently wet, but it would have water in following heavy rainfall. Therefore, the Local Planning Authority considers that this area would not comprise useable POS. Consequently, ADC Greenspace re-iterates its objection regarding the layout and suitability of the POS as now submitted and the suitability of this in relation to the outline application. The outline clearly showed an open space but also opening out onto an area of open space (albeit within a neighbouring development) of similar magnitude; the layout now being sought does not accommodate either. Consequently, the provision of public open space within the development at the level proposed is unacceptable.

The applicant responded to ADC Greenspace comments claiming that:

1. The depth of the attenuation feature is driven by the invert level of the existing ditch to which the surface water discharges. Therefore, there is no option to deepen the depression and reduce its footprint. With regard to the usability of this space in dry spells this is a matter of detailed design. The base of the depression will need to be underlain with free draining material. This should ensure that the area drains/dries quickly as the water level recedes.
2. Block A has been repositioned in a positive manner after discussions with the planning officer and his superiors, the location is now a much better all-round siting than previous and addresses the green space better and acts as a vista stop from the north and west.
3. There is no detail in the S106 agreement which specifies a LEAP has to be provided and thus the POS on this site is merely that.

The amended plans identify Informal play space adjacent to the SuDS depression. ADC GREENSPACE still remains to be convinced that a basin with a 1.0m depression taking the majority of the POS provides safe and useable POS. It is questionable whether this area would otherwise remain dry in reality in the 1 in 100 year storm event scenario. The amended plans which show the repositioning of the apartment building (Block A) is considered has just shifted the issue not resolved it. The omission of the apartment building (Block A) would be a better outcome, increasing the provision of on-site open space.

The provision of unusable public open space occupied by an attenuation pond, located to the rear of the site is contrary to Policy GEN20 of the ADLP, Policy OSR DM1 of the eALP and Policy H5 of the Barnham and Eastergate NP.

LANDSCAPING

Hedgerow planting is proposed along the frontage with Yapton Road, along the site entrance and in front of all of the properties on the site. However, the area of landscaping along Yapton Road is now shown as significantly reduced in area with a hardstanding and vehicular turning area, compared with the layout submitted at the outline planning stage (BN/32/15/OUT). The landscape scheme includes isolated tree planting along the estate road; and along the western boundary of the public open space; but it could be enhanced by an avenue of trees on both sides of the carriageway which runs from north to south through the application site.

The Council's Arboricultural Officer considers there are no arboricultural issues arising from this reserved matters application, in respect of existing trees which are retained and protected wherever possible. The measures proposed for tree retention, protection and enhancement comply with policy ENV DM4 of the eALP.

PARKING AND HIGHWAY ISSUES

Parking provision for the proposed dwellings is in accordance with Council approved Parking Standards for the size of dwellings proposed. Most of the detached houses have one garage and 2 extra spaces; terraced and semi-detached houses have at least two spaces and many have garages. Visitor parking is proposed throughout the development and in addition, many of the dwellings have sufficient space to

accommodate visitor parking on plot. The site allows for 90 total car parking spaces on plot which should be more than enough to deal with 38 residential units and visitors parking requirements. Shared surfaces and private drives provide direct access to driveways and courtyard parking. Consequently, the proposed development complies with Policy GEN12 of the ALP and Policy GA4 of the Barnham and Eastergate NP.

FLOODING

The site is located in a Flood Zone 1 area, with a low probability of fluvial, pluvial or tidal flooding, where residential development, designated as 'More Vulnerable' would be considered to be appropriate. Surface water will discharge into the watercourse located on the southern boundary of the application site. Surface water will be stored on site through the use of an attenuation pond located in the public open space. The attenuation pond would effectively be dry most of the time but would fill to varying depths on occasions to cater for more severe storm events. The pond would be a relatively shallow feature of no more than 1.0 metre in depth. The proposed development complies with Policy GEN9 of the ALP, Policy W DM3 of the eANP and Policy ES1 of the Barnham and Eastergate NP.

DRAINAGE

The proposed foul water drainage strategy is to discharge foul water into the existing public sewer network. Due to the low lying levels with the south of the site, foul flows in this area will be pumped via a pumping station to the north where they will be discharged via gravity into the existing sewer network. The principles of the drainage scheme for the current reserved matters application have been agreed with the developer, including the 3.0 metre easement to the watercourse; and Southern Water has raised no objection.

ADC Drainage Engineers have commented that the applicant is clearly not familiar with national guidance, the Suds manual, good practice or ADC's requirements. Whilst the basic principles are contained in the Flood Risk Assessment, the detailed design is considered via the appropriate condition. The applicant should at least incorporate lined permeable paving in driveways/also incorporating discharges from roof water into it where possible, in order to provide further water treatment and to help increase the time it takes for flows to get to the site outfall.

There is already flooding downstream of the application site in Hill Lane and therefore everything that can be done, should be done, in order to reduce flood risk.

The submitted Drainage Strategy drawing is purely a 'strategy' showing the bare minimum of details. It is not a detailed design. The detailed design will need to include the following:

- A. A fully detailed drainage layout incorporating road/driveway/roof drainage elements;
- B. Hydraulic calculations to support the proposals;
- C. Fully detailed construction details of all drainage elements, including the pond; and
- D. It is understood that the applicant has cleaned out the ditch adjacent to the site boundary, however, it is evident that the section of ditch immediately downstream is heavily vegetated/silted and will impact on the proposed residential development. The applicant needs to advise of their intentions in this respect, bearing in mind the ditch downstream is on third party land. ADC Drainage Engineers hope that the applicant can come to a mutual agreement with the third party landowners, as it is in their interest.

The detailed drainage design will need to be dealt with under a DOC application. However, the proposed drainage drawing provided to date has been lacking in terms of SuDS features to provide adequate water treatment. ADC Drainage Engineers made comments on the outline planning application (BN/32/15/OUT) mentioning the use of permeable surface driveways. Whilst infiltration has now been

ruled out, there is no reason why tanked permeable driveways cannot be incorporated. These structures would provide attenuation and water treatment. The risk of pollution is highest from vehicles standing on driveways, due to oil leaks. The pond itself would provide minimal water treatment as it is offline, and normal flows would not pass through it. Therefore, at this stage ADC Drainage Engineers are looking for a slightly more detailed drainage layout incorporating measures to provide water treatment in order to reduce the pollution risk. By incorporating permeable paving, the applicant may also be able to reduce the size of the pond (subject to calculation). If the applicant wanted to go a step further and use permeable roads, then again treatment would be greatly improved and offer the potential of further reductions in the size of the pond. Reducing the size of the pond may help with the current issues associated with the public open space provision.

CONDITIONS

The details required to comply with the following pre-commencement conditions imposed on the outline planning permission (BN/32/15/OUT) should not be dealt with as part of this application for reserved matters, but should be addressed in a separate Discharge of Condition (DOC) application:

Condition 4: Noise mitigation measures;
Condition 6: Proposed surface water drainage scheme;
Condition 7: Discharge consent to watercourses;
Condition 8: SuDs system maintenance scheme;
Condition 10: Surface water drainage scheme;
Condition 11: Location of rising main and foul sewer;
Condition 14: Schedule of materials and finishes and samples;
Condition 15: Proposed foul drainage system;
Condition 16: Detailed ecological enhancement scheme;
Condition 20: Details of 10% alternative energy supply;
Condition 21: Covered and secure cycle parking provision;
Condition 22: Construction management plan; and
Condition 23: Details of screen walls and fences.

CONCLUSION

The reserved matters application seeking approval for access, appearance, scale, layout and landscaping is unacceptable.

It is recommended that this reserved matters application is refused for the following three reasons:

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal a neutral impact has 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).

SECTION 106 DETAILS

The Section 106 Agreement imposed on BN/32/15/OUT required developer contributions (to be calculated by way of formula based on the eventual mix of houses) which will be required for:

Primary Education £93,985

Secondary Education £101,149

6th Form £23,696

Libraries £8,428

Fire £892

Provision of 11 Affordable Housing units (5 affordable rent and 6 shared ownership).

Provision of the laying out of an area for Public Open Space (POS) on site as shown on the submitted layout plan. Also a financial contribution (a commuted sum) towards off-site improvements and play equipment for public open spaces within the Parishes of Barnham, Eastergate and Ford.

RECOMMENDATION

REFUSE

- 1 The proposed location of the Public Open Space at the rear of the site is poorly located resulting in an inappropriate and unacceptable layout of the development for the site. The proposed development is contrary to policy GEN7 of the Arun District Local Plan (ADLP) and policy H5 of the Barnham and Eastergate Neighbourhood Plan and the NPPF .
- 2 The proposed apartment building lacks a curtilage/defensible space which would allow users of the Public Open Space to access the area immediately in front of the apartment building which would result in unacceptable privacy for the residents of the apartment building and is therefore contrary to policy GEN7 of the Arun District Local Plan (ADLP) and policy H5 of the Barnham and Eastergate Neighbourhood Plan and the NPPF .
- 3 The proposed development excludes well designed, usable public open space as the land identified as POS would be largely occupied by an attenuation pond. The proposed development is therefore contrary to policy GEN20 of the Arun District Local Plan (ADLP) and policy H5 of the Barnham and Eastergate Neighbourhood Plan and the NPPF.
- 4 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.