

Recommendation Report for Approval of Reserved Matters Following Outline Approval

REF NO:	BN/52/16/RES
LOCATION:	Land of former Pollards Nursery Lake Lane Barnham
PROPOSAL:	Approval of reserved matters following outline consent BN/16/12 & BN/21/14 for appearance, landscaping & scale for erection of 107 dwellings, car parking including garages, internal access roads, footpaths, parking & circulation areas, hard & soft landscaping, formal & informal play areas & public open spaces, attenuation basins, sewage treatment plant & other associated infrastructure & engineering - Duplicate application of BN/51/16/RES

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This further application seeks approval of Reserved Matters - appearance, scale, layout and landscaping - for the erection of 107 dwellings and associated works in relation to the outline planning permission BN/16/12 as amended by BN/21/15 at the former Pollards Nursery, Lake Lane, Barnham.

The site already has the benefit of approved Reserved Matters (BN/21/15/RES) and construction has commenced on site, but the applicant has undertaken a review of the design and layout of the scheme, which has resulted in changes to the layout from that approved.

The changes to the approved layout, which are the subject of this reserved matters application (BN/52/16/RES and to the duplicate approved reserved matters application BN/51/16/RES) comprise:

- Adjustment of plots and house types on the southern spine road;
- Revisions to plots and house types in the central development parcel, and the reconfiguration of the north eastern corner of the site;
- Increased open space and relocation of the proposed allotments to the south eastern boundary of the site;
- Adjustments to plots and house types on the southern boundary;
- Provision of pedestrian / cycle link to adjoining development and adjustments to open space in the south western corner; and
- Revised layout on the western boundary, on the former location of the proposed allotments.
- Removal of the foul water treatment plant from the centre of the site and replacement with public open space;

- Revision to the proposed play equipment on the public open space.

Further amendments to this reserved matters application (BN/52/16/RES) were received from the applicant in February 2018 which comprise the following:

- Further revised House Types: there are very minor revisions to the house types on 55 plots within the application site. The changes to the house types have not altered the overall design approach, external layout or the scale of the units, they simply reflect the most up-to-date housing range provided by this volume house builder. In the significant majority of cases, there is no change to the footprint of the plots, primarily to the internal layout with the only change in size being the 'Highgate' and the 'Tweed' house types;
- The inclusion of the 2.0 metre high acoustic fence (identified on the amended Boundary Treatments Plan). The Noise Report prepared by the consultants RPS has been updated accordingly; and
- Updated landscaping plans to reflect the removal of Leylandii trees on the site boundary with Number 49 Nightingale Lane.

The development remains fundamentally as already approved Reserved Matters (BN/21/15/RES and BN/51/16/RES) at 107 dwellings with the access to the site remaining from the north east; with the same amount and mix of development, with the layout continuing to reflect the scheme which has already been approved. The layout retains the same principles of a linking spine road running through the site with dwellings fronting onto the road; with the same levels of open space both informal and formal provision as well as wildlife corridors and drainage features.

SITE AREA	Approximately 6.2 ha
RESIDENTIAL DEVELOPMENT DENSITY	17.25 dwellings per ha
TOPOGRAPHY	Predominantly flat
TREES	A significant belt of trees lies on the western boundary of the site. A number of trees have been felled in accordance with previously approved plans.
BOUNDARY TREATMENT	Existing vegetation on northern boundary adjoining residential properties to the north. There is a mature tree-lined boundary to the western boundary which includes a belt of Leylandii trees, some of which have been removed due to wind damage. The eastern boundary is adjoined by glass houses; and the railway line is located immediately south of the application site.
SITE CHARACTERISTICS	The site access lies approximately 950 metres to the east of Barnham village centre, south of Lake Lane. To the east, the site is bounded by glasshouses associated with the existing Pollards Nursery. To the south, the site is bounded by the

railway line and to the west, by former agricultural land which was recently allowed at appeal for the development of 75 dwellings, which is being developed.

The application site was previously part of a horticultural business (the former Pollards Nursery site) and it was occupied by glasshouses that were built in the 1950s/60s, with associated hardstandings and structures.

The southern and western parts of the site are currently being prepared for the construction of houses; and houses are currently under construction, and a number have already been completed in the north eastern part of the site, in the vicinity of the Redrow show-house.

CHARACTER OF LOCALITY

The site is located beyond the edge of the built up area boundary (BUAB) of Barnham. There are some residential properties to the north of the application site and a newly completed housing estate west of the site but the area is generally semi-rural in nature and character and typical of areas close to the edge of settlements.

RELEVANT SITE HISTORY

BN/51/16/RES	Approval of reserved matters following outline consent BN/16/12 & BN/21/14 for appearance, landscaping & scale for erection of 107 dwellings, car parking including garages, internal access roads, footpaths, parking & circulation areas, hard & soft landscaping, formal & informal play areas & public open spaces, attenuation basins, sewage treatment plant & other associated infrastructure & engineering	ApproveConditionally 22-09-17
BN/59/16/PL	Erection of a temporary sales cabin & associated parking area	Withdrawn 23-01-17
BN/19/16/PL	Demolition of vacant office building & erection of 7 No. dwellings with associated garaging & landscaping. This application is a Departure from the Development Plan.	
BN/24/15/PL	Demolition of existing office & erection of 1 No. new replacement office.	ApproveConditionally 15-09-15
BN/15/16/RES	Approval of reserved matters following outline consent BN/16/12/ for the reconfiguration of site layout to include	Withdrawn 17-02-17

the resitting of 4 No. residential buildings.

BN/21/15/RES	Approval of reserved matters following outline consent BN/16/12/ for the construction of 107 No. residential dwellings with associated internal access roads, footpaths, boundary treatments, attenuation ponds, pumping station, landscape & open space (including allotments).	ApproveConditionally 02-12-15
BN/16/12/	Outline application with some matters reserved for a development of up to 107 no. residential units (this application is a Departure from the Development Plan)	Refused 22-11-12 Appeal: Allowed+Conditions 17-10-13
BN/32/17/DOC	Application for approval of matters reserved by condition imposed under BN/16/12/ (APP/C3810/A/13/2193942) relating to conditions 5-surface water drainage, 6-maintenance of SUDs, 7-foul drainage system, 8-schedule of materials & finishes, 11-scheme for protection of retained trees, 13-plan indicating boundary treatments, 17-ecological enhancement measures, 18-mitigation & translocation plan for reptiles, 19-Ecological Clerk of Works for final bat checks & soft tree felling, 20-mitigation for noise sensitive facades & amenity areas, 21-pedestrian & cycle paths, 23-layout & specifications of & construction programme for roads, including access, footpaths, foul & surface water drainage & means of disposal, 25-pedestrian visibility splays & 26-Travel Plan.	
BN/2/17/DOC	Application for approval of matters reserved by condition imposed under BN/16/12/ relating to Condition No. 20 (Noise report)	DOC Approved 21-12-17
BN/66/16/DOC	Application for approval of matters reserved by conditions imposed under BN/16/12 relating to conditions 6 - Maintenance of SUDs, Condition 10 & 11 - Tree Retention & Protection, Condition 15 - Energy, Condition 17 - Ecological Enhancement Measures, Condition 18 - Reptile Mitigation, Condition 19 - Bats & Tree Felling & Condition 23 - Road Construction.	
BN/65/16/DOC	Application for approval of details reserved by condition no.22 imposed on planning permission BN/16/12 relating	DOC Approved 18-01-17

to wheel washing provisions

Outline planning permission (BN/16/12) was allowed on Appeal, and amended by the Section 73 application BN/21/15 which removed two small sections of land from the development site and removed them from the red edge boundary.

The main issue at the Appeal was the effect on the character and appearance of the rural area having regard to national and development plan policies in respect of development in the countryside and the delivery of new housing.

The Inspector concluded that the development did not comply with policies relating to development outside of defined development boundaries, but that in the absence of a 5 year land supply these policies were not considered to be up-to-date and the presumption in favour of sustainable development applied. That having regard to paragraph 14 of the NPPF, there would be a benefit in terms of a contribution to housing supply, some local surface water drainage improvement and the potential for further investment in the horticultural business. The encroachment into the countryside was not found to be harmful to the character and appearance of the rural area. The adverse impact of approving the scheme did not outweigh the benefits.

The Unilateral Undertaking (the UU) accompanying the outline planning application secured affordable housing (30% provision and therefore policy compliant), open space and a landscape management plan, construction management plan and road safety audits (RSAs). Financial contributions were also identified in the UU for highway works (bus stop improvements), fire and rescue, libraries and health provision.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Barnham Parish Council

No objection.

5 letters of representation have been received from residents of Arun Place objecting to the reserved matters application on the following grounds:

- The original plans showed an allotment and children's play area and footpaths along the western boundary of the site. The planning application has been amended and the applicant is proposing four large detached houses close to the western boundary of the site.
- The four proposed large detached houses will be constructed on the western side of the application site close to the adjoining new houses (Arun Place) which have been built on the parcel of land immediately west of the application site; which will lead to overlooking and loss of light and privacy.
- The 10 to 15 metre landscaping belt along the western boundary of the site has already been cleared, which is contrary to the original planning permission.
- The tree line bordering the site is an important area for bat foraging and it should be retained.
- The applicant is proposing to remove at least half of the reptile habitat (i.e. trees) and will only retain a small area adjacent to the border of the site, in order to construct four large detached houses.
- The trees next to Number 49 Nightingale Lane acts as a screen protecting the neighbouring residents from dust and noise generated on the application site.
- Residents in the area are concerned about structural cracking in their properties due to compacting of the ground on the application site.

- The original location of the proposed allotments on the western boundary of the application site would have complemented the wildlife area well.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

The location of the proposed four detached houses on plots 68-71 on the application site comply with the stand-off distances and would not overlook any new houses on the Arun Place Development or lead to loss of privacy or light.

The applicant has submitted detailed landscaping plans, including a landscape scheme, which includes the retention of the western boundary and the enhancement of this area with additional planting and complementary new features including a LEAP and green spaces. In respect of existing trees, these are retained and protected where possible. Where possible existing trees and habitats have been protected and the measures proposed for their retention, protection and enhancement; and additional landscaping including the planting of Alder trees - in place of the existing Leylandii - is being proposed to mitigate any potential loss of habitat.

CONSULTATIONS

Highways England
Network Rail
WSCC Strategic Planning
Surface Water Drainage Team
Environmental Health
Parks and Landscapes
Arboriculturist
Southern Water Planning
Economic Regeneration
Head of Planning Policy & Cons
Planning and Housing Strategy
Sussex Police-Community Safety
Engineering Services Manager
Engineers (Drainage)
NHS Coastal West Sussex CCG
Environment Agency
Arboriculturist
Parks and Landscapes
Ecology Advisor
Arboriculturist

CONSULTATION RESPONSES RECEIVED:

HIGHWAYS ENGLAND:

No objection.

WSCC LOCAL HIGHWAY AUTHORITY:

No objection.

The applicant has revised access arrangements to introduce a 2 metre wide footway adjacent to the access road with a dropped kerb/tactile paving uncontrolled crossing providing connection.

The applicant will require consent to undertake works on the Highway through a Minor Works License which can be obtained by contacting the Highway Licensing Team.

NETWORK RAIL:

No objection.

Having considered the details of the proposal, Network Rail would like to advise the applicant of the following:

The developer/applicant must ensure that their proposal, both during construction and after completion of works on site, does not:

- encroach onto Network Rail land;
- affect the safety, operation or integrity of the company's railway and its infrastructure;
- undermine its support zone;
- damage the company's infrastructure;
- place additional load on cuttings;
- adversely affect any railway land or structure;
- over-sail or encroach upon the air-space of any Network Rail land; and
- cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future

As the site is adjacent to Network Rail's operational railway infrastructure, Network Rail strongly recommends the developer contacts AssetProtectionWessex@networkrail.co.uk prior to any works commencing on site. More information can also be obtained from our website at www.networkrail.co.uk/aspx/1538.aspx

ENVIRONMENT AGENCY:

No objection.

Private package plant is not acceptable in sewered area - mains connection should be pursued. Application for private package plant has been withdrawn. Cess pits are being used as a temporary short term solution for the houses already constructed but this is not sustainable in the long term. The developer should fully investigate connection to mains foul sewerage either via Southern Water or an OFWAT appointed sewerage undertaker.

SOUTHERN WATER:

No objection.

The Environment Agency should be consulted directly regarding the use of a private wastewater treatment works, which disposes of effluent to sub-soil irrigation. On site foul drainage should be offered for adoption by sewerage undertaker, but the proposed plan would not be adoptable by Southern Water. The Council's technical staff and the relevant authority for land drainage consent should comment on the proposals to discharge surface water to the local watercourse.

SuDS Scheme - Drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme
- Specify a timetable for implementation
- Provide a management and maintenance plan for the lifetime of the development to include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

If consent is granted, the following condition should be imposed:

"Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved in writing by the Local Planning

Authority in consultation with Southern Water."

ADC DRAINAGE ENGINEER:

No objection.

Principles of drainage are acceptable and the details have been agreed with the applicant. The finalised layout and revised drainage information are provided in the submission to discharge the conditions imposed on the outline planning permission.

ADC HOUSING STRATEGY AND ENABLING MANAGER:

No objection.

This scheme in terms of the provision of affordable housing is supported.

The outcome of BN/21/15/RES and the Unilateral Undertaking accompanying the appeal (APP/C3810/A/13/2193942) should be followed in relation to the affordable housing. The applicant has agreed to provide 32 affordable homes (30%) - 12 x 1 bed; 18 x 2 beds; 1 x 3 beds; and 1 x 4 beds. The proposed mix is acceptable. Tenure of 80:20 Rental:Intermediate homes is acceptable. Suitably integrated onto the development. Appropriate affordable housing delivery approach. The Council would not support the inclusion of Starter Homes as an affordable housing product as there are no published regulations setting out how these would operate as a new affordable tenure type.

ADC ECONOMIC REGENERATION:

No objection.

No further comments but would ask that the developer signs the Arun Developer and Partner Charter and works with the Economic Development Team to offer opportunities to local companies to supply and work on the development.

ENVIRONMENTAL HEALTH:

No objection raised following the submission of additional information regarding the specific location of the 2.0 metre high acoustic fence to the south of the site; clarification relating to internal and external noise levels; and the provision of data for the long-term noise level monitoring.

ADC ECOLOGY:

No objection.

From looking at the revised plans, the ADC Ecological Advisor is satisfied that the amendments would not negatively affect the mitigation proposals for reptiles and have no further comments to make regarding this. The lighting scheme will need to ensure there is no light spill into the hedgerows and trees through the use of directional lighting and a condition should be used to ensure this.

ADC GREENSPACE:

No objection.

The proposed landscape scheme provides a good species selection of mixed native evergreen and deciduous trees, herbaceous, shrubs and hedging plants which if given the correct protection and aftercare would create a suitable scheme, providing instant impact, screening and softening to the development. ADC Greenspace also raised no objection to the updated landscaping plans which reflect the removal of Leylandii trees on the site boundary with Number 49 Nightingale Lane and their replacement with Alder trees. The inclusion of SuDS within the public open space (POS) whilst providing some biodiversity benefit may limit the useable POS area in general and potentially impact on adjacent trees. The amended plans of the LEAP, including the play equipment, are acceptable for location and they have been detailed to include the information requested. The location of the play and the amended location of the allotments are acceptable and look good. Due to the proximity of the LEAP to a water body then the developer should have the Play area(s) RoSPA assessed. The applicant should indicate connection from gates to pathways by means of footpath - only one footpath is indicated but it is not vital.

ADC ARBORICULTURE:

No objection subject to a condition for replacement tree planting.

The trees on the site are shelter belts of screening Leylandii and Alders situated around the site boundaries. The belts of Leylandii especially those along the western boundary have suffered badly from wind-throw and it was initially suggested they would need a management programme of remedial tree works to render them safe before the site is completed and handed over to residents for on-going control. The Council's Arboricultural Officer has agreed the location of tree protection zones/fencing which remains in situ; and for the removal of Leylandii trees on western site boundary with Number 49 Nightingale Lane and their replacement with an appropriate species of Alder.

WSCC STRATEGIC PLANNING:

No objection raised.

SUSSEX POLICE:

No comments to make.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

The issues raised by the Environmental Health Officer is already covered by condition 20 which was imposed on the outline planning permission, which requires the development to be set back from the railway by 15 metres and the submission of a noise report setting out mitigation measures. The report was submitted by the applicant pursuant to condition 20 in January 2017 and again in relation to the current reserved matters application in the recent complete condition discharge. Following discussions with the case officer, the noise consultants contacted EHO to agree the revisions to the report. This was the version submitted in January 2017. This matter is covered by a discharge of condition application which is before the LPA.

The Unilateral Undertaking has already been agreed.

POLICY CONTEXT

Designation applicable to site:

Outside the Built-Up Area Boundary (BUAB)

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

DEV17	Affordable Housing
GEN12	Parking in New Development
GEN2	Built-up Area Boundary
GEN20	Provision of Public Open Space within New Development
GEN21	Renewable Energy
GEN3	Protection of the Countryside
GEN33	Light Pollution
GEN5	Provision of New Residential Development
GEN7	The Form of New Development
GEN8	Development and the Provision of Infrastructure
GEN9	Foul and Surface Water Drainage

GEN28	Trees and Woodlands
GEN32	Noise Pollution
GEN29	Nature and Conservation Across the District

Publication Version of the Local Plan (October 2014):

D DM1	Aspects of Form and Design Quality
D DM2	Internal Space Standards
D DM3	External Space Standards
D SP1	Design
ECC DM1	Renewable Energy
ECC SP1	Adapting to Climate Change
ENV DM5	Development and Biodiversity
ENV SP1	Natural Environment
GI SP1	Green Infrastructure & Development
H DM1	Housing Mix
H SP2	Affordable Housing
HWB SP1	Health & Wellbeing
QE DM1	Noise Pollution
QE DM2	Light Pollution
QE DM3	Air Pollution
QE SP1	Quality of the Environment
SD SP2	Built -Up Area Boundary
T DM1	Sustainable Travel and Public Rights of Way
T SP1	Transport and Development
W DM3	Sustainable Urban Drainage Systems
ENV DM4	Protection of Trees

Barnham & Eastergate Neighbourhood Plan 2014 Support for new medical facilities
POLICY CLW2

Barnham & Eastergate Neighbourhood Plan 2014 POLICY CLW3	Recreation facilities
Barnham & Eastergate Neighbourhood Plan 2014 POLICY CLW4	Provision of allotments
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 ES4	Protection of open views

Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES5	Quality of design
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES6	Contribution to local character
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES8	Buildings should be designed to reflect the three-dimensional qualities of traditional buildings
Barnham & Eastergate Neighbourhood Plan 2014 POLICY GA1	Connection to sustainable transport
Barnham & Eastergate Neighbourhood Plan 2014 POLICY GA2	Footpath and cycle path network
Barnham & Eastergate Neighbourhood Plan 2014 POLICY GA3	Contributions to maintain and improve the network
Barnham & Eastergate Neighbourhood Plan 2014 POLICY GA4	Parking and new development
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H1	Specific site allocation
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H2	Windfall sites
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H3	Housing mix
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H4	Integration of new housing into surroundings
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H5	Outdoor space
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H6	Attention to detail
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H7	Drainage for new housing

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. 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 and published modifications to the emerging Local Plan, but it resumed on 17th September 2017 and has now concluded. The Main Modifications to the emerging Arun Local Plan and evidence base were available for public consultation over a six week period which started on Friday 12 January and ended on

Friday 23 February 2018. The District Council is awaiting the Inspector's report which is due out in Spring 2018.

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

The Neighbourhood Development 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).

The Barnham and Eastergate Neighbourhood Development Plan 2014-29 has been "made".

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

The principle of the development of this site has been established in the decision allowing the Appeal into the outline planning application (BN/16/12) for 107 houses, with an existing approval for reserved matters (BN/21/15). There can therefore be no objection in terms of the location of the site outside of the built-up area boundary (the BUAB). The key issues to be considered are ones of detail and relate to the layout, design, appearance and landscaping on the site.

ASSESSMENT

The site has outline planning permission for 107 houses (BN/16/12), with approval for reserved matters (BN/21/15). It should be noted that the applicant has amended the scheme during the process of this reserved matters application (BN/52/16/RES). The amendments to the submitted scheme include changes to the house types, the provision of a 2.0 metre high acoustic fence, the removal of the foul water treatment plant and its replacement with public open space; a revision to the LEAP and the submission of additional technical details, including information on individual items of play equipment; and the removal of Leylandii trees adjacent to the boundary with 49 Nightingale Lane and their replacement with Alder trees. The current reserved matters application (BN/52/16/RES) - which is a duplicate of reserved matters application BN/51/16/RES which has been approved - further amendments propose small layout changes to the configuration of development on the site, but retains the number of houses at 107 (including 30% affordable provision) as already approved.

USE AND AMOUNT OF DEVELOPMENT

Development has commenced on the front of the site; a number of units have been constructed and are occupied and others are under construction within the first phase of development on the site. The applicant's intention is to build out the first phase under the approved reserved matters (BN/21/15) and then transition into the current reserved matters (BN/52/16/RES) once approved. There are consistencies on both the layouts (BN/21/15 and BN/52/16/RES) in respect of the front of the site.

SCALE AND BUILDING HEIGHTS

Policy GEN7(i) of the Arun Local Plan (ALP) requires new developments to respond positively to the identified characteristics of a particular site to create developments which respect local characteristics.

There are limited surrounding dwellings to this site and these are to the north and west. 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. The predominance of two storey dwellings on this site is in keeping with the character of the surrounding area and ensures that the development reflects the surrounding built form.

Consequently, it is considered that the proposed development complies with Policy GEN7(i) of the ALP.

SITE LAYOUT AND CHARACTER

Policy GEN7(i) of the ALP requires new developments to respond positively to the identified characteristics of a particular site to create developments which respect local characteristics. Policy D DM1(1) of the modified eALP requires the proposed development to "make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding areas, in terms of its scale massing, aspect, siting, layout, density, building materials (colour, texture), landscaping and design features".

The layout changes proposed in the current reserved matters application (BN/52/16/RES) comprise

adjustments to plots and house types along the southern spine road, within the centre of the development site and along the southern boundary and a revised layout on the western boundary, following the relocation of the proposed allotments to the south western boundary of the site. It is proposed to reposition the pedestrian / cycle link to the adjoining development and adjust the open space in the south western corner of the site. The proposed amendments, amounting to small layout changes to the configuration of the approved development (BN/21/15) are considered to be acceptable and enhance the overall residential development on the site, in accordance with Policy GEN7 of the Arun District Local Plan and Policy D DM1 of the emerging Local Plan.

The layout has been designed in a manner which provides for open space, SuDS, a LEAP and allotments. Provision is principally on the west and northern boundaries and therefore provides some degree of buffer with existing development. Open space is also provided within the site and is readily accessible from the new dwellings. There is also good surveillance of open space from dwellings due to the layout.

The main access route is characterised by detached dwellings and there is a degree of circulation within the site due to internal road linkages. The main access route will have a generally spacious appearance, with gaps between dwellings and landscape planting. The layout is not formal and has a more 'organic' appearance and towards the western site boundary there will be a large and more open frontage to land which accommodates SUDS and the LEAP.

The proposed substation within an area of open space and the allotments are to be located adjacent to the glasshouses (nursery). There will be in excess of 15 metres between the substation and the habitable rooms of dwellings.

The scheme is generally laid out with detached dwellings on main road frontages. It includes Homezone / Courtyard areas and these appear to be principally for the affordable housing. Such areas will be distinct and have a more urban character due to the tighter grain and predominance of hard surfaces. These properties are semi-detached or terraced and have smaller frontages, to be planted with hardy evergreen plants for year round interest. Tree planting will also be carried out. Surfacing in the parking bays will be block paving with contrasting tarmac with soldier course block edging. The development seeks to reflect the green character of Barnham, with hedgerow and tree planting to create a strong green character.

It is considered that the proposed layout as amended reflects the guidance in the NPPF, in respect of the need to create a high standard of environment for residents, which is also reflected in the requirements of the adopted and the emerging Arun District Local Plans and that the current application for the approval of reserved matters (BN/52/16/RES) accords with Policy GEN7 of the ALP and Policy D DM1 in the modified eALP.

DESIGN AND FORM OF BUILDINGS

Policy GEN7 of the ALP says that "Planning permission will only be granted for schemes displaying high quality design". Policy D SP1 of the modified eALP requires "all development proposals should be of good quality and demonstrate a high standard of design".

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.

The applicant has proposed a series of dwelling types of mixed design and materials. Main street frontages and prominent locations have been carefully and satisfactorily addressed. Materials include brick and render for walls, tile hanging and timber boarding and also bargeboards to gable fronted dwellings.

The buildings will have traditional elements of roof forms, with punctuating design details which reflect the local vernacular. A consistent pallet of materials would be utilised and this would result in a consistent character overall.

The proposed street scenes demonstrate a variety of housing types and finishes, which creates interest and presents an organic feel to the proposed dwellings. The houses that have already been constructed on part of the site comprise some of the finest designed housing developed in Arun District in recent years. The design of many of the houses with bay windows and tile hung gables reflect high quality suburban housing which was constructed throughout the Country during the interwar period. If planning permission is granted, more high quality designed and finished houses would be provided on this site, the former Pollards Nursery site.

In conclusion, it is considered that the amended layout demonstrates a sensitive and acceptable approach to design and it complies with Policy GEN7 of the ALP and Policy D SP1 of the modified eALP.

AFFORDABLE HOUSING

For all developments over 15 residential units, the Council requires the minimum provision of 30% affordable housing on site, as set out in Policy AH SP2 of the modified eALP and in the Interim Affordable Housing Policy (2010).

Development has commenced on the site for the delivery of 107 dwellings. The residential development on the site includes 30% affordable housing and this therefore complies with the policy requirement to the satisfaction of the Council's Housing Strategy and Enabling Manager and in accordance with the Unilateral Undertaking (UU) which accompanied the outline planning application.

It is considered that the proposed quantum and location of the affordable housing is suitable, in accordance with Policy DEV17 of the ALP and Policy AH SP2 of the modified eALP.

PARKING AND HIGHWAY ISSUES

Policy GEN12 of the ALP refers to the need to provide sufficient off-street parking. However, the standards within the appendices to the Local Plan which it refers to have been superseded by the West Sussex (Residential) Parking Demand Calculator.

Parking provision for the proposed dwellings is in accordance with Council approved Parking Standards for the size of dwellings proposed. Visitor parking is proposed throughout the development and in addition, many of the dwellings have sufficient space to accommodate visitor parking on plot. The proposed development also includes the provision of 12 car parking spaces to serve the allotments.

TREES

Policy GEN28 of the ALP says "development will not be permitted if it would damage or destroy one or more trees protected by a tree preservation order, identified as ancient woodland or in a conservation area". Policy ENV DM4 of the modified eALP says: "where planning permission is granted, conditions shall be used to ensure that, for any trees which are removed as part of a development, at least an equivalent number of a similar species and age (where practical) are planted on the proposed development site. Sufficient space for replacement trees to mature without causing future nuisance or damage shall be provided. The planting of new trees shall form an integral part of the design of any development scheme".

The ADC Arboricultural Officer has agreed with the applicant that the line of Leylandii trees adjacent to Number 49 Nightingale Lane (within the applicant's ownership) were in poor condition during an inspection on 15 January 2018, with limited useful lifetime expectancy and unsuitable for retention in a

residential setting. It has been agreed that the land next to 49 Nightingale Lane should be replanted with a more suitable species for the ground conditions, such as a species of Alder. These should be regularly inspected and pruned to prevent the formation of defects. It is also proposed to plant the new trees further to the east than the group of Leylandii that it will replace, to allow for future crown spread and root growth.

Consequently, it is considered that subject to a replacement tree planting condition, the proposed development complies with Policy GEN28 of the ALP and Policy ENV DM4 of the modified eALP.

LANDSCAPING

Policy GEN7 (vi) of the ADLP requires that new development retain significant open or wooded areas which, in their own right, make a material contribution to the local environment. In addition, criteria (ii) requires that new developments respond positively to the identified characteristics of a particular site to create developments which respect local characteristics. Regard should also be had to Policy LAN DM1 of the modified eALP which states that: "Development throughout the plan area should respect the particular characteristics and natural features of the relevant landscape character areas and seek, wherever possible, to reinforce or repair the character of those areas."

The applicant has submitted detailed landscaping plans, including a landscape scheme. The landscaping includes the retention of the western boundary and the enhancement of this area with additional planting and complementary new features including a LEAP and pocket of green spaces. In respect of existing trees, these are retained and protected wherever possible and the proposed new planting within the development is to be considerable and will provide for a very satisfactory residential environment. Where possible existing trees and habitats have been protected and the measures proposed for their retention, protection and enhancement; and additional landscaping is being proposed to mitigate any potential loss of habitat.

In response to ADC Greenspace comments, the play space (the LEAP) has been reviewed and updated and incorporated into the revised plans submitted in August 2017, which reflected the up-to-date masterplan and this also addressed the consistency matters in providing one detailed plan. The revised play space (LEAP) is considered to be acceptable. The play equipment has been detailed and now provides a good selection with varied play experience. In addition, the submitted landscape management plan covers the protection measures and comprehensive maintenance regime through each planting type recommendation and objectives and the annual maintenance operations. In terms of details regarding maintenance responsibilities, the landscape management plan sets out in paragraph 1.5. 'Until private areas are conveyed or the Management Companies take-over, Redrow Homes will be responsible for maintaining all the above areas and will be responsible for replacement of defective stock in accordance with the planning conditions'. The future management of the existing boundary features are covered by the Arboricultural Report for tree protection; and the landscape management plan sets out management for the existing woodland. The landscape management plan provides the management regime required for the longevity of the landscape features. The long term management responsibility for areas of open space will be via a formal Management Company who will manage all areas which are not within private ownership or formally adopted by other parties (i.e. roads).

The provision of allotments, the LEAP (play area), the internal open space and landscaping within the development at the levels proposed is acceptable and complies with Policy GEN7 (vi) of the ADLP and Policy LAN DM1 of the modified eALP.

ECOLOGY

Policy GEN29 of the ALP says: "Development will only be permitted on sites which contain semi-natural habitats, features of nature conservation interest, or within wildlife corridors, where these can be largely retained and sympathetically incorporated into the scheme".

From looking at the revised plans the Ecologist is satisfied that the amendments would not negatively affect the mitigation proposals for reptiles in the reptile mitigation area along the western boundary of the site for the reptile translocation; and has no further comments to make regarding this. The Ecologist requested a condition should be imposed to ensure there is no light spill into the hedgerows and trees through the use of directional lighting. A requisite lighting condition was imposed at the outline planning stage.

It is considered that the proposed development accords with policy GEN29 of the ADLP in relation to the impact on protected species and the potential for the scheme to protect existing habitats where possible and provide enhancements.

NOISE POLLUTION

The NPPF, Policy GEN32 of the ALP and Policy QE DM1 of the modified eALP emphasise that noise sensitive development will not be permitted if its users would be affected by noise by proposed noise generating uses.

The siting of the proposed housing ensure there would be no noise pollution from the new houses affecting the existing residents of properties along Lake Lane.

The reserved matters application, including design of the dwellings, demonstrates that the potential impact of the railway line to the south of the application site has been satisfactorily addressed. Network Rail has raised no objection to this reserved matters application. In addition, the provision of a 2.0 metre high acoustic fence would ensure that the new residents are not affected by noise pollution from the railway line. Environmental Health has not raised an objection in terms of noise emissions following the submission of additional information including the provision of a 2.0 metre high acoustic fence.

Consequently, it is considered that the proposed development complies with Policy GEN32 of the ALP and Policy QE DM1 of the modified eALP.

DRAINAGE

Policy GEN9 of the ALP sets out that there must be adequate foul drainage capacity for developments or that appropriate additional foul drainage capacity can be provided to serve the development. Policy ES1 of the B&ENP says that "new development should aim to reduce the overall level of flood risk in the area. Planning permission should only be granted for new development subject to a condition that no development shall commence until full details of the proposed drainage schemes for surface and foul water have been submitted to and approved by the Local Planning Authority."

The integration of drainage measures into the open space and the associated opportunities this will provide in terms of ecological enhancement are welcomed. The principles of the drainage scheme for the current reserved matters application have been agreed; and the application has been amended with the removal of the on-site foul treatment plant. Revised drainage information for the whole site has been provided by the applicant in the submission to discharge the conditions (BN/32/17/DOC) imposed by the Inspector on the outline planning permission. ADC Drainage is working with the applicant over the drainage affecting a neighbouring ditch which will be resolved before BN/32/17/DOC is signed off.

Drainage proposals are acceptable and Southern Water and ADC Drainage have raised no objection. Southern Water has requested a condition regarding the submission of details of the proposed means of foul and surface water sewerage disposal; however this condition was imposed by the inspector at Appeal on the outline planning permission. Consequently, there is no requirement to impose drainage conditions on this application for reserved matters.

The proposed development complies with Policy GEN9 of the ALP and Policy ES1 of the B&ENP.

SPACE STANDARDS:

Residential development proposals must be assessed against the internal space standards as set out in the Government's new Technical Housing Standards (Nationally Described Space Standard).

Policy D DM3 of the modified eALP sets out the Council's external space standards and despite not being an adopted policy is currently being used for development management purposes and has been subject to testing at appeal. There are two requirements to the policy. Firstly, a minimum rear garden depth of 10 metres. The rear garden depth serves to (a) ensure that rear gardens are usable spaces and (b) to provide for a 20 metres back to back distance between dwellings. This depth standard may be relaxed if both of the following situations are in existence: (a) there is no back to back arrangement (and no realistic possibility of a future back to back arrangement); and (b) where the garden is sufficiently wide so as to exceed the area requirement.

The second requirement concerns the area of the private rear garden and in this case should be at least 50m² for 2 bedroom terraced houses, 65m² for 3 bedroom terraced houses, 85m² for semi/detached properties of no more than 3 bedrooms and 100m² for larger semi/detached properties. Flats are dealt with differently and would require a small private space such as patio, roof garden or balcony. However, there are no flats proposed as part of the current reserved matters application on this site.

The proposed development complies with the requisite space standards and complies with Policy D DM3 of the modified eALP.

CONCLUSION

The reserved matters application (BN/52/16/RES) as amended - seeking approval for appearance, scale, layout and landscaping - which proposes small layout changes to the configuration of development on the site, but retains the quantum of housing development (i.e. 107 houses), is acceptable.

It is considered that the proposed changes to the overall development of the site would result in a good quality scheme which seeks as far as possible to integrate itself with the settlement of Barnham and reflects the local vernacular. It is therefore recommended that this application for reserved matters is approved and the following conditions are imposed.

There is a Unilateral Undertaking in place, which was executed at the outline planning stage, for the following:

- Affordable Housing (30% provision)
- Open Space
- Landscape Management Plan
- Construction Management Plan
- Road Safety Audits (RSAs)
- Financial Contributions in respect of:
 - Highway Works (bus stop improvements);
 - Fire and Rescue;
 - Libraries; and
 - Health provision.

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following approved drawings and submitted material:

Layout Plans

Drawing Number P16_0421_07_1 Site Location Plan, April 2017

Drawing Number P16_0421_23 Rev. C - Site Layout - Dated 02.08.17, submitted 08.02.18

Drawing Number P16_0421_04 Rev. B - House Type Pack - submitted 08.02.18

Drawing Number P16_0421_24-1 Rev. B - Boundary Treatments Plan - submitted 02.03.18

Drawing Number P16_0421_06 - Boundary Treatments Details - Dated 20.09.16

Landscape Plans

Drawing Number 2600-LA-13 Rev. P9 - General Arrangement Plan 1 of 2 - Dated 09.11.16 submitted 08.02.18

Drawing Number 2600-LA-14 Rev. P9 - General Arrangement Plan 2 of 2 - Dated 09.11.16 submitted 08.02.18

Drawing Number 2600-PP-12 Rev. P10 - Planting Plan 1 of 2 - Dated 09.11.16 - submitted 14.02.18

Drawing Number 2600-PP-13 Rev. P10 - Planting Plan 2 of 2 - Dated 09.11.16 - submitted 14.02.18

Drawing Number 2600-SP-01 Rev. P2 - Soft Landscape and Hard Surfaces Specification

Drawing Number 2600-SP-02 Rev. P2 - Soft Landscape and Hard Surfaces Specification

Drawing Number JSL4277_710 Rev. E - Tree Protection Plan (1 of 3) - submitted 08.02.18

Drawing Number JSL4277_711 Rev. E - Tree Protection Plan (2 of 3) - submitted 08.02.18

Drawing Number JSL4277_712 Rev. E - Tree Protection Plan (3 of 3) - submitted 08.02.18

Drawing Number 1707.16693 - Play Space Layout (LEAP) - Dated 31.07.17 submitted

16.08.17

Engineering Plans

Drawing Number C85102-D-128 Rev. B - Site Access - submitted 10.05.17

Drawing Number C85102-D-130 - Existing Access Vehicle Tracking - submitted 10.05.17

Drawing Number C85102-D-131 - Existing Access Vehicle Tracking - submitted 10.05.17

Drawing Number C85102-SK-001 - Access Road Visibility Splays - submitted 10.05.17

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Policy GEN7 of the Arun District Local Plan.

- 2 No dwelling shall be occupied until the parking spaces, turning facilities and garages for that dwelling shown on the approved plans have been provided and constructed for the dwelling to which they relate. The areas of land so provided shall not thereafter be used for any purpose other than the parking, turning and garaging of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in accordance with Policy GEN7 of the Arun District Local Plan

- 3 Notwithstanding the provisions of Class A, A.1, (g) within Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no rear extensions to the dwelling houses shall be erected within the curtilage of the dwellings hereby permitted unless planning permission is first granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with Policy GEN7 of the Arun District Local Plan.

- 4 Any construction related pruning works are to be completed under supervision of the Local Authority tree officer. Pruning works must meet the BS 3998: 2010 Standards.

Reason: In the interests of the trees continued health and vitality and to accord with current industry guidelines and sound arboricultural practice and in the interests of amenity and the environment in accordance with Policies GEN7 and GEN28 of the Arun District Local Plan.

- 5 Within 2 months of the date of this decision, a Bin Collection Strategy Plan shall be submitted to and be approved by the Local Planning Authority. The dwelling(s) to which the Bin Collection Points relate shall not be occupied until the bin collection points for those dwellings have been provided in accordance with the details so approved.

Reason: To ensure that adequate and satisfactory provision is made for the storage and collection of bins in accordance with Policy GEN7 of the Arun District Local Plan.

- 6 Within 2 months of the date of this decision, a replacement tree strategy along the site boundary with 49 Nightingale Lane, shall be submitted to and be approved by the Local Planning Authority. The agreed replacement tree species shall be planted within the first available planting season.

Reason: To ensure that adequate tree screening is provided on the site and in the interests of the trees continued health and vitality and to accord with current industry guidelines and sound arboricultural practice and in the interests of amenity and the environment in accordance with Policies GEN7 and GEN28 of the Arun District Local Plan.

- 7 INFORMATIVE: This decision has been granted in conjunction with a Unilateral Undertaking (UU) imposed on the outline planning permission relating to the following -

30% Affordable Housing
 Open Space
 Landscape Management Plan
 Construction Management Plan
 Road Safety Audits (RSAs)
 Financial Contributions in respect of:
 - Highway Works (bus stop improvements);
 - Fire and Rescue;
 - Libraries; and
 - Health.

- 8 INFORMATIVE: As the site is adjacent to Network Rail's operational railway infrastructure, Network Rail strongly recommends the developer contacts AssetProtectionWessex@networkrail.co.uk prior to any works commencing on site. More information can also be obtained from our website at www.networkrail.co.uk/aspx/1538.aspx

Network Rail can be contacted as follows:

Network Rail
 1 Eversholt Street
 London
 NW1 2DN

- 9 INFORMATIVE: The Applicant is advised to consult with the Waste Collection Authority prior to undertaking the swept path analysis exercise in relation to bin collection points to ensure the design vehicle used for the tracking reflects that used locally.
- 10 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the Act.
- 11 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.
- 12 INFORMATIVE: Due to the proximity of the LEAP to a water body then the developer should have the Play area(s) RoSPA assessed. The applicant should indicate connection from gates to pathways by means of footpath - only one footpath is indicated.
- 13 INFORMATIVE: The following information was provided in accordance with outline planning permission but are subject to a separate Discharge of Conditions (BN/32/17/DOC) application.

- Condition 10: details of the existing trees and hedges to be retained or removed are shown on the submitted Tree Survey Report, dated October 2015.

- Condition 12: details of the areas of public open space including the play areas are shown on the submitted landscape plans along with details contained in the 'Example Design LEAP' plan and 3D visualisation.

- Condition 14: Landscape Management Plans prepared by Allen Pyke dated October 2016 as submitted.
- Condition 15: details of the 10% energy supply reduction and a timetable for implementation is contained within the report prepared by Southern Energy Consultants Ltd as submitted.

14 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 within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.