

Recommendation Report for Planning Permission

REF NO: BN/84/20/PL

LOCATION: Land at Angels Nursery
Yapton Road
Barnham
PO22 0AY

PROPOSAL: Application for variation of condition 2 (approved plans) imposed on planning permission BN/93/19/PL for the development of 95 dwellings; and consequential changes to other conditions following commencement of development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This is a Section 73 application to vary Condition 2 imposed on planning permission (BN/93/19/PL) for the development of 95 dwellings. Condition 2 comprises a list of the approved plans as part of the existing planning permission (BN/93/19/PL). This Section 73 application proposes amendments to the detailed design of the scheme in terms of the site layout, the external appearance of the dwellings and the approved landscaping.
SITE AREA	3.5 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	36 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	There are trees and hedges around the southern and western boundaries of the site, together with a number of trees which are protected by Tree Preservation Orders (TPOs) growing within a cluster in the north western part of the site and another cluster in the western part of the site.
BOUNDARY TREATMENT	Trees and hedgerows grow along the southern and western boundaries of the site. The site has red painted timber hoardings along the northern frontage with Yapton Road, following the re-laying of the rising main along the front of the site in February and March 2016. Contractor fencing has been installed along the eastern boundary of the site with the former Lillies Caravan Park.
SITE CHARACTERISTICS	The site is flat and was formerly in horticultural use. All of the former horticultural buildings have been removed and the site has been cleared of all structures. The site is being marketed by Redrow Homes as "Windmill Views" housing development.
CHARACTER OF LOCALITY	The site is in close proximity to the village centre and has good pedestrian access to Barnham railway station.

To the west of the site there is Barnham Community Hall and neighbouring residential development that fronts the access road to the hall. There are playing fields, known as Murrells Field, to the south of the community hall. Opposite the Angels Nursery site, at the former tree nursery to the north of Yapton Road, there is a development of 44 dwellings which was allowed on appeal in January 2013 and the reserved matters (BN/26/15/RES) were approved in October 2015. This residential development has now been completed.

To the east, immediately adjacent to the site, is the former Lillies Caravan Park which has been cleared and it is also to be developed for housing, with 38 dwellings. The outline planning permission was granted with a Section 106 Agreement; and one of the two reserved matters applications was allowed at appeal.

Land to the south of the Angels Nursery site remains in horticultural use with extensive glasshouses.

This area of Yapton Road is very much an extension to the existing built-up area and the character is clearly more rural to the east of the village centre where there is residential ribbon development along the southern side of Yapton Road. Further to the east there is Barnham Windmill and an associated cluster of small craft shops.

RELEVANT SITE HISTORY

BN/43/16/PL	95 No. dwellings together with access, landscaping open space & associated works.	App Cond with S106 03-05-17
BN/93/19/PL	Continuance of use without compliance with condition 18 following the grant of planning permission BN/43/16/PL relating to 'the development, hereby permitted, shall not be occupied until the access and associated off-site highway works have been constructed in accordance with plans and details (including recommendations of any associated Road Safety Audits) to be submitted to and approved by the LPA after consultation with the Local Highway Authority'.	App Cond with S106 28-02-20
BN/42/18/PL	Variation of condition 2 imposed under BN/43/16/PL relating to approved plans.	ApproveConditionally 31-01-19
BN/131/19/PL	Application for variation of conditions imposed on	Refused REPORT_1011(ODB)

planning reference BN/43/16/PL relating to Conditions 2 (Approved Plans), 8 (Access/Maintenance of Watercourse or Culvert) and 18 (Access and Associated Off-Site Highway Works). 12-03-20

BN/97/20/PL	Construction of 3 No. units to be used as show home and marketing suite, creation of 8 parking spaces and associated landscaping.	
BN/28/20/DOC	Approval of details reserved by condition imposed under ref BN/93/19/PL relating to Condition No 8 - future access & maintenance of any watercourse or culvert	DOC Approved 14-07-20
BN/29/20/DOC	Approval of details reserved by condition imposed under ref BN/93/19/PL relating to Condition No 15 - tree protection and 27 - Construction Management Plan	DOC Approved 03-04-20
BN/30/20/DOC	Approval of details reserved by condition imposed under ref BN/93/19/PL relating to Condition Nos 3 - surface water drainage, 5 - discharge of flows to watercourses, 6 - SuDs and 16 - detailed level survey	DOC Approved 05-08-20
BN/94/20/DOC	Approval of details reserved by condition imposed under ref BN/93/19/PL relating to Condition No 17 - materials & finishes.	DOC Approved 03-09-20

Planning permission (BN/43/16/PL) has been granted for the development of 95 dwellings on the former Angel's Nursery site.

There is a Section 73 permission (BN/42/18/PL) for minor changes to the elevations of all 95 dwellings that have already been granted planning permission (BN/43/16/PL). The Section 73 permission varied Condition 2 which was imposed on the planning permission (BN/43/16/PL). Condition 2 lists all of the submitted plans that have been approved under BN/43/16/PL including the elevations and floor plans of all 95 dwellings. The approved changes were to the windows, and the removal of windows; to the external doors on the elevations of the houses and apartments; to increase the ridge heights of the roofs from between 49mm and 375mm at the most; together with amendments to the roof heights of the double garage roofs; and removing a chimney from one of the plots.

A Section 73 application (BN/131/19/PL) to vary Condition 2 to amend the approved layout was refused on 12th March 2020. One of the two reasons for the refusal being: "the layout, the lack of footway and cycleway connectivity to the surrounding area, the lack of visitor parking spaces, the non-SHMA compliant housing mix, the clustering of the affordable housing, the disproportionate concentration of

higher density development in the south eastern corner of the site, the lack of open space and the loss of a protected tree and development within the root protection area of protected trees result in a development that has an unacceptable layout, housing mix, connectivity and design causing harm to the future occupiers of the development and the character of the area".

The second reason for refusing the amended layout in the Section 73 application (BN/131/19/PL) on 12th March 2020 was: "the proposed alterations to Condition 8 would not be acceptable, since the pond size and location could change as a result of the applicant having to satisfy Condition 3 (surface water drainage design). Consequently, the layout could be affected, depending on the outcome of the detailed design".

A separate planning application (BN/97/20/PL) has been submitted for the temporary commercial use of 4 dwellings for use as a sales area and sales office and show homes including access, 8 parking spaces and associated landscaping at the front of the Angels Nursery site; which will be determined alongside this Section 73 application (BN/84/20/PL).

REPRESENTATIONS

No objection. The applicant has looked to address the concerns raised by the Parish Council in recent discussions. The only issue that still requires clarification is the proposed access point to the adjacent Murrell's Field.

One letter of representation has been received from a resident of Arun District objecting to the proposed development on the following grounds:

- This scheme does not contribute to sustainable transport and cycle links outside the site.
- What incentive is there to encourage new homeowners to cycle?
- Are there sufficient car parking spaces on the site?
- Will there be communal refuse collection points?
- It is a high density development.
- With climate change emergency and increased flooding, no new house building should be allowed.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and issues addressed in the Conclusions section below.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

LOCAL HIGHWAY AUTHORITY:

No objection. The internal roads are at least 4.8 metres wide; there is a greater distribution of visitor parking; and plans show the pedestrian and cycle connections to Murrells Field and to the former Lillies Nurseries site to the east.

WSCC FIRE & RESCUE SERVICE:

No objection. A condition is required regarding the proposed location of the required fire hydrants.

SOUTHERN WATER:

No objection.

ENVIRONMENT AGENCY:

No comments to make on the proposal as submitted.

ADC DRAINAGE:

No objection. The revised landscape proposals have removed the numerous trees that were originally proposed within or directly adjacent to the attenuation basin.

ADC HOUSING:

No objection. The existing Section 106 Agreement has been taken into account, which is why a 50/50 split between rented and intermediate (shared ownership) has been agreed. There is greater level of pepper-potting of affordable dwellings in the proposed scheme than there was in the approved development, which concentrated all of the affordable dwellings at the front of the site.

ADC ENVIRONMENTAL HEALTH:

No comments on this application.

ADC GREENSPACE:

Object. ADC Greenspace objects to the quantity of Public Open Space being proposed, albeit layout, positioning not having changed significantly from the original application. The provision of SuDS areas and no clear detail of the nature of these and therefore the potential to further deplete the usable POS within this development. Public Open Space provision within the site does not meet the ADC Open Space SPD requirements.

ADC ARBORICULTURE:

Object. An Arboricultural Method Statement and a Tree Protection Plan have been submitted. If this layout is approved without further tree protection measures, the TPO'd trees (i.e. T64-T65: Oak and T85-T87: Poplar) would be damaged and the large Poplars may not survive the development. A tree protection condition should be imposed.

ADC ECOLOGY:

No objection. Following the submission of the updated landscaping plans, the proposed amendments are acceptable and no further information is required.

ADC CONSERVATION OFFICER:

There are no heritage assets on the site but Ivy Cottage Listed Building and Luccombe Cottage Listed Building, The Old School House Locally Listed Building and The Murrell Arms Locally Listed Building and Church Lane Conservation Area are within close proximity. Having undertaken an assessment of the location of these assets and considered the visibility between them and the application site, it is considered that the development would not cause harm to the heritage assets or their settings. As a consequence, it should be determined in accordance with the relevant policies within the Development Plan and the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

SUSSEX POLICE:

No objection. The development needs to be constructed to Secured by Design standards. The proposed layout plan shows side paths between plots 33 and 34 and between plots 43 and 59. It is preferable that footpaths are not placed at the back of properties. If they are essential to give rear access they must be gated and be capable of being key locked from either side.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and issues addressed in the Conclusions section below.

POLICY CONTEXT

Designation applicable to site:

Within the Built Up Area Boundary in the Arun Local Plan.

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

AHSP2	AH SP2 Affordable Housing
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
GISP1	GI SP1 Green Infrastructure and Development
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HDM1	H DM1 Housing mix
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
HERDM6	HER DM6 Sites of Archaeological Interest
OSRDM1	Protection of open space, outdoor sport, comm& rec facilities
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	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 ES10	Trees and hedgerows
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 GA2	Footpath and cycle path network

Barnham & Eastergate Neighbourhood Plan 2014 POLICY GA4	Parking and new development
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

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD12	Open Space, Playing Pitches & Indoor & Built Sports Facilities
SPD11	Arun Parking Standards 2020

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011-2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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

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.

Barnham and Eastergate Neighbourhood Plan (2014-2029) was made in July 2014. Relevant Neighbourhood Plan (NP) policies have been taken into account and are addressed in the Conclusions section of this report.

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 is located inside the built-up area boundary (BUAB) of Barnham and

therefore complies with the relevant Development Plan policies. The proposal 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 including Barnham Community Hall and neighbouring residential development that fronts the access road to the hall; or to the playing fields, known as Murrells Field.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The principle of residential development was established with the granting of planning permission (BN/29/13/) for 86 dwellings in 2014. In early 2016, the applicant sought to increase the number of dwellings to 95 but the two re-plan applications were refused due to the layout, design, and lack of public open space.

A rising main was laid by Southern Water along the front of the site in February and March 2016. In March 2016 the approved application (BN/29/13/) was about to commence when the applicant discovered that the Southern Water sewer pipe, that crossed the site was 20 metres out of line from the Southern Water plan. This resulted in the developer seeking to re-plan the site to take account of the pipeline.

Planning permission (BN/43/16/PL) was granted on 3rd May 2017 for the development of 95 dwellings on the site and this was to be implemented within three years of that date or else it would lapse (i.e. on 2 May 2020). Planning permission BN/93/19/PL was a section 73 application seeking to vary the conditions imposed on planning permission BN/43/16/PL. This was agreed subject to it being implemented within the same timescale as the parent permission (2 May 2020). This new section 73 application (BN/84/20/PL) is seeking a variation on the variation. Where the time for implementing the permission has lapsed, it would not be possible to make a valid application to vary it. The applicant states that they commenced development in April 2020 and that therefore the permission has not lapsed.

The permission has in any event been saved by legislation. The relevant legislation is the Business and Planning Act 2020, which enables certain planning permissions which have lapsed or are due to lapse during 2020 to be extended. Under this Act, unimplemented planning permissions with time limits for implementation which passed between 23 March 2020 and 19 August 2020 are also restored and the time limit extended to 1 May 2021. On this basis, it is considered that this section 73 application (BN/84/20/PL) has been validly submitted.

The residential use of the site at Angels Nursery has clearly been established, and construction works have commenced on the site with the laying out of part of the internal access road at the entrance to the site and the commencement of pipe laying works for the site drainage.

VARIATION OF CONDITION 2

The current Section 73 application is to vary Condition 2, which was imposed on planning permission (BN/93/19/PL) on the Angels Nursery site and lists all of the approved plans, including the layout plans. This Section 73 application proposes amendments to the detailed design of the scheme in terms of the site layout, the external appearance of the dwellings and the approved landscaping on the Angels Nursery site.

This application proposes to substitute the approved plans and documents with the set of plans and documents listed below:

- Drawing No. P19-0723_10 Rev. Q - Site Layout.
- Drawing No. P19-0723_18 Rev. A - Illustrative Street Scenes.
- Drawing No. P19-0723_11 Sheet No. 01 Rev. D - Buxton Elevations (Brick).
- Drawing No. P19-0723_11 Sheet No. 02 Rev. C - Buxton Floor Plans.
- Drawing No. P19-0723_11 Sheet No. 10 Rev. B- Harrogate MSU Elevations & Floor Plans (Brick)
- Drawing No. P19-0723_11 Sheet No. 18 Rev D - 2 Bed Apartments Front Elevation AH (Brick)
- Drawing No. P19-0723_11 Sheet No. 19 Rev. D - Apartments Side Elevation AH (Brick).
- Drawing No. P19-0723_11 Sheet No. 20 Rev. D - Apartments rear elevation AH (brick).
- Drawing No. P19-0723_11 Sheet No. 21 Rev. D - Apartments side elevations AH (brick).
- Drawing No. P19-0723_11 Sheet No. 22 Rev. D - Apartments Ground Floor Plan AH.
- Drawing No. P19-0723_11 Sheet No. 23 Rev. D - Apartments First Floor Plan AH.
- Drawing No. P19-0723_11 Sheet No. 24 Rev. D - Apartments Second Floor Plan AH.
- Drawing No. P19-0723_11 Sheet No. 25 Rev. C - SP2 1 Bed Apartment Elevations AH (Brick).
- Drawing No. P19-0723_11 Sheet No. 26 Rev. C - SP2 1 bed apartment Ground Floor & First Floor Plan AH.
- Drawing No. P19-0723_11 Sheet No. 27 Rev. C - SP2 1 bed apartment second Floor Plan AH.
- Drawing No. P19-0723_11 Sheet No. 30 Rev. B - Cycle and Bin Store Elevations and Floor Plans.
- Drawing No. EF_STRAQ_DM.1 Rev. A - Stratford Lifestyle Heritage Collection F Series Elevations.
- Drawing No. EF_LEAMQ_DM.2 Rev A - Leamington Lifestyle Heritage Collection F Series.
- Drawing No. EF_MARO_DM.3 - Marlow Heritage Collection F Series.
- Drawing No. EF_OXFOQ_DM.4 - Oxford Lifestyle Heritage Collection F Series.
- Drawing No. EF_HENL_DM.6 Rev. A - Henley Heritage Collection F Series.
- Drawing No. EF_HENL_DM.6 Rev. A - Henley Heritage Collection Elevation Details.
- Drawing No. EF_SHAF_DM.7 Rev. C - Shaftesbury Heritage Collection F Series.
- Drawing No. EF_CAMB_DM.8 - Cambridge Heritage Collection F Series.
- Drawing No. EF_HARR_DM.8 Rev. B - Harrogate Lifestyle Heritage Collection F Series.
- Drawing No. EF_TT3_M.4 - Tavy (Floor Block) Heritage Collection F Series.
- Drawing No. EF_TT3_M.4 - Tavy Floor Plans.
- Drawing No. EF_GAR_SGS2 - Heritage Collection Garage.
- Drawing No. EF_GAR_DGT4 - Heritage Collection Garage.
- Drawing No. P19-2044_01 Rev. F - Landscape Masterplan.
- Drawing No. P19-0723_09 Rev. K - Public Open Space.
- Drawing No. P19-2044_02 Rev. D - Detailed Public Open Space Landscape Proposals Sheet 1 of 2.
- Drawing No. P19-2044_02 Rev. D - Detailed Public Open Space Landscape Proposals Sheet 2 of 2.
- Drawing No. 19812-GS-Z1-XX-DR-C-2171 Rev C2 - Refuse Vehicle Tracking.
- Drawing No. 19812-GS-Z1-XX-DR-C-2172 Rev C2 - Fire Tender Vehicle Tracking.
- Drawing No. 19812-GS-Z1-XX-DR-C-2080-Rev. C4 - External Works (Sheet 1 of 2).
- Drawing No. 19812-GS-Z1-XX-DR-C-2081-Rev. C4 - External Works (Sheet 2 of 2).
- Drawing No. S278/38/16 Rev. D - Street Furniture: Ramp Feature
- Drawing No. 19812-GS-Z1-XX-DR-C-2060-C4 - Site Drainage (Sheet 1).
- Drawing No. E199320_01 - Attenuation Tank 1 Detail.
- Tree Survey, Arboricultural Impact Assessment & Method Statement: Angel & Hyde Nursery, Barnham (JSL3362_770), prepared by RPS Group, October 2020.
- Drawing No. 702 Rev. A - Tree Protection Plan.
- Tree Survey Schedule (JSL3362_700) - 26/07/2019.

Policy D SP1 (Design) of the Local Plan says: "all development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details". Policy D DM1(2 - appearance /

attractiveness) of the Local Plan requires applications to "demonstrate a high standard of architectural principles, use of building materials, craftsmanship and hard and soft landscaping to reflect the local area".

Policy ES6 of the Barnham and Eastergate NP says: "new development should contribute positively to the character of the two villages, and should reflect the design qualities of their time, so that the richness of varied character continues and is extended into the future".

Policy H4 of the Barnham and Eastergate 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".

An assessment of the proposed site layout, density, scale and massing is set out below.

SITE LAYOUT

Policy D DM1(1 - Character) of the Local Plan says "when considering any application for development to have regard to make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping and design features". Policy D DM1(10 Layout - movement) of the Local Plan 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 and public transport. Development schemes should carefully consider walking and cycling as an integral part of the overall design concept". Policy D DM1(10 Layout - legibility) of the Local Plan requires any application for development "deliver or contribute to the ease of navigation within a new or existing development scheme through use of focal points (landmarks, gateways, vistas, corner buildings, active edges, existing topography), and/or a variety of detail within the public realm (sculpture, planting, street furniture, building materials, building details, signage).

Policy ES8 of the Barnham and Eastergate NP says: "generally, buildings should be designed: as a three dimensional whole, so that elements such as bay windows are designed in from the start rather than being 'bolted-on' at the end; with windows and doors set back from the external surface of the buildings, to introduce some depth and modelling to the facade; with changes in material related to the design of the building rather than a random approach. For example, changes in material may relate to a change in form such as a setback or projection".

The layout plan identifies the location of the residential development and the public open spaces. The proposed layout lacks a central green space, however, the layout mirrors the approved layout (BN/43/16/PL) in terms of the broad street layout and the main areas of open space; and the location of the public open spaces. The layout shows an area of public open space at the front of the site, facing Yapton Road (measuring 1,996 square metres / 0.2 hectares); with another area of public open space within the western part of the site (measuring 749 square metres / 0.07 hectares). There is a large attenuation basin with public open space fronting onto the basin which extends almost the full length of the southern boundary of the site; the public open space in this location measures 2,558 square metres / 0.26 hectares. The submitted layout plan identifies the public open space at the front of the site with "potential for provision of play area"; and it is considered that the location of the open space at the site entrance is a good location for the provision of a LAP, with a bench amongst the trees, with the houses set back behind the open space.

As the layout mirrors the previously approved scheme (BN/43/16/PL) it provides insufficient areas of POS which would not meet the requirement set out in the ADC Open Space, Playing Pitches, Indoor and Built Facilities SPD, January 2020, but this needs to be balanced against the following considerations. The extant planning permission (BN/43/16/PL) which was granted in 2017 provided for 0.53 hectares

(5,269 square metres) of public open space. At the time that planning permission was granted it was known that the proposed residential development would not meet the LPA's standards set out in the SPG. The report records that "the SPG allows for off-site provision to be made where appropriate - it is deemed that given the site's location adjacent to the village hall playing pitches, MUGA and play equipment it is an appropriate location". The report goes on "the development would be slightly deficient, providing 5,269 square metres (the requirement under the SPG would be 5,472 square metres). This is resolved by the applicant agreeing to the SPG alternative that allows developments to pay a £1000 per unit £95,000 contribution which will provide improvements to the adjoining play pitches and play areas at the village hall".

Provision was made in the Section 106 Agreement with BN/43/16/PL, that in lieu of on-site provision of a Local Equipped Area of Play (LEAP) that a financial contribution be made towards Murrell's Field. A Deed of Variation was signed on 22nd September 2017 which amended the Community Facilities Contribution from £95,000 to £147,354.10, being £1,551.10 per dwelling, as a sum payable in accordance with paragraph 1 of Schedule 3 of this Unilateral Undertaking to be used for the purpose of the following works at Murrell's Field:

1. Installation of sub-soil drainage system draining to existing surface water drainage and pipework systems.
2. Grading and levelling across the whole field (3-4 hectares).
3. Re-seeding with sports grass mix.
4. Setting out pitches, goalposts etc, to provide facilities for a wide range of sports.
5. Creating access from the land to Murrell's Field to enable the new residents to access the playground, trim trail, MUGA and hall.

The current Section 73 application (BN/84/20/PL) provides 0.53 hectares (5,303 square metres) which would be similar to the extant planning permission (BN/43/16/PL), but with an increase in public open space of 34 square metres. The site will provide 79% of the new SPD's requirement which exceeds what was achieved on the extant permission at Angels Nursery and on the adjacent Lillies site, which only provided 50% of the required public open space and was allowed (by the Inspector) to make a financial contribution of £1,000 per dwelling to off-set the difference so that additional play equipment could be provided off-site. The use of the off-site contribution at Murrells Field would provide more benefit to the wider community.

The provision of public open space on site at the Open Space SPD's full standard would result in the loss of approximately 10 dwellings which would include some affordable units, and this would alter the description of the approved scheme (BN/43/16/PL), from 95 to 85 dwellings which is not permissible under a Section 73 application.

The layout includes an area for surface water attenuation running along the southern boundary of the site. The ordinary watercourse would be retained as an open water feature. The trees which were initially proposed to be planted within and immediately alongside the attenuation basin have been removed on the amended Landscape Masterplan (Drawing No. P19-2044_01 Rev. F) and the Detailed Public Open Space Landscape Proposals Plans. The attenuation basin forms an attractive landscape feature within the site; and the proposed houses along the southern boundary of the site have been orientated to front onto the attenuation basin. The amended layout plan shows that a 3.0m 'stand-off' is provided between the top of bank of the attenuation basin and the proposed apartment building to the east, which is considered to be acceptable. The proposed attenuation tank is 3.0m away from the top of bank of the adjacent ditch, which would ensure the stability of the ditch during construction of the tank and the maintenance of the tank and ditch, which is also considered to be acceptable.

The initial plans identified the apartment building located on the western side of the site, surrounded by houses, which made it look completely out of place; consequently, the apartment building was moved to

the south east corner of the site. The apartment building in the south east corner of the site appears to book-end with the approved apartment building on the adjacent site (The Lillies site), which has reserved matters approval (BN/6/18/RES). The frontage of the apartment building on the Angels Nursery site would face onto the internal estate road and it is considered that the siting and layout of the building would provide an attractive landmark building as it has been designed sympathetically with well appointed windows and dormers. The submitted layout plan shows the apartment building in the south east corner of the site accompanied by a secure cycle store and bin store, which is considered to be acceptable.

The back-to-back houses (The Bromsgrove: Units 16-23 inclusive) which were shown on the layout plan on the previously refused Section 73 application (BN/131/20/PL) in the south east corner of the site have been replaced on the amended layout plan (BN/84/20/PL) by a 3 storey apartment building with a 2 storey annex. It is considered the siting of the apartment building in this location is acceptable, as it would overlook the area of public open space on the Lillies site immediately east of the application site, and complement the adjacent apartment building in the south east corner of the site. The apartment building is accompanied by a secure cycle store and bin store and private amenity space, in accordance with the Arun Design Guide

The current Section 73 application (BN/84/20/PL) includes the re-location of 4 affordable terraced houses ('Tavy' house types) from the south eastern corner of the site (formerly Plots 37-40 on the layout plan that accompanied the refused Section 73 application BN/131/19/PL) to the western boundary of the site adjacent to the community hall (i.e. Plots 85 to 88 on the proposed layout plan), which is considered to be acceptable, as it ensures the affordable dwellings are pepper potted around the site.

All of the trees on the site that are protected by a Tree Preservation Order (T64-T65: Oaks and T85-T87: Poplars) have been incorporated into open space or landscape buffer zones on the site layout plan (Drawing No. P19-0723-10 Rev. P). An Arboricultural Impact Assessment and Method Statement and a Tree Protection Plan have been submitted during the consultation period. Careful consideration should be given to any development beneath existing canopies of established trees and the potential for further tree growth. The two Oaks (T64 and T65), both of which are protected by a TPO need to be given plenty of room to develop into late-maturity without coming under pressure to prune or remove. The provision of play areas in and about the crown spread of these trees may curtail the trees growth. The group of trees (T85-T87) including Poplar (protected by a TPO) are a management concern as they will be so close to the houses. There will need to be careful analysis of soil type when considering appropriate foundation types/depths for built structures within potential distance of influence as well as provision of no-dig construction within RPA's of the trees. An additional condition is therefore required to be imposed relating to tree protection measures, which is considered to be reasonable and necessary.

The revised Landscape Masterplan (Drawing No. P19-2044_01 Rev. F) clearly shows trees and soft landscaping that breaks up the rows of car parking spaces serving Plots 40-43, Plots 44-46 and Plots 57-60 in the middle of the site. The introduction of tree planting and soft landscaping clearly breaks up the visual impact of the car parking spaces in the middle of the site; and it enhances the visual appearance of the parking spaces which serve these properties and it is supported.

The layout plan includes the provision of 19 visitor car parking spaces, which are clearly identifiable throughout the site; which meets the threshold of 20% provision of visitor car parking which is set out in the ADC Parking Standards SPD, January 2020.

APPEARANCE

The development would have the appearance of a typical inter-war housing estate, with houses incorporating splayed bay windows incorporating tile hanging and projecting gables on the front elevations with whitewashed and creamwashed render. A number of the houses have integral garages.

The materials palette for the houses and the 2 apartment buildings would comprise 2 types of facing brick, together with the use of render and / or tile hanging on specific dwellings, together with 2 types of roof tiles. The 2 apartment buildings would measure up to three storeys in height and include flat roofed dormers and Juliet balconies. The site frontage along Yapton Road would be enhanced by the provision of an ornamental hedge. The houses facing onto the attenuation basin along the southern side of the application site would front onto an attractive landscaped area surrounding the attenuation basin. It is considered that the proposed appearance of the houses and the 2 apartment buildings would enhance the built environment in the eastern part of the village of Barnham and provide the design benchmark for the residential development on the adjoining Lillies site, located immediately east of the application site.

ARUN DESIGN GUIDE

The Arun Design Guide is a draft with consultation having been undertaken in early 2020 with adopted expected later in the year. The guide promotes good design in new development through setting out key design objectives. It encourages creating a network of streets (F.01), appropriate open spaces (H.03), appropriate external space standards (H.04) and appropriate building design (J.01).

It is considered that the information provided in the Design Statement and the high quality design and appearance of the dwellings provided in the House Type Pack would result in the delivery of a traditional "inter-war" housing development which Redrow Homes deliver across the Country, and it is considered that submitted information is acceptable and it accords with the provisions of the Arun Design Guide.

ACCESS AND MOVEMENT

Policy GA2 of the Barnham and Eastergate NP says: "support will be given to proposals that improve and extend the existing footpath and cycle path network, allowing greater access to new housing, the village centres, green spaces and the open countryside. The loss of existing footpaths and cycle paths will be resisted".

The site benefits from permission (BN/43/16/PL) including the means of access from Barnham Road, subject to detailed design. Condition 18 imposed on planning permission BN/43/16/PL which was varied by S73 permission BN/93/19/PL says the development shall not be occupied until the access and associated off-site highway works have been constructed in accordance with plans and details to be submitted to and approved by the Local Planning Authority after consultation with the Local Highway Authority. Work has started on the construction of the site access road but the off-site highway works on Yapton Road have not commenced. All of the internal roads on the site measure at least 4.8 metres wide, which is acceptable.

The plans provide details of the cycleway / footway linking the Angels Nursery site to the approved residential development on the Lillies site in the south east corner of the site; together with the provision of a link with Murrells Field in the south west corner of the site, which is considered to be acceptable. There is a proposed pedestrian link to the community hall; the link is located alongside Plots 85-88 inclusive. The layout plan also identifies a 3.0 metre wide cycleway on the site frontage with Yapton Road, which would link-up with the short length of 3.0 metre wide cycleway on the site frontage of the Lillies site, which is adjacent to the application site.

As the layout provides a footway and cycleway link to the surrounding area it complies with the conditions imposed on the previous planning permissions for the site and it accords with Policy D DM1(10), Policy T SP1 and Policy T DM1 of the Local Plan and Policy GA2 of the Barnham and Eastergate Neighbourhood Plan.

DENSITY, SCALE AND MASSING

Policy D DM1 (13) of the Local Plan requires: "the density of new housing will make efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher

densities will be more appropriate in the most accessible locations. Proposals should take into account the density of the site and its surroundings. The density of large sites should be varied to guard against uniformity".

The previous refused Section 73 application (BN/131/19/PL) proposed a density of 36 dwellings per hectare across the site and this remains unchanged in this application (BN/84/20/PL). All of the higher density developments are focussed in two apartment buildings, and terraced houses (town houses); with the lower densities comprising detached and semi-detached houses focussed towards the northern and western parts of the site.

One apartment building remains in the same location as previously proposed in the refused Section 73 application BN/131/19/PL, but its massing has been reduced. As mentioned previously, the back to back houses (i.e. The Bromsgrove) have been replaced by a second apartment building which would provide surveillance for the public open space on the Lillies site, which is immediately east of the application site; and it would compliment the other apartment building in the south east corner of the site.

It is considered that the density, scale and massing of the site is acceptable as it ensures a balanced development across the site; and the back to back houses have been removed completely from the layout, at the request of the Local Planning Authority. The site appears to have sufficient amenity space and visitor parking spaces and it is considered that the proposed development complies with Policy D DM1 of the Local Plan.

RESIDENTIAL AMENITY

Policy D DM1(3) of the Local Plan says that developments should: "have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance.

Policy H5 of the Barnham and Eastergate NP says: "proposals for new housing should include good quality outdoor amenity space - either private gardens or a shared amenity area".

Policy H6 of the Barnham and Eastergate NP says: "the design of new housing should give full consideration to bin stores, recycling facilities and cycle stores".

The proposed layout of the residential development would ensure that the houses and apartments are located broadly in the areas (i.e. the footprint) identified for residential development on the approved layout plan (BN/43/16/PL); apart from the 2 apartment buildings which are located in the south east corner of the site. The siting of the houses and apartments would ensure that there would be no materially adverse overlooking or overbearing impacts on existing houses along Yapton Road, or on the houses that are approved but construction has not started on the Lillies site to the east.

Although there are no adopted standards on rear garden sizes in the Arun Local Plan, all of the rear gardens of the houses on the site appear to measure at least 10.5 metres in length, to ensure adequate amenity space is provided, in accordance with the Arun Design Guide. The 2 apartment buildings in the south east corner of the site incorporate private amenity space including outdoor space and balconies, in accordance with the Arun Design Guide.

Consequently, it is considered that the proposed development complies with Policy D DM1(3) of the Local Plan in terms of the provision of sufficient private amenity space for the houses and the apartment buildings.

AFFORDABLE HOUSING

The affordable dwelling mix in Policy AH SP2 of the Local Plan is:

1 bedroom: 35 - 40%
2 bedroom: 35 - 40 %
3 bedroom: 15 - 20%
4+ bedroom: 5 -10%

In accordance with Policy AH SP2 of the Arun Local Plan, the Council aims to ensure that 30% affordable housing is achieved on all new residential developments in the district where more than 11 units are proposed such as on this site. There is high demand for affordable housing throughout the Arun District for both rent and low cost home ownership. As of September 2020, there were 1,021 on the Council's Housing Register

The Council's Affordable Housing policy requires a tenure split of 75% rented and 25% intermediate housing. However, the Section 106 Agreement which accompanied the planning permission (BN/43/16/PL) contains a 50/50 split between intermediate and rented and this split is considered to be acceptable.

The Section 106 Agreement sets out that 28 dwellings would be affordable with: 14 (50%) being Affordable Rented Dwellings (14 x 2 bed houses); and 14 (50%) being Intermediate Affordable Housing (8 x 2 bed houses, 2 x 1 bed flats, and 4 x Studio Flats). It is understood that Redrow have had feedback from two affordable housing providers (Worthing Homes and Aster Group). Both registered providers have confirmed they would not be willing to take 6 flats that are 1 bed or smaller as Intermediate (shared ownership) housing and would not make an offer. This makes the delivery of the site (and the affordable housing) challenging. The preference is for the studio flats to be replaced by larger dwellings.

Based upon the above and discussions with the applicant the mix is agreed as:

8 x 1 bed flats
9 x 2 bed flats
11 x 2 bed houses.

The proposed tenure mix (which is confirmed in the revised Affordable Housing Scheme) which is based upon previous discussions with ADC Housing comprises the following split between rented and intermediate (shared ownership):

Affordable Rented Dwellings - 14 (50%) being:
5 x 1 bed flats; and
9 x 2 bed flats; and
Intermediate Affordable Housing - 14 (50%) being:
3 x 1 bed flats; and
11 x 2 bed houses

All of the necessary amendments to the Affordable Housing Scheme are included in a Deed of Variation to the existing Section 106 Agreement; and would not be secured by means of a planning condition.

Policy AH SP2 says: "affordable housing must be visually indistinguishable from market housing with large groupings of single tenure dwellings or property types avoided. Affordable housing units shall be permitted in small clusters throughout development schemes." The proposed development needs to comply with Policy AH SP2 of the Local Plan in terms of clustering.

The layout plan includes the re-location of 4 affordable homes ('Tavy' house types) from the south eastern corner of the site (formerly Plots 37-40 on the layout plan that accompanied the refused Section 73 application BN/131/19/PL) to the western boundary adjacent to the community hall (i.e. Plots 85 to 88 on the layout plan that accompanies the current application). The affordable units in the back to back

houses which were proposed as part of the previously refused scheme (BN/131/19/PL) have been replaced by affordable units in an apartment building in the south eastern corner of the site; and there are affordable dwellings provided in the centre of the site; unlike the approved scheme, which concentrated all of the affordable dwellings at the front of the site. The pepper potting of affordable dwellings is considered to be acceptable and a marked improvement on the clustering of affordable dwellings in the approved scheme.

HOUSING MIX

Policy HDM1 provides for a mix of housing to meet local needs and requires that all housing development should provide a mix of dwelling types and sizes to address the nature of local housing needs and market demand. It is important to highlight that the policy does not prescribe a specific housing mix that must be met by individual applications, with the policy stating that each must be considered on its own merits. The supporting text to the policy (paragraph 12.2.4) continues to acknowledge that the final mix will be the negotiated on a site-by-site basis, having regard to the most up-to-date strategic housing market assessment (SHMA).

The 2012 SHMA was the subject of an update in 2016 in which paragraph 6.3 stated that the evidence highlighted a direction towards the provision of 2 and 3 bed units for market units and smaller affordable units. The GL Hearn 2016 update acknowledges at paragraph 6.10 that the analysis clearly shows the different profiles in the different broad tenures with affordable (rented) need being more heavily skewed towards smaller dwellings and market housing predominantly homes with three or more dwellings. Table 29 identifies a suggested broad mix housing by size and tenure for the District.

The layout comprises detached, semi-detached and terraced houses (town houses) and 2 apartment buildings which provide for variety not only in housing size but type. The overall market and affordable mix provides for a range of dwelling sizes from 1, 2, 3 and 4 bed flats and houses. The development delivers over half of the overall scheme as 2 and 3 bed dwellings. This is consistent with the objectives of the SHMA in providing a focus on family housing across a range of housing sizes and types whilst also providing a proportion of smaller 1 bed units overall. The proposal includes a large number of 4 bed units (i.e. 33 units = 35%) compared to the recommended proportion of 10-15% in the SHMA update. The number of 4 bed units would need to be reduced to comply in strict terms with the SHMA update. However, it is considered that Barnham is a village location suited to the provision of more family housing, whilst at the same time providing opportunities for downsizers and those looking to climb the housing ladder. Barnham is not a town or city location which might lend itself to a higher density of development with an increased number of smaller houses.

The approved housing mix and the proposed housing mix on the Angels Nursery site do not accord with Policy H DM1 of the Local Plan or the SHMA update in terms of the provision of 4 bed units, but it is considered that this is acceptable in terms of the rural location of the development

HERITAGE ASSETS

Ivy Cottage Listed Building and Luccombe Cottage Listed Building, The Old School House Locally Listed Building and The Murrell Arms Locally Listed Building and Church Lane Conservation Area are within close proximity of the application site. Having undertaken an assessment of the location of these heritage assets and considered the visibility between them and the application site, it is considered that the residential development would not cause harm to the significance of the heritage assets or their settings due to their location and the fact that there is plenty of development and/or trees and vegetation which will mean that there is no inter-visibility between them. Therefore the proposal complies with section 16 of the NPPF.

DEED OF VARIATION

A Deed of Variation is required to amend the Section 106 Agreement, to enable this Section 73

application (BN/84/20/PL) and the related planning application (BN/97/20/PL) for the construction of 3 units to be used as show home and marketing suite at the front of the site, to be listed in the Unilateral Undertaking; and for the inclusion of the amendments to the Affordable Housing Scheme, as set out above.

CIL CONTRIBUTION

This S73 application (BN/84/20/PL) relates to a full planning permission that was granted prior to the introduction of the CIL charge in Arun District. There would be a limited increase in gross internal area from 8,571.7 square metres to 10,149.9 square metres. The development would therefore be liable for the increase of 1,578.2 square metres. This increase in floor-space is covered in the new Deed of Variation.

OTHER CONDITIONS IMPOSED ON PLANNING PERMISSION (BN/93/19/PL)

As development has commenced on the site, Condition 1 requiring development to comment within 3 years is no longer required and should be deleted. The surface water drainage details required by Conditions 3, 5, 6 and 16 were approved and discharged under discharge of condition (DOC) application BN/30/20/DOC on 14th July 2020. Condition 5 is no longer required as formal consent has been approved in writing for the discharge of flows to watercourses. Similarly, the details of the watercourses maintenance required by Condition 8 does were approved and discharged under DOC application BN/28/20/DOC on 14th July 2020; and this condition is no longer required. The details required by Condition 11 regarding landscaping and replacement tree planting were covered in Condition 12; consequently Condition 11 should be deleted. Similarly, Condition 25 regarding landscaping on parts of the proposed adopted road network was a duplication of the hard and soft landscaping required by Condition 12, consequently Condition 25 should be deleted. The schedule of materials and finishes required by Condition 17 were approved and discharged under DOC application BN/94/20/DOC on 3rd September 2020 and this condition requires to be re-worded into a compliance condition. The details of the tree and hedgerow protection measures required by Condition 15 and the construction management plan required by Condition 27 were approved and discharged under DOC application BN/29/20/DOC on 3rd April 2020. Conditions 3, 6, 15, 16, 17 and 27 which were imposed on the planning permission will be retained but the wording will be amended so that they become compliance conditions and include the list of approved plans and documents. The numbering of Conditions 3, 6, 15, 16, 17 and 27 will change in the Decision Letter for BN/84/20/PL following the deletion of Conditions 1, 5, 8, 11 and 25. Two additional conditions are required to be imposed on the current application relating to tree protection measures and the provision of fire hydrants.

SUMMARY

Therefore, it is recommended that this Section 73 application is approved and that Condition 2 of planning permission BN/93/19/PL be varied. It is recommended that Conditions 1, 5, 8, 11 and 25 which were imposed on permission BN/93/19/PL be deleted and that Conditions 3, 6, 15, 16, 17 and 27 are re-worded to include the approved details. Two additional conditions are required to be imposed relating to tree protection measures and the provision of fire hydrants. In addition, it is recommended that the Section 106 Agreement is modified by means of a Deed of Variation. The Deed has been completed by the ADC Legal Services Team and it has been signed and executed by all interested parties.

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.

SECTION 106 DETAILS

A Unilateral Undertaking under Section 106 of the Town and Country Planning Act was prepared and signed that accompanied BN/43/16/PL and it covers the requirements of WSCC highways, Traffic Regulation Order (TRO), contributions to education, libraries and fire and rescue, and maintenance and management of the public open spaces.

The implication of varying Condition 2 on planning permission BN/93/19/PL and of granting planning permission (BN/97/20/PL) for the construction of 3 units to be used as show home and marketing suite at the front of the site, would be to require a Deed of Variation to enable this Section 73 application (BN/84/20/PL) and the related planning application (BN/97/20/PL) to be listed in the Unilateral Undertaking; and for the inclusion in the Deed of the amendments to the Affordable Housing Scheme for the site.

This Section 73 application (BN/84/20/PL) relates to a planning permission (BN/93/19/PL) that was granted prior to the introduction of the CIL charge in Arun District. There would be a limited increase in gross internal area from 8,571.7 square metres to 10,149.9 square metres. The proposed development would therefore be liable for the increase of 1,578.2 square metres. This increase in floor-space has been covered in the new Deed of Variation.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following approved plans:
 - Drawing No. P19-0723_10 Rev. Q - Site Layout.
 - Drawing No. P19-0723_18 Rev. A - Illustrative Street Scenes.
 - Drawing No. P19-0723_11 Sheet No. 01 Rev. D - Buxton Elevations (Brick).
 - Drawing No. P19-0723_11 Sheet No. 02 Rev. C - Buxton Floor Plans.
 - Drawing No. P19-0723_11 Sheet No. 10 Rev. B- Harrogate MSU Elevations & Floor Plans (Brick)
 - Drawing No. P19-0723_11 Sheet No. 18 Rev D - 2 Bed Apartments Front Elevation AH

(Brick)

- Drawing No. P19-0723_11 Sheet No. 19 Rev. D - Apartments Side Elevation AH (Brick).
- Drawing No. P19-0723_11 Sheet No. 20 Rev. D - Apartments rear elevation AH (brick).
- Drawing No. P19-0723_11 Sheet No. 21 Rev. D - Apartments side elevations AH (brick).
- Drawing No. P19-0723_11 Sheet No. 22 Rev. D - Apartments Ground Floor Plan AH.
- Drawing No. P19-0723_11 Sheet No. 23 Rev. D - Apartments First Floor Plan AH.
- Drawing No. P19-0723_11 Sheet No. 24 Rev. D - Apartments Second Floor Plan AH.
- Drawing No. P19-0723_11 Sheet No. 25 Rev. C - SP2 1 Bed Apartment Elevations AH (Brick).
- Drawing No. P19-0723_11 Sheet No. 26 Rev. C - SP2 1 bed apartment Ground Floor & First Floor Plan AH.
- Drawing No. P19-0723_11 Sheet No. 27 Rev. C - SP2 1 bed apartment second Floor Plan AH.
- Drawing No. P19-0723_11 Sheet No. 30 Rev. B - Cycle and Bin Store Elevations and Floor Plans.
- Drawing No. EF_STRAQ_DM.1 Rev. A - Stratford Lifestyle Heritage Collection F Series Elevations.
- Drawing No. EF_LEAMQ_DM.2 Rev A - Leamington Lifestyle Heritage Collection F Series.
- Drawing No. EF_MARO_DM.3 - Marlow Heritage Collection F Series.
- Drawing No. EF_OXFOQ_DM.4 - Oxford Lifestyle Heritage Collection F Series.
- Drawing No. EF_HENL_DM.6 Rev. A - Henley Heritage Collection F Series.
- Drawing No. EF_HENL_DM.6 Rev. A - Henley Heritage Collection Elevation Details.
- Drawing No. EF_SHAF_DM.7 Rev. C - Shaftesbury Heritage Collection F Series.
- Drawing No. EF_CAMB_DM.8 - Cambridge Heritage Collection F Series.
- Drawing No. EF_HARR_DM.8 Rev. B - Harrogate Lifestyle Heritage Collection F Series.
- Drawing No. EF_TT3_M.4 - Tavy (Floor Block) Heritage Collection F Series.
- Drawing No. EF_TT3_M.4 - Tavy Floor Plans.
- Drawing No. EF_GAR_SGS2 - Heritage Collection Garage.
- Drawing No. EF_GAR_DGT4 - Heritage Collection Garage.
- Drawing No. P19-2044_01 Rev. F - Landscape Masterplan.
- Drawing No. P19-0723_09 Rev. K - Public Open Space.
- Drawing No. P19-2044_02 Rev. D - Detailed Public Open Space Landscape Proposals Sheet 1 of 2.
- Drawing No. P19-2044_02 Rev. D - Detailed Public Open Space Landscape Proposals Sheet 2 of 2.
- Drawing No. 19812-GS-Z1-XX-DR-C-2171 Rev C2 - Refuse Vehicle Tracking.
- Drawing No. 19812-GS-Z1-XX-DR-C-2172 Rev C2 - Fire Tender Vehicle Tracking.
- Drawing No. 19812-GS-Z1-XX-DR-C-2080-Rev. C4 - External Works (Sheet 1 of 2).
- Drawing No. 19812-GS-Z1-XX-DR-C-2081-Rev. C4 - External Works (Sheet 2 of 2).
- Drawing No. S278/38/16 Rev. D - Street Furniture: Ramp Feature
- Drawing No. 19812-GS-Z1-XX-DR-C-2060-C4 - Site Drainage (Sheet 1).
- Drawing No. E199320_01 - Attenuation Tank 1 Detail.
- Tree Survey, Arboricultural Impact Assessment & Method Statement: Angel & Hyde Nursery, Barnham (JSL3362_770), prepared by RPS Group, October 2020.
- Drawing No. 702 Rev. A - Tree Protection Plan.
- Tree Survey Schedule (JSL3362_700) - 26/07/2019.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Policy D DM1 of the Arun Local Plan.

2

The surface water drainage scheme shall be implemented in accordance with the following approved drawings:

- 19812-GS-Z1-XX-DR-C-1016_C2_Section 278 Drainage Layout
- 19812-GS-Z1-XX-DR-C-2060-C4_Site Drainage Sheet 1
- 19812-GS-Z1-XX-DR-C-2061-C3_Site Drainage Sheet 2
- 19812-GS-Z1-XX-DR-C-2101-C1_Private Drainage Construction Details Sht1
- 19812-GS-Z1-XX-DR-C-2102-C1_Private Drainage Construction Details Sht2
- 19812-GS-Z1-XX-DR-C-2103-C4_Private External Works Details
- 19812-GS-Z1-XX-DR-C-2080_C3_External Works Sht1
- 19812-GS-Z1-XX-DR-C-2081_C3_External Works Sht2
- 19812-GS-Z1-XX-DR-C-2105-C1_Main Drainage Details
- 19812-GS-Z1-XX-DR-C-2106-C1_Outfall headwall details
- 19812-GS-Z1-XX-DR-C-2107-C1_Ditch and Land Drain details
- 19812-GS-Z1-XX-DR-C-2108-C1_Pond Sections
- 19812-GS-Z1-XX-DR-C-2109-C1_Ditch Long sections
- 19812-GS-Z1-XX-DR-C-2113-C1_Concrete catch-pit with weir wall
- E199320_01_A Attenuation Tank Detail

Unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with Policy D DM1, Policy W DM1 and Policy W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because a proper surface water drainage strategy is vital and goes to the heart of the planning permission.

- 3 Immediately following implementation of the approved SuDS scheme and prior to occupation of any part of the development, the developer/applicant shall provide the Local Planning Authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. There shall be no deviation to the approved scheme other than with the written consent of the Local Planning Authority. The scheme shall thereafter be maintained in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with Policy D DM1, Policy W DM1 and Policy W DM3 of the Arun Local Plan.

- 4 The SUDs system shall be maintained and managed in accordance with the approved Drainage Maintenance and Management Statement (Rev 5) prepared by Gyoury Self, unless other agreed in writing by the Local Planning Authority.

Reason: To ensure the efficient maintenance and on-going operation of the SuDS system and to ensure the best practice in line with guidance set out in 'The SuDS Manual' CIRIA publication ref: C753 Chapter 32, in accordance with Policy D DM1, Policy W DM1 and Policy W DM3 of the Arun Local Plan.

- 5 Upon completed construction of the SuDS System but prior to occupation of any part of the scheme, the owner or management company shall either provide the Local Planning Authority with an updated copy of the management manual incorporating any changes as a result of construction/implementation or confirm in writing that no changes are required to the manual.

No further changes shall be made to the approved SuDS Maintenance & Management Plan/Regime including the management company responsible or the financial arrangements between the owners of the dwellings and the management company other than with the written consent of the Local Planning Authority.

The owner or management company shall thereafter strictly adhere to and implement the recommendations contained within the manual to ensure that the system is maintained in perpetuity.

Reason: To ensure the efficient maintenance and on-going operation of the SuDS system and to ensure the best practice in line with guidance set out in 'The SuDS Manual' CIRIA publication ref: C753 Chapter 32, in accordance with Policy D DM1, Policy W DM1 and Policy W DM3 of the Arun Local Plan.

- 6 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Policy D DM1 and Policy QE DM4 of the Arun Local Plan.

- 7 Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason: To protect the environment and prevent harm to human health by ensuring that the remediated site has been reclaimed in an appropriate standard in accordance with Policy D DM1 and Policy QE DM4 of the Arun Local Plan.

- 8 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping, proposals for long term management and maintenance and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.'

Reason: In the interests of amenity and of the environment of the development in accordance with Policy D DM1 of the Arun Local Plan.

- 9 No trees/or bushes/growing/and to be retained/on the site shall be damaged, uprooted, felled, topped or lopped without the prior written consent of the Local Planning Authority until 2 years after completion of the development hereby permitted. Any trees removed without such consent or being severely damaged or becoming seriously diseased or dying before the end of that period shall be replaced with trees of such size and species as may be agreed with the Local Planning Authority.

Reason: To ensure the retention of vegetation important to the visual amenity, /the ecological quality/and for the environment of the development in accordance with Policy D DM1 of the Arun Local Plan.

- 10 No trenches, cable or pipe runs for services and drains shall be cut or laid within the Root Protection Area as calculated in accordance to Table 2 of BS5837 (2012) or, if this information is absent, within a distance of 15m from the bole of any existing tree to be retained on this or adjoining sites. If however there is no alternative but to locate the services then its encroachment into the Root Protection Area must be kept to a minimum and where the roots should be exposed using compressed air technology, such as the air spade to reduce damage caused by mechanical methods. If roots requiring severance to allow for the passage of services is necessary then an arboriculturist would be required to assess and determine whether the loss of the roots would be detrimental to the continued health and stability of the affected tree.

Reason: To protect tree roots from damage likely to lead to the loss of the trees in the interests of the visual amenities of the locality in accordance with Policy D DM1 of the Arun Local Plan.

- 11 The tree protection measures shall be retained in accordance with the approved Tree Protection Plan (drawing reference: 702 Rev A) during the construction phase. Within the areas so fenced off the existing ground must not be cultivated, nor must it be lowered or raised or added to by the importation and spreading of top-soil unless agreed by the Local Planning Authority. There must be no materials, temporary buildings, plant machinery or surplus soil shall be placed or stored thereon without prior written approval of the Local Planning Authority.

Reason: To protect tree roots from damage likely to lead to the loss of the tree in the interests of the visual amenities of the locality; and to ensure the retention and maintenance of trees and vegetation which is an important feature of the area and In order to safeguard the public sewer and associated infrastructure, in accordance with Policy D DM1 of the Arun Local Plan.

- 12 The development hereby approved shall be carried out in accordance with the approved site levels details shown on Site Drainage Sheet 1 (drawing ref: 19812-GS-Z1-XX-DR-C-2060-C4) and Site Drainage Sheet 2 (drawing ref: 19812-GS-Z1-XX-DR-C-2061-C3). There shall be no subsequent raising of levels without prior written approval of the Local Planning Authority.

Reason: In order to safeguard the amenities of the area and neighbouring residents in accordance with Policy D DM1 of the Arun Local Plan.

- 13 No development above damp proof course (DPC) level on any building hereby approved shall take place unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls (and roofs) of that building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy D DM1 of the Arun Local Plan.

- 14 The development, hereby permitted, shall not be occupied until the access and associated off-site highway works have been constructed in accordance with plans and details (including recommendations of any associated Road Safety Audits) to be submitted to and be approved by the Local Planning Authority after consultation with the Local Highway Authority.

Reason: To ensure fit-for-purpose access constructed to appropriate design and safety

standards in accordance with Policy D DM1 and Policy T SP1 of the Arun Local Plan.

- 15 No dwelling shall be occupied until the internal roads and associated infrastructure serving that dwelling have been constructed in accordance with plans and details to be submitted to and approved by the Local Planning Authority after consultation with the Local Highway Authority. This shall include (but not necessarily be limited to) visibility splays, pedestrian and cycle access considerations, service margins and recommendations of any associated Road Safety Audits.

Reason: To ensure fit-for-purpose roads constructed to appropriate design and safety standards in accordance with Policy T SP1 of the Arun Local Plan.

- 16 No dwelling shall be occupied until the car parking spaces to serve that dwelling have been constructed in accordance with the approved plans. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use accordance with Policy T SP1 of the Arun Local Plan.

- 17 No dwelling shall be occupied until the cycle parking for that dwelling has been constructed in accordance with the approved plans. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use accordance with Policy T SP1 and Policy T DM1 of the Arun District Local Plan.

- 18 No development shall be occupied until any disused crossovers and/or accesses no longer required as part of the development, have been permanently removed and reinstated in accordance with Highway Authority specifications to be submitted to and approved by the LPA for consultation with the CHA.

Reason: To ensure that any access points not required to serve the development are permanently removed to avoid risk of inappropriate re-opening in the future and also in the interests of road safety in accordance with Policy D DM1 and Policy T SP1 of the Arun Local Plan.

- 19 No development above damp proof course (DPC) level shall take place until provision has been made within the site in accordance with details to be submitted to and approved by the Local Planning Authority after consultation with the Local Highway Authority to prevent surface water draining onto the public highway.

Reason: In the interests of road safety in accordance with Policy D DM1 and Policy T SP1 of the Arun Local Plan.

- 20 No development above damp-proof course (DPC) level shall take place until a scheme for street lighting has been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority after consultation with the Highway Authority.

Reason: In the interests of road safety in accordance with Policy D DM1 and Policy T SP1 of the Arun Local Plan.

- 21 The development, hereby approved, shall not be occupied until a Travel Plan has been provided in accordance with recognised WSCC guidelines and good practice - details to be submitted to and approved by the Local Planning Authority after consultation with the Highway Authority.

Reason: To encourage sustainable access to and from the development and to reduce the

need to travel by private car accordance with Policy T SP1 of the Arun Local Plan.

- 22 Within 1 month of the date of this decision, a Construction Management Plan shall be submitted to and be approved in writing by the Local Planning Authority. This shall require the applicant and contractors to minimise disturbance during demolition and construction and will include (but not be limited to) details of the following information for approval:

- the phased programme of construction works;
- the means of access and road routing for all construction traffic associated with the development;
- provision of wheel washing facilities and details of their operation and location;
- details of street sweeping;
- construction working times including delivery times;
- details of a means of suppressing dust arising from the development;
- details of all proposed external lighting to be used during construction;
- details of areas for the loading, unloading, parking and turning of vehicles associated with the construction of the development;
- details of areas to be used for the storage of plant, waste and materials associated with the development;
- details of the temporary construction site enclosure to be used throughout the course of construction (including access gates).
- contact details for the site contractor, site foreman and CDM co-ordinator (including out-of-hours contact details).
- evidence of consultation with neighbours prior to works commencing.
- details of any temporary traffic management that may be required to facilitate the development including Chapter 8 traffic signage
- a Section 59 Agreement (required only if construction traffic exceeds 20 HGV vehicles per day over a six-month period).

Details of how measures will be put in place to address any environmental problems arising from any of the above shall be provided. A named person shall be appointed by the applicant to deal with complaints, shall be available on site and their availability made known to all relevant parties.

Reason: To ensure safe and neighbourly construction in the interests of amenity and road safety in accordance with Policy D DM1 of the Arun Local Plan.

- 23 No dwelling shall be occupied until the foul water drainage scheme for that dwelling has been implemented in accordance with the approved details (set out in Drawing Numbers 19377-GS-Z1-XX-DR-C-1060 & 1061 Revision 4, dated 13/09/2018) and the details so approved shall be retained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with Policy D DM1 and Policy W DM1 of the Arun Local Plan.

- 24 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a detailed ecological enhancement scheme (which shall include the installation of 4 bat boxes and 15 bird boxes throughout the site) shall be submitted to the LPA for approval and will be based on the recommendations within the supporting ecological statement and as appropriate. All approved details shall then be implemented in full and in accordance with the agreed timings and details.

Reason: This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national guidance and Policy ENV DM4, Policy ENV DM5 and Policy ENV SP1 of the

Arun Local Plan.

- 25 No operational or construction vehicles shall be operated on the site except between the hours of:

7.00 and 19.00 on Mondays to Fridays inclusive

7.00 and 13.00 on Saturday

Not at any time on Sundays or Public Holidays

Reason: In the interests of amenity in accordance with Policy D DM1 of the Arun Local Plan.

- 26 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources or equivalent fabric first standards that would secure a 10% reduction in energy use. No development above damp proof course (DPC) level shall take place unless and until details and a timetable of how this is to be achieved, including details of physical works on site, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to seek to achieve high levels of energy efficiency in accordance with the aims of the NPPF, in accordance with Policy D DM1 and Policy ECC SP2 of the Arun Local Plan.

- 27 Notwithstanding the provisions of 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 extensions (including porches or dormer windows) to the dwelling houses shall be constructed or buildings shall be erected within the curtilage unless permission is 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 D DM1 of the Arun District Local Plan.

- 28 Within 28 days of the date of this permission, a site meeting should take place between the Local Planning Authority's Tree Officer and the Arboricultural Expert representing the site owner(s). At this meeting all protective fencing and ground protection measures will be inspected to verify they are 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown on the Tree Protection Plan (Drawing No. 702 Rev. A, October 2020). A schedule of site monitoring / supervision visits and reporting procedures prepared by an Arboricultural Expert will be required and their extent will be agreed on at the site meeting to the satisfaction of the Local Planning Authority's Tree Officer.

All activity at the site is to be carried out in strict accordance with the Arboricultural Impact Assessment & Method Statement (RPS Group Plc ref. JSL3362_770, October 2020).

Reason: To comply with BS5837 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area, in accordance with Policy ENV DM4 of the Arun Local Plan.

- 29 No development above damp proof course (DPC) level shall take place until a scheme for the location and installation of fire hydrants has been submitted to and approved in writing by the Local Planning Authority. For the purposes of this condition the scheme shall be in accordance with the Guidance Note: The Provision of Fire Hydrants and an Adequate Water

Supply for Fire Fighting as published by West Sussex Fire and Rescue Services (as amended from time to time). No dwelling hereby permitted shall be occupied until the fire hydrant(s) required to serve that dwelling have been installed in accordance with the approved scheme.

Reason: In order to provide adequate infrastructure for emergency services, in accordance with Policy D DM1 of the Arun Local Plan.

- 30 INFORMATIVE: Any tree pruning considered essential to enable the agreed development must meet the requirements of BS3998:2010 Tree Work - Recommendations: where whole branches are to be removed and final cuts made close to the trunk or branch union they are to be made as shown on Figure 2 of BS3998:2010. Where branches are to be shortened back, the final cuts are to be made at the correct angle shown in BS3998:2010 and adjacent to a live bud or lateral; in the interest of continued health and vitality of trees and to accord with current industry guidelines and sound arboricultural practice.
- 31 INFORMATIVE: Please note that related to this permission there is an agreement under Section 106 of the Town & Country Planning Act 1990.
- 32 INFORMATIVE: The developer is asked to sign up to the Developer and Partner Charter as well as produce a skills and employment plan relating to the site. Details can be provided by Arun District Council's Economic Development Team.
- 33 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.
- 34 INFORMATIVE: Applications for S38 and/or S278 Agreements should be made to WSCC as Highway Authority. Full details are available on the WSCC website.
- 35 INFORMATIVE: Roads not forming part of the adopted highway network and/or not intended to be offered for adoption, will not be inspected by the Highway Authority during or after any construction phases. Such roads should, however, be assessed and formally signed-off/approved by a suitable Chartered civil engineer to the satisfaction of the LPA.
- 36 INFORMATIVE: The applicant should contact West Sussex County Council Legal Services to obtain necessary information to enter into the Section 59 Agreement under the Highways Act 1980 as referred to in condition 10 above if HGV construction vehicles exceed 20 per day. The Agreement is required to provide a means of making good the public highway following the cessation of construction traffic and building work on the site.
- 37 INFORMATIVE: The applicant is advised that the erection of temporary directional signage should be agreed with the Local Traffic Engineer prior to any signage being installed. The applicant should be aware that a charge will be applied for this service.
- 38 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received.
For further information please contact the Environmental Health Department on 01903 737500.
- 39 INFORMATIVE: The applicant's attention is drawn to the requirements of the Environmental Protection Act 1990 and the Clean Air Act 1993 with regard to burning on site. A 'Statutory Nuisance' may be caused by smoke and ash from fires or noise from the cutting or chipping

trees. In addition, air quality could be adversely affected on large projects. The granting of this planning permission does not permit a statutory nuisance to be caused. The Environment Agency should also be contacted regarding Exemption Permits to burn on site.

- 40 INFORMATIVE: No demolition, ground clearance or vegetation clearance works shall take place within the bird nesting season (between 1 March and 31 August inclusive in any year). If such works cannot be undertaken outside of the nesting season, a nesting bird check shall be required, which should be undertaken by a suitably qualified ecologist immediately prior to the works taking place. Subsequently if any active nest sites are identified, these nests should remain undisturbed until all the young have fledged naturally.
- 41 INFORMATIVE: Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development.
- 42 INFORMATIVE: Reference should be made to Southern Water's publication "A Guide to Tree Planting near Water Mains and Sewers" and the Sewerage Sector Guidance with regards to any landscaping proposals and tree planting adjacent to sewers, rising mains and water mains.
- 43 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.