

PLANNING APPLICATION REPORT

REF NO: BN/147/22/RES

LOCATION: Land South of Barnham Station
Barnham

PROPOSAL: Approval of reserved matters following BN/149/22/PL for 200 dwellings respect of appearance, landscaping, layout and scale. This application may affect the setting of listed buildings, may affect the Church Lane, Barnham Conservation Area & affects a Public Right of Way.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>The proposed development seeks approval of reserved matters in respect of appearance, landscaping, layout and scale following the approval of outline application BN/149/22/PL with all matters reserved, other than principal means of access, for up to 200 dwellings.</p> <p>The layout of the proposal comprises an access off of Marshall Close, approved under application BN/142/20/OUT, and a network of roads. The residential development will be contained to the north, east and centre of the application site with the southwestern corner and the south of the site being left as public open space and other landscaping works. There will be a network of footpaths through the parcels of land reserved for open space.</p> <p>The dwellings are a mix of terraced, semi-detached, detached and apartment buildings. Some of the dwellings have garages whilst the apartment buildings have communal parking areas. All of the terraced, semi-detached and detached dwellings have rear gardens whilst the apartment buildings have access to the public open space.</p> <p>Dwellings have 2 or 2.5 storeys and the apartment buildings are 3 storey. The taller, 2.5 storey buildings would be situated to the centre and the east of the site whilst the apartment buildings are situated on the northern boundary. Dwellings would be constructed of either red multi-brick with red detail brick, brown multi-brick with red detail brick or red brick and red quoining and either forticrete gemini coloured slate grey roof tiles or forticrete gemini coloured autumn roof tiles. Some dwellings also have either tile hanging or flint detailing. Roof form is typically pitched with gables.</p> <p>The proposal includes a raft of landscaping works comprising boundary tree and hedgerow planting, further planting outside</p>
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of dwellings and on the street, provision of a locally equipped area of play (LEAP) and local area of play (LAP), 7.2 Hectares of open space, two ponds, allotments, a 20m railway line offset on the northern boundary and a flood compensation area.

SITE AREA	13.80 Hectares.
RESIDENTIAL DEVELOPMENT DENSITY	14.49 dwellings per Hectare.
TOPOGRAPHY	Predominantly flat.
TREES	Two category B trees, 3 groups of Category C trees, one Category C hedgerow, a group of Category U trees and two Category U trees would be removed to facilitate the development.
BOUNDARY TREATMENT	The application site is boarded to the north by a line of trees and hedgerow and a parcel of undeveloped land, beyond which is Branham train station. To the east is a line of trees and hedgerow and a ditch, beyond which is the curtilages of a number of properties, and Church Lane. To the south and southwest is a line of trees and hedgerow, beyond which is a track to the rear of several dwellings. To the northwest is the railway line.
SITE CHARACTERISTICS	The site comprises mostly undeveloped land and an equestrian facility which consists of an access track, paddocks, stables, a sand school and the remains of a number of old buildings. There is also a footpath (path number 323) that cuts through the southern portion of the site.
CHARACTER OF LOCALITY	<p>The area is semi-rural in character with a network of large agricultural fields to the northwest of the site beyond the railway line. There is dense built form between Barnham and Eastergate comprising mostly of dwellings, shops and services in the centre of the village.</p> <p>Barnham village centre is situated to the north of the application site and comprises a range of shops and services including Barnham Trading Post, Tesco Express, Co-op Food, St Phillip Howard Catholic School and Barnham train station.</p> <p>There is some less dense development to south and east of the application site comprising larger detached dwellings and visitor accommodation, alongside some services and community facilities including Saint Mary the Virgin church to the south and Barnham Community Hall to the east of the site.</p> <p>Dwellings in the area are a mix of terraced, semi-detached and detached with some apartment buildings. The most common materials are red and brown bricks for walls and red, brown and grey plain roof tiles. Roof form is a combination of pitched, hipped and gabled.</p>

RELEVANT SITE HISTORY

BN/149/22/PL	Variation of condition imposed under BN/142/20/OUT relating to the re-wording of conditions 9,20 and 27.	
BN/142/20/OUT	Outline planning application with all matters reserved, other than principal means of access, for up to 200 No. dwellings, with access taken from Marshall Close, associated infrastructure & landscaping & demolition of existing buildings. This application is a Departure from the Development Plan, may affect the setting of listed buildings, may affect the Church Lane, Barnham Conservation Area & affects a Public Right of Way.	Refused 23-02-21 Appeal: Allowed+Conditions 05-01-22
BN/53/23/DOC	Approval of details reserved by condition imposed under ref APP/C3810/W/21/3273087 (BN/142/20/OUT) relating to conditions 6 - surface water drainage, 7 - watercourses and 21 - surfacing works for Right of Way.	
BN/42/23/DOC	Approval of details reserved by condition imposed under ref APP/C3810/W/21/3273087 (BN/142/20/OUT) regarding conditions 14 - renewable energy and 25 - EV charging.	DOC Part Approved 15-05-23

REPRESENTATIONS

Barnham and Eastergate Parish Council object to the proposal for the following reasons:

1. There are currently no 3 bedroom properties being offered as Affordable Housing, only 1 and 2 bedroom properties. The Committee would like to see a mixture of different sized properties made available. It was also noted that the Affordable Homes were all placed together in one section of the development, the Committee would like to see them integrated into the development by spreading out where these properties are located.
2. As per the Neighbourhood Plan Design Guide and Arun District Council's Local Plan Design Guide, the Committee would like to see a little more variation in the materials used in the design of the properties, to include flint, tile hanging and weatherboarding. The Committee did not feel that the red brick and brown multi brick design is in keeping with the area.
3. The Committee would request that all driveways and roads are to be made of permeable block paving surface.
4. The Committee would not like to see any Juliette Balconies due to issues with privacy for any

neighbouring properties.

5. That the allotments are completed and made usable within a reasonable time frame.

6. The Committee would like to see Neighbourhood Plan policy ES16 Dark Night Skies adhered to when considering lighting on the development.

7. In the Secretary of State Appeal Decision APP/C3810/W/21/3273087 it was stated that "the highest parts of the site would accommodate elements of development up to 2 ½ storeys (11.5m)" however the Committee note that the current plans indicate that some of the proposed dwellings are in fact 3 storeys high and flats are also proposed which will be over the 2 ½ storeys also.

8 objections were received:

- Infrastructure cannot cope with further development
- Development would overwhelm local streets and take away a beautiful open space
- Traffic implications
- Increase in pollution
- Drainage issues
- The junction at Church Road and Yapton Road would remain dangerous
- Surface water drainage plans are based on rainfall data that is out of date and therefore needs recalculating
- The height of the development is out of character with the area

COMMENTS ON REPRESENTATIONS RECEIVED:

Regarding point 7 of the representation made by Barnham and Eastergate Parish Council, as shown on the plans, the height of the 2 ½ storey dwellings is the same as the 3 storey apartment buildings of circa 10.5 metres tall.

The principle of residential development for up to 200 dwellings has been established through the appeal of application BN/142/20/OUT.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ECONOMIC DEVELOPMENT (07/11/2022):

No specific comments but has asked that an Employment and Skills Plan is included.

SUSSEX POLICE (07/11/2022):

Where communal parking occurs, it is important that they are within view of an active room. For the apartments, it is imperative that access control is implemented into the design. Recommended that postal arrangements for the apartments is through the wall or externally mounted secure post boxes. Strongly urge applicant not to consider letter apertures within the front doors. Cyclists should be encouraged to lock both wheels and the crossbar to a stand and therefore a design of cycle stand that enables this method of locking is recommended.

The LEAP should be in a location to allow natural surveillance from nearby dwellings with safe and accessible routes for users to come and go. Boundaries between public and private space should be clearly defined and open spaces must have features which prevent unauthorised vehicular access. They ask that the LEAP is surrounded with railings with self-closing gates to provide a dog free environment.

Regarding the footpath and cycle route design, they ask that it conforms to the requirements as indicated within the SBD Homes 2019 Version 2 document Chapter 8 paragraphs 8.8 - 8.12. They also recommend that any associated ground planting be no higher than 1 metres with tree canopies no lower than 2 metres. Where lighting is implemented, it should conform to the recommendations within BS5489-1:2020. SBD considers that bollard lighting is not appropriate.

SUSSEX POLICE (05/06/2023):

I refer the applicant to previous correspondence from this office, to which all comments remain extant.

WEST SUSSEX COUNTY COUNCIL HIGHWAYS - PUBLIC RIGHTS OF WAY: (15/11/2022):

Site Layout DWG No 220615/01/SL Rev L shows FP323 being diverted. There is no reference to this in the Travel Plan other than in Appendix A. In order to secure a diversion of a Public Right of Way (PRoW), an order would need to be made by Arun District Council. It's important that FP323 is kept open and unobstructed until the statutory procedures which authorise the diversion have been completed. Development affecting the currently recorded legal line of FP323 must not begin until and unless the path has been formally accommodated else an offence is being committed and may invalidate any diversion Order procedure.

The Design & Access Statement refers to the opportunity and intention to upgrade FP323 to a 3m cycleway. This upgrade requires a formal permissive path agreement between the landowner and WSCC. Only through such a formal agreement, will cycle use be permitted and the route be maintained by the Highway Authority. For the purpose of both obtaining approval to divert FP323 and entering into a formal permissive path agreement, please submit construction details, including intended PRoW surface specifications.

With little possibility of upgrading FP323 south-east of the site boundary through the conservation area to allow cycles to continue to Church Lane, is it proposed that cycles can continue onwards to Church Lane as indicated via the red line, superimposed on your site layout? Please confirm.

No new structures, such as gates and stiles, are to be installed within the width of the PROW without the prior consent of the WSCC PROW Team. These will constitute an offence of obstruction under the Highways Act 1980. Any down pipes or soakaways associated with the development should discharge into an existing or new drainage system and away from the surface of the PROW. No drainage system is to be installed through the surface of the path without the prior consent of the WSCC PROW Team. Where the ground levels adjacent to the PROW are to be raised above existing ground levels, this could increase the potential to flood the path. A suitable drainage system must be installed adjacent to the path to a specification agreed with the WSCC PROW Team prior to development commencing. Any alteration to or replacement of the existing boundary with the PROW, or the erection of new fence lines, must be done in consultation with the WSCC PROW Team to ensure the legal width of the path is not reduced and there is no unlawful encroachment.

WEST SUSSEX COUNTY COUNCIL HIGHWAYS - PUBLIC RIGHTS OF WAY (22/02/2023):

The proposed surface specification is acceptable but please ensure the recycled aggregate used is clean with no glass, plastic or metal in it.

Note that the route along the southern boundary is not intended for cycle use and you therefore propose to give permissive cycle rights only to that part of FP323 north of the road with us retaining rights for the southern part to be legally upgraded should onward connectivity become possible. The partial legal upgrade of FP323 north of the road makes sense but please confirm you will be physically surfacing the whole of FP323 within the site boundary as per the specification provided (with above proviso).

Please note the diversion you seek via Arun District Council for development purposes must be confirmed before any temporary closure can be granted by West Sussex County Council.

WEST SUSSEX COUNTY COUNCIL HIGHWAYS - PUBLIC RIGHTS OF WAY (05/06/2023):

No objection and their response from the 22nd February still stands with regards to the approval of the build specification, acceptability of the diversion in principle and acceptability of conferring permissive cycle rights over the northern portion of FP323 only at this time, with rights for upgrading the southern portion to be retained.

PRoW wayfinding bollards are planned alongside tactile paving where FP323 crosses the internal road. Please note no new structures, such as gates and stiles, are to be installed within the width of the PRoW without prior consent of the WSCC PRoW Team.

WEST SUSSEX COUNTY COUNCIL LEAD LOCAL FLOOD AUTHORITY (22/11/2022):

No comments to submit. Please consult the District Drainage Engineer.

ARCHAEOLOGY ADVISOR (24/11/2022):

The mitigation of the effects of development on any archaeological interest that the site may contain should be secured through the fulfilment of the requirements of Condition 16 on permission BN/142/20/OUT.

ENVIRONMENT AGENCY (24/11/2022):

No objection. Noted that the conditions recommended for the outline application still stand.

ARUN DISTRICT CONSERVATION AREA ADVISORY PANEL (26/11/2022):

Objection. Given the rural location, proximity to a conservation area and extensive views from roads, public footpaths and the railway line it is considered that the designs of the proposed dwellings and the use of concrete roof tiles are well below the standard which should be required for the site. Proposals will conflict with the relevant paragraphs of the NPPF and policies contained in the ADLP relating to good design, the protection and enhancement of local distinctiveness, and the protection of the rural environment and the setting of designated heritage assets.

NATIONAL HIGHWAYS (28/11/2022):

No objection. Satisfied the proposals will not materially affect the safety, reliability and/or operation of the strategic road network in this location and its vicinity.

WEST SUSSEX COUNTY COUNCIL HIGHWAYS AUTHORITY (28/11/2022)

No objection. Having regard for the history at the site and the additional information submitted in the form of the Transport Assessment, the LHA does not consider that the proposal would have 'severe' impact on the operation of the highway network, therefore is not contrary to the NPPF, and there are no transport grounds to resist the proposal.

ENVIRONMENTAL HEALTH (05/12/2022):

Satisfied that the requirements of condition 32 have been met and recommend the condition may be discharged.

WEST SUSSEX FIRE & RESCUE SERVICE (07/12/2022):

No objection subject to conditions for the location and installation of fire hydrants. Evidence will also be required that Fire Service vehicle access meets with the requirements identified in the Approved Document B Volume 1 2019 Edition: B5 Section 13, including Table 13.1 and diagram 13.1.

SOUTHERN WATER (07/12/2022):

Southern Water have restrictions on the proposed tree planting adjacent to Southern Water sewers, rising mains or water mains any such proposed assets in the vicinity of existing planting. 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 their restrictions and maintenance of tree planting adjacent to sewers, rising mains and water mains.

The drainage strategy indicates that the proposed attenuation basin is being built within the easement zone. The drainage proposals shall include protection measures to be shown to satisfy the requirement to maintain standoff distances of 5 metres from public sewers. No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public sewer.

NETWORK RAIL (21/12/2022):

Due to the close proximity of the works to the railway, Network Rail are concerned by the flood risk to the railway. They recommended Asset Protection informatives in response.

WEST SUSSEX COUNTY COUNCIL LEAD EDUCATION AUTHORITY (22/11/2022):

Objection, the proposed development is expected to contribute towards the new secondary school in order to mitigate its impacts for secondary education, because the local existing secondary schools would not be able to accommodate the new pupils. The existing secondary school provision is unable to expand, and the lack of an allocated or secured site for a new secondary school means that the new education facility cannot be relied on in the short term.

Until a time that a new secondary school is built and open to pupils, transport costs are required to mitigate the additional costs to transport pupils from Arun District, who were unsuccessful in securing a place at one of their preferred schools or catchment school, to access education places at an alternative secondary school within West Sussex. WSCC therefore seek a contribution from the proposed development towards funding the provision of home to school transport in accordance with the West Sussex home to school transport policy.

ARUN DISTRICT COUNCIL LEISURE & GREENSPACE (22/12/2022):

The LEAP scheme appears less challenging than that indicated in the DAS (outline) where larger more challenging and exciting play was indicated. Recommended that further challenging and exciting experiences are provided. The proposed development triggers the requirement for onsite LAP provision, no LAP is proposed.

DAS (outline) inferred that active play in the form of trim trail equipment would be provided within the development, however the reserved matters application does not provide evidence for this. Public open space (POS) public realm furniture has also not been confirmed or detailed. The green infrastructure landscape detail is suitable for the location to allow all-year interest. POS areas will need to connect within and beyond the development site. Pathways need to be all weather and accessible for pedestrian and wheeled users. The Soft Landscape Management and Maintenance Plan are also suitable and committed sum contributions would need to be agreed for payment to the LPA should there be consideration of the open spaces being transferred to the LPA for maintenance. Details of biodiversity net gain are also required to be submitted.

ARUN DISTRICT COUNCIL CONSERVATION OFFICER (23/12/2022):

The proposed development would cause less than substantial harm and as such the public benefits that the development may achieve must be considered as part of the assessment of the application.

PLACE SERVICES (ECOLOGY) (26/12/2022):

No objection subject to securing biodiversity mitigation and enhancement measures.

ARUN DISTRICT COUNCIL DRAINAGE ENGINEER (04/04/2023):

Objection to the proposed development. Whilst the applicant has supplied a Flood Risk Assessment and Drainage Strategy, these do not meet our design requirements. The drainage strategy report does not consider or discuss the use of infiltration methods of drainage. Whilst it is appreciated that the geotechnical report confirms that infiltration rates are low and groundwater is relatively high, the use of permeable paving should be fully explored as this could be implemented whilst maintaining freeboard above groundwater in some areas.

It is essential to establish if there is adequate space for surface water drainage prior to agreement of site layout. Drainage should be a fundamental consideration in design. Failure to secure a robustly evidenced implementable drainage strategy at this stage will likely prejudice the drainage design and may result in the proposal failing to meet policy requirements and increasing flood risk. Presently no evidence is provided to demonstrate the SW basins are deliverable and/or whether DCG compliance is met; comprehensive basin designs and sections will be required.

There is uncertainty in respect of the catchment areas being positively drained and the calculation of QBAR; this requires further clarification.

COMMENTS ON CONSULTATION RESPONSES:

Whilst the information provided may be sufficient to discharge Conditions 17 and 32, this will need to be done in a separate 'Approval of details reserved by condition' application(s).

Other comments are noted.

POLICY CONTEXT

Designations applicable to site:

Outside the Built-up Area Boundaries

Within the setting of the Barnham Church Lane Conservation Area

Parts of the site are within Flood Zone 2 and 3

CIL Zone 3

DEVELOPMENT PLAN POLICIES

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

AHSP2	AH SP2 Affordable Housing
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
GISP1	GI SP1 Green Infrastructure and Development
HDM1	H DM1 Housing mix
HERDM1	HER DM1 Listed Buildings
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERDM3	HER DM3 Conservation Areas

HERSP1	HER SP1 The Historic Environment
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
TDM1	T DM1 Sustainable Travel and Public Rights of Way
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

<u>Barnham & Eastergate Neighbourhood Plan 2014 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 ES2	Water courses
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES4	Protection of open views
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES5	Quality of design
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES6	Contribution to local character
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES7	Development affecting heritage assets
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 H4	Integration of new housing into surroundings
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H5	Outdoor space

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

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

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that the proposal will respect the character and appearance of the area through its design, will provide appropriate internal and external amenity spaces, will provide a sufficient layout with an appropriate amount of public open space, and levels of car and cycle parking, and would not result in significant adverse impacts to landscape and heritage.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

- (2) in dealing with an application for planning permission the authority shall have regard to -
- (a) the provisions of the development plan, so far as material to the application,
 - (aza) a post examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS**PRINCIPLE**

The approval of BN/142/20/OUT establishes that the principle of the development of up to 200 dwellings and other associated works on this site, is acceptable in principle. This application seeks approval of the more technical matters of the proposals.

DESIGN, LAYOUT AND CHARACTER OF THE AREA

The area is characterised by low density detached dwellings with large plots, to the south and east including along Church Lane where dwellings are of red brick (including with flint detailing), hanging tiles, white weatherboarding and grey/white render. Further to the north within Barnham, density increases and there is a mix of detached, semi-detached and terraced dwellings of red or brown brick and hanging tiles, and also of white/cream render, particularly along Yapton Road and Marshall Close. Dwelling types, sizes and design varies greatly within Barnham between white/cream painted semi-detached bungalows and two storey detached dark brick dwellings. More modern development is seen to the northwest of the application site at Upton Brks and northeast at Skylark Way where the dwellings are of white roughcast and red brick for the walls and red/brown plain roof tiles. There are few apartment buildings in the area, however an example can be seen just north of the railway at Windmill Court. Development pattern is

varied including linear development along highways and within cul-de-sacs.

The proposed development seeks provides a permeable and accessible layout, with a series of connecting roads that loop around to provide continuous access.

The proposed dwellings vary in type including detached, semi-detached and terraced dwellings and four apartment buildings containing 1-bed units. The heights of the dwellings vary between 2 and 2.5 storeys and the apartment buildings would be 3 storeys tall. The density is 14.49 dwellings per hectare which is appropriate in its semi-rural location, particularly when compared against other more recent development in Barnham including application BN/51/16/RES where the density is 17.25 dwellings per hectare.

In the original submission, the proposed dwellings would have been of either red multi-brick or brown multi-brick with either slate grey or autumn roof tiles and there would have been no detailing. Concerns were raised by the Arun District Conservation Advisory Panel on the 26th November 2022 about the materials proposed.

The proposal was tweaked and the dwellings and apartment buildings are now of one of three brick types including red multi-brick with red detail brick, brown multi-brick with red detail brick and red brick and red quoining. Dwellings are either of Forticrete Gemini slate grey roof tiles of Forticrete Gemini Colour autumn roof tiles. Whilst concrete, these tiles have the appearance of clay tiles and are far more in keeping with the material palette of the area. Tile hanging and flint detailing is also proposed for some of the dwellings. The styles, colours and materials are considered to be in keeping with the character of the dwellings along Church Lane and the wider area, in particular the red brick with flint detailing which is common along Church Lane. The proposed development therefore seeks to 'reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details' in accordance with Policy D SP1 and similarly D SP2 of the Arun Local Plan. It also seeks to 'respect and enhance the built character of the Parishes and their high-quality countryside setting' in accordance with Policy H1 of the Barnham and Eastergate Neighbourhood Plan.

The introduction of the red brick and red quoining and tile hanging and flint detailing, adds sufficient variety amongst dwellings to ensure that the proposed development will not be homogenous and plain. The proposed development is therefore arguably of 'high quality design' as required by Policy ES5 of the Barnham and Eastergate Neighbourhood Plan.

It is noted that Condition 4 on the permission of BN/149/22/PL requires the submission of details of the materials and external finishes of the buildings and the provision of samples of such materials and finishes as required, for this reserved matters application. Some details of proposed materials have been provided, which are considered sufficient to be able to consider the proposed development and that Condition 4 has been complied with. However, greater detail is required prior to commencement, particularly regarding actual bricks to be used (rather than generic brick types) and specific hard landscaping materials. It is therefore appropriate to attach a condition to any decision requiring a detailed schedule of hard landscaping materials prior to commencement, and a detailed schedule of external building materials prior to above ground works.

AFFORDABLE HOUSING

An obligation was agreed as part of the appeal of BN/142/20/OUT to secure the delivery of 30% of the dwellings as affordable housing on a tenure split of 75% affordable rent and 25% intermediate housing. The obligation requires an affordable housing scheme to be submitted to and approved by the Local Planning Authority. No formal scheme has been submitted as part of this application; however, a Tenure Plan has been submitted that shows which units will be provided as affordable rent, intermediate housing and open market. A formal affordable housing scheme will need to be submitted in due course to comply with the legal obligation.

The Tenure Plan shows that affordable housing will be restricted to the northern area of the site. Policy AH SP2 of the Local Plan states that 'Affordable housing must be visually indistinguishable from market housing with large groupings of single tenure dwellings or properties avoided. Affordable housing units shall be permitted in small clusters'. With the exception of the apartment buildings which are distinguishable from the market housing by their nature, all affordable units will be of a similar design to the market housing and will therefore be 'indistinguishable from market housing'. However, they are all located to the north of the site, essentially on one large cluster. The spread of affordable housing units set out on the Tenure Plan is therefore not considered to be compliant with Policy AH SP2.

In terms of mix, 45 units would be provided as affordable rent, representing 22.5% of overall provision, and 15 would be provided as intermediate housing, representing 7.5% of overall provision. The remaining 140 units would be provided as open market, representing 70% of overall provision. Policy AH SP2 of the Arun Local Plan requires that 30% of units and provided as affordable which the proposed development would comply with. The proposed development also provides an appropriate tenure split required by the obligation.

Policy AH SP2 requires that 35-40% of units are 1-bedroom, 35-40% of units are 2-bedroom, 15-20% of units are 3-bedroom and 5-10% are 4+ bedroom units, unless there is evidence to suggest that an alternative mix would be more appropriate.

In the original submission, 24 (40%) of the affordable units would have been 1-bed, 22 (36.7%) would have been 2-bed, 12 (20%) would have been 3-bed and 2 (3.3%) would have been 4+bed. This represented an under provision of 4+ bed units.

The scheme has since been tweaked to provide 24 (40%) 1-bed units, 22 (36.7%) 2-bed units, 12 (20%) 3-bed units and 2 (3.3%) would be 4+ bed. No evidence has been submitted to justify the shortfall in affordable 4+ bed units.

It is therefore considered that the spread and mix of affordable housing is not acceptable, and the requirements of Policy AH SP2 of the Arun Local Plan and Policy H1 of the Barnham and Eastergate Neighbourhood Plan are not met at this time. Which houses are affordable is not necessarily a matter that needs to be considered through this reserved matters application given the S.106 already in place. It is proposed that the submitted Tenure Plan and affordable housing mix is not approved, meaning these details will need to be agreed at a later date, but prior to commencement, in accordance with the requirements of the S.106. decision.

RESIDENTIAL AMENITY

Internal Space

All units meet the requirements of the Nationally Described Space Standards (NDSS) with the exception of bedroom 5 of units WIN and WIN Tile Hanging which are single bedrooms with a floorspace of 6.11m². The NDSS state that a single bedroom should have a minimum floorspace of 7.50m².

Policy D DM2 of the Arun Local Plan allows some variation against the space standards where schemes are unable to meet them. In this case, all units comply with the overall space standards, and only 12 of the 200 units have a single bedroom that marginally falls short of the standards. On balance, it is therefore considered that the proposed development complies with Policy D DM2 which requires 'internal spaces to be an appropriate size to meet the requirements of all occupants and their changing needs'.

External Space

In the interest of protecting privacy and providing a sufficient amount of private open space, the Arun District Design Guide requires gardens to be at least 10.5 metres deep however smaller private rear gardens are acceptable in specific circumstances. The majority of units are provided with sufficient rear gardens in accordance with the Design Guide guidance, however a small number of units fall marginally short. Given the provision of a significant amount of public open space, the shortfalls against the guidance are considered to be acceptable as residents will have open access to these spaces for leisure and recreation.

The Design Guide requires a back/front to side separation distance of habitable rooms between buildings to be a minimum of 14 metres. All units are provided with adequate separation distances in accordance with the Design Guide.

The Design Guide requires building frontages to be set back at least 2m from the plot boundary to mark defensible space. Some properties fail to provide this including plots 113 and 91. The Design Guide allows for smaller setbacks in very special circumstances where justification exists. In this case, the shortfalls are very minor and typically occur on the corners of dwellings where the separation is from the shared surface. Windows and doors of dwellings are typically set back at least 2m from the plot boundary, ensuring that adequate security is achieved. The shortfalls are therefore do not render the proposals unacceptable.

The Design Guide requires all dwellings to be provided with private or communal amenity space. For apartment buildings, this can be achieved by providing units with communal garden spaces, balconies, or public open space. The proposed apartment buildings include small garden areas serving the ground floor units which are not of any particular merit. However, given the large quantity of open space available to the occupants of these apartment buildings are considered acceptable. The first and second floor units are provided with front facing balconies which measure 5.68m². They are of a sufficient size to comply with the Design Guide guidance for balconies which states that they should be at least 2m². On balance, the proposed development accords with the Design Guide and Policy H5 of the Barnham and Eastergate Neighbourhood Plan which requires development to 'include good quality outdoor amenity space'.

The Design Guide provides minimum requirements to ensure that satisfactory living conditions can be achieved. Overall, it is considered that the proposed development complies with these standards, and it therefore seeks to 'ensure that development does not have a significantly negative impact upon residential amenity' in accordance with policy QE SP1 of the Arun Local Plan.

Noise

Given that the north-western boundary of the application site sits adjacent to the railway line, noise impacts should be considered. A Noise and Vibration Assessment was submitted with the outline application which recommended that amenity spaces which are 20m from the railway line be provided with 1.8m high closed boarded timber fencing. This is reinforced by Condition 31 of the approval of BN/149/22/PL which requires the provision of this fencing. The proposed fencing is shown on drawing DB-SD13-006 which confirms that the required distances are provided.

In addition, the Environmental Health Officer required the higher density development to be situated closer to the railway line to provide an acoustic buffer. This has mostly been reflected on the plans as the three storey apartment buildings are set to the north of the application site, adjacent to the railway. The 2.5 storey dwellings are in the centre of the site however, the 2 storey dwellings to the northeast and northwest of the site, are situated either side of the apartment buildings. The Environmental Health Officer made a representation on this application on the 24th November 2022, confirming that the requirements of Condition 31 are met.

The proposed development would therefore be adequately protected from nearby sources of noise in accordance with Policy QE DM1 which seeks to 'ensure that residents will not be adversely affected by noise' from the identified stretch of railway line that runs through Barnham station. It also complies with Policy QE SP1 which requires all development to 'not have a significantly negative impact upon residential amenity'.

Outlook and Privacy

The layout is fairly compact with the side walls of some of the dwellings being within metres of each other. The applicant has ensured that dwellings do not have side facing windows that would directly overlook the side windows of another property, to provide good levels of privacy. This ensures that the development would 'Have minimal impact to users and occupiers of nearby property and land' in accordance with Policy D DM1 of the Arun Local Plan.

It is recognised that in the future, if permitted development rights were retained, alterations could be made to the roof spaces to create habitable rooms. Whilst in some cases this could potentially be done sensitively and without detriment to the occupants of neighbouring dwellings, roof extensions could result in harm to the privacy and residential amenities of neighbouring occupants by way of overlooking. To address this issue, a condition should be imposed which restricts the construction of dormer windows and dormer extensions through Schedule 2, Part 1, Class B and Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting this Order). Such works would require the granting of planning permission by the Local Planning Authority.

ACCESS, HIGHWAYS AND PARKING

Highway Capacity

A Transport Assessment and a Traffic Impact Assessment were prepared as part of the outline application. Whilst the outline application didn't seek to confirm the exact number of dwellings proposed, the assessments were based on the provision of 200 dwellings. The reports assessed the cumulative traffic impact of both this and other consented developments upon the local road network. Both West Sussex County Council, and the Inspector at appeal, concluded that the development would not have a 'severe' impact on the local highway network, subject to a financial contribution being provided towards the mitigation of traffic impacts on the A27.

Considerations have not changed between the outline application, and this reserved matters application. The findings and conclusion of the Transport Assessment and Traffic Impact Assessment therefore remain relevant. West Sussex County Council made a representation on this reserved matters application, stating that they have no further comments regarding highway capacity. The proposed development therefore continues to be policy compliant. National Highways have also commented on the 28th November 2022 that 'We are satisfied that the proposal in this reserved matters application will not materially affect the safety, reliability and/or operation of the strategic road network in this location and its vicinity. Therefore we have no objections or comments regarding this reserved matters application'.

Accessibility & Layout

The access arrangements were approved as part of the outline application.

Regarding layout, there would be a road connecting to the access on the southeast boundary of the application site. The access road spurs off into various directions. These spurs mainly provide continuous links, however some of the roads do end. Where this occurs, sufficient turning points have been provided. The submitted Transport Statement identifies that the main access spine road will be 5.5m in width, and the secondary streets will be 4.8m wide. West Sussex County Council as highways

authority commented on the 28th November 2022, that this is in accordance with the Manual for Streets principles and therefore acceptable.

There is a network of paths, pavements and crossing points throughout the site, as well as shared surfaces. The frontages of all dwellings are provided with pedestrian access. There are also several paths within the public open spaces, the LEAP and the allotments providing safe and secure pedestrian links around the site. Public footpath FP323 would be retained but diverted to provide routes from north to south through the site. The footpaths allow access to the open green spaces provided and connect with FP323 in accordance with Condition 23 of BN/149/22/PL. West Sussex County Council - Public Rights of Way commented that the diversion would require Public Right of Way Order and the upgrades to the footpath would require agreement between the landowner and West Sussex County Council. This would be secured by an appropriately worded condition.

West Sussex County Council as highways authority made a representation on the 28th November 2022, confirming that the layout would provide sufficient emergency access and all footpaths would be appropriate and compliant with the Manual for Streets guidelines. As such 'the LHA does not consider that the proposal would have 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 111), and there are no transport grounds to resist the proposal'. The proposed development would comply with Policy T SP1 of the Arun Local Plan as it 'gives priority to pedestrian and cycle movements' and creates 'safe and secure layouts for traffic, cyclists and pedestrians'.

It is recognised that the diversion of footpath FP323 will require the Local Planning Authority to issue a Public Right of Way Order and the upgrades to FP323 will require a formal permissive path agreement between the landowner and West Sussex County Council. Should permission be granted, a condition would be attached requiring the footpath to remain open and unobstructed until such consents are granted.

Regarding the works to the footpath, the applicant submitted a PROW Note which included its specification comprising of recycled aggregate, dust (or a suitable alternative such as chalk or good quality clean coarse crushed quarried material) with a limestone top dressing. West Sussex County Council commented on the 22nd February 2023 that the specification is acceptable but to ensure that the recycled aggregate is clean with no glass, plastic or metal in it. This was also identified in their comments on the 5th June 2023. It is considered that a condition would be appropriate requiring the works to be carried out in accordance with the PROW Note and that the recycled aggregate is clean with no glass, plastic or metal in it.

Parking

The application site is within Parking Behaviour Zone 2 and therefore, as required by the Arun District Council Parking Standards, 1-bed, 2-bed and 3-bed units should provide 2 vehicle parking spaces, and 4+ bed units should provide 3 vehicle parking spaces. In addition, visitor parking will be required to provide a ratio of 20% of the total number of units. This creates an overall requirement for 516 car parking spaces of which 476 should be allocated and 40 should be for visitors.

The proposed development seeks to create 501 parking spaces of which 394 would be allocated, 4 would be unallocated, 57 would be visitor and 46 would be situated within garages (which are counted as 0.5 spaces towards parking provision). The proposed development therefore falls marginally short of the parking standards (15 parking spaces). However, the Parking Standards state that 'A more flexible approach will be taken with schemes that incorporate flats and on sites close to urban centres'. 24 of the proposed units will be within apartment buildings whose occupants are typically less likely to use a car than the occupants of dwellings. In addition, a Travel Plan has also been provided which identifies measures to support sustainable travel away from the private car.

West Sussex County Council in their representation on the 28th November 2022, stated that 'The LHA would be satisfied with this amount of parking and given the sites layout that is likely to be the maximum that could realistically be provided'. Whilst the proposed development doesn't comply with the expected levels of parking for new residential development, it is considered that it does provide a sufficient number of car parking spaces in accordance with the Arun District Council Space Standards, Policy T SP1 of the Arun Local Plan and Policy GA4 of the Barnham and Eastergate Neighbourhood Plan.

Furthermore, the proposed garages measure 6.4m x 3.3m which meet the required dimensions of the Parking Standards.

The submitted Transport Statement states that 'all dwellings with a driveway or garage will be provided with fast charge socket infrastructure and the spaces provided for the flats will be provided with in accordance with the 2023 requirement i.e. 30% of spaces'. This level of provision would meet the requirements of Condition 25 attached to the approval of the BN/149/22/PL, and a full scheme for the provision of electric vehicle charging infrastructure will need to be submitted and approved prior to occupation of any of the dwellings, to discharge the condition in a separate application.

The proposed development provides cycle parking spaces within garages, cycle stores within the apartment buildings and other cycle storage units. In total, the proposal would provide 354 cycle parking spaces. The Arun District Parking Standards requires 1-bed houses and flats to provide 1 space, 2-bed houses to provide 1 space, and 3-bed and 4-bed houses to provide 2 spaces. For the 200 dwellings, this would create an overall requirement of 284 cycle parking spaces. The proposed development would therefore exceed the requirement from the Standards and would provide an appropriate level of cycle parking in accordance with Policy T SP1 of the Arun Local Plan and the Arun District Council Space Standards. Details of the cycle stores serving the dwellings have not been provided and would be secured by way of an appropriately worded condition.

Travel Plan

An obligation was agreed as part of the appeal that the applicant would provide a Travel Plan to promote alternative modes of transport to the private car. The Travel Plan includes on site infrastructure measures to encourage sustainable movement, including the creation of a permeable site layout, the delivery of a network of roads designated as low speed streets, and the provision of good quality cycle parking. Offsite infrastructure measures include the connection of the development to established pedestrian infrastructure at Marshall Close and a scheme of improvements to Marshall Close which have already been agreed. The Travel Plan then identifies soft measures to improve sustainable travel, including an information pack for new residents, community notes and website information, residential travel information packs and the promotion of a car sharing scheme. West Sussex County Council commented on the 28th November 2022 that 'The latest TP has been reviewed and we are now in a position to approve the TP with the comments previously made incorporated into the latest TP submitted'.

Paragraph 4 of the Second Schedule of the S106 agreements on the outline application requires the Travel Plan approved at the Reserved Matters stage, or separately, to be implemented in full.

EDUCATION

It is noted that West Sussex County Council as Local Education Authority objected to the proposed development on the 22nd November 2022 highlighting that the applicant had not agreed to make financial contributions towards education provision.

This was discussed by the Inspector in the appeal of the outline application who stated that 'Invariably there are concerns about the capacity of local infrastructure to accommodate demands arising from

future occupiers of new dwellings and whether the appeal proposal would absorb available infrastructure capacity to the potential detriment of the viability of planned strategic development (BEW). If allowed, the appeal proposal would be subject to a CIL liability in terms of contributing to wider infrastructure needs such as health and education. Additionally, through the planning obligations assessed above, the appeal proposal would make necessary, directly related contributions of a fair scale to ensure the development mitigates its own impacts in a way which would be compliant with the development plan'.

The lack of a suitable site is something the LPA are aware of, and sites for potential secondary school is being revisited, but given this application is for reserved matters when education has already been considered, it would not be appropriate to refuse this application based on the absence of a secured school site - when an appropriate contribution has been secured towards its delivery.

TREES

The applicant has submitted an Arboricultural Impact Assessment (AIA) and Method Statement (MS) which confirms that two category B trees, 3 groups of Category C trees, one Category C hedgerow, a group of Category U trees and two Category U trees would be removed to facilitate the development.

The AIA assesses the impact of tree removals on local character. It states that the removal of G10 would have no detrimental impact on visual amenity or landscape character and H13 does not align with the character of the wider area and its removal would have no detrimental impact. The removal of T4 and T5 would potentially result in short-term visual impact on the appearance of the site however the retention of adjacent mature trees ensures that the landscape character is maintained. The removal of G29 and G38 is not considered to result in a significant adverse impact on visual amenity. There would also be no trees pruned and all of the RPAs of retained trees will be protected and there will be no encroachment during development activity.

The MS outlines measures to protect retained trees from the adverse impacts of development. This includes measures such as a pre-commencement meeting to agree protective measures, tree removal in accordance with British standards, installing protective barriers, a risk assessment to identify pollution control measures, regular arboricultural supervision etc.

The Tree Officer Has not commented on the application, but it is considered that appropriate measures have been recommended to protect all trees that are set to be retained. The Arboricultural Impact Assessment and Method Statement has been submitted to the Local Planning Authority and approved under BN/178/22/DOC. Condition 15 of BN/149/22/PL requires the development to be carried out in accordance with the approved details.

ECOLOGY

An Ecological Appraisal and Ecological Mitigation and Enhancement Method Statement has been submitted which identifies any potential impacts on designated sites and protected species, and recommends a number of protection and enhancement measures to ensure that they are adequately protected and mitigated for, and where possible, habitats are enhanced. A Biodiversity Net Gain Assessment has also been submitted which calculates that there would be a net gain of 37.87% for habitat units, 1151.40% for hedgerow units and 41.26% for river units.

The Ecology Officer commented on the 26th January 2023 that they had no objection to the proposed development subject to securing biodiversity mitigation and enhancement measures. These details have been submitted to and approved by the Local Planning Authority as part of BN/178/22/DOC and Condition 10 of application BN/149/22/PL requires the development to be carried out in accordance with these approved details.

WASTE PROVISION

All detached, semi-detached and terraced dwellings would be provided with private bins. For the apartment building, bins would be situated in two separate bin/cycle stores. This is shown on the submitted Refuse Strategy Plan. Floor plans and elevations have been provided for the communal stores which show that they would measure 10.12 metres by 5.05 metres. Each bin store would contain 8 x 1100 litre Euro Bins.

As confirmed by West Sussex County Council as Highways Authority on the 28th November 2022, the layout is sufficient to accommodate larger vehicles such as refuse collection vehicles and appropriate turning heads would be provided. The proposed development has been 'designed to ensure that kerbside collection is possible for municipal waste vehicles' and 'Where appropriate, communal recycling bins and safe bin storage areas are available to residents of flats' in accordance with Policy WM DM1 of the Arun Local Plan. Condition 22 of BN/149/22/PL states that no dwelling shall be occupied until refuse and recycling bins have been provided and space has been laid out for their storage in relation to that dwelling in accordance with the details that shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter these areas shall not be used for any purpose other than the storage of refuse and recycling bins. This condition will need to be discharged through a separate application.

DRAINAGE

A Drainage Strategy and Sustainable Urban Drainage System (SuDS) Statement has been submitted which outlines the proposed drainage scheme.

West Sussex County Council as Lead Local Flood Authority stated on the 22nd November 2022 that they had no comments. On the 7th December 2022, Southern Water commented that they have restrictions on the proposed tree planting adjacent to Southern Water sewers, rising mains or water mains and any such proposed assets in the vicinity of existing planting. The drainage strategy indicates that the proposed attenuation basin is being built within the easement zone. The drainage proposals shall include protection measures to be shown to satisfy the requirement to maintain standoff distances of 5 metres from public sewers. No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public sewer.

The Council's Drainage Officer did not agree with the scheme as the report does not consider infiltration methods of drainage. Presently no evidence is provided to demonstrate the SW basins are deliverable and/or whether DCG compliance is met; comprehensive basin designs and sections will be required. There is uncertainty in respect of the catchment areas being positively drained and the calculation of QBAR; this requires further clarification.

It is considered that these concerns can be addressed through the subsequent discharge of condition application(s).

Conditions 6, 7, 8 and 9 of BN/149/22/PL require, prior to commencement of the development, the applicant to submit details of the proposed surface water drainage scheme, details of any proposals to discharge flows to watercourses; or for the culverting, diversion, infilling or obstruction of any watercourse on or adjacent to the site, details of the maintenance and management of the surface water drainage system and details of the proposed foul drainage system, to be submitted to and approved by the Local Planning Authority. These Details are therefore to be dealt with through discharge of condition application(s) instead of this reserved matters stage.

It is important to note that should the applicant need to amend the site layout in response to updates to the drainage strategy, any plans approved through this reserved matters application may need updating. It is envisaged that such amendments would be relatively minor and would be able to be progressed via a Section 73 application.

LANDSCAPE

A Landscape Visual Impact Assessment (LVIA) was submitted with the outline application which concluded that 'it is considered that whilst some harm is acknowledged to the immediate landscape character of the Site itself, the harm is restricted to the Site only and reduces within the immediate setting and furthermore in the wider setting'.

This was partly echoed by the Inspector at appeal, who stated that the 'adverse landscape character and visual effects arising from the loss of countryside would be localised and limited. They would not involve any valued landscapes in the terms of NPPF paragraph 174a) or an important gap between settlements'. However, they went on to discuss that there would be adverse impacts on long range views into the South Downs escarpment to the north, meaning that 'there would still be a moderate residual harm to what is presently a recognised landscape and visual sensitivity', however this could be limited by design in the reserved matters stage.

The applicant has not submitted an updated LVIA which considers the changes between the illustrative site layout in the outline application, the proposed site layout in this reserved matters application, the design of the proposed dwellings and the resulting impact on landscape. It is stated in the submitted Planning Appraisal that 'the proposed development would not result in significant harm to the landscape character or visual environment of the site or surrounding area and can be successfully integrated in this location'.

To soften any impacts, the proposed development comprises a number of landscape works including the provision of allotments and community orchards, enhanced boundary planting and substantial new and native tree and shrub planting, retention and strengthening of vegetation structuring to the north of the site and provision of public open space and a locally equipped area of play (LEAP) and local area of play (LAP).

The Council's Landscape Officer commented on the 22nd December 2022 that the green infrastructure landscape detail 'would allow all year interest, contain a mix of native and ornamental species which would be suitable for location and setting'. The landscaping scheme is considered sufficient. Condition 29 of BN/149/22/PL requires all approved planting, seeding or turfing to be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is sooner, and any trees or plants which within a period of 5 years from the completion of the 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.

The Officer did not comment upon the impact of the proposed development on the landscape, and whilst an LVIA has not been submitted with the reserved matters scheme, it is considered that the enhanced boundary planting ensures compliance with paragraph 130(c) of the NPPF which requires development to be 'sympathetic to local character and history, including the surrounding built environment and landscape setting'.

OPEN SPACE

An obligation was made as part of the appeal which requires the applicant to submit and obtain approval for a scheme for the provision of public open space and play areas prior to first occupation of any dwelling. The public open space will comprise of play areas (0.24ha) within approximately 7ha of natural and semi-natural green space, allotment and community orchard (approximately 0.3ha) and amenity green space (approximately 0.54ha).

The proposed development seeks to provide circa 7.2ha of total public open space, with the majority to the south and east of the site, creating a landscaped buffer from Church Lane. This space will be of

natural and semi-natural green space. The proposal also seeks to provide circa 0.23ha for community orchards and allotments for local residents, including dedicated vehicle access and parking provision. These will be focussed to the eastern boundary of the application site. The Council's Landscape Officer had no objection to the public open space scheme.

The proposed development seeks to provide a 568m² LEAP on the north eastern boundary of the application site. A plan was originally submitted which showed the location and type of equipment proposed, however on the 22nd December 2022, the Council's Landscape Officer noted that the equipment would not be challenging enough. An updated plan for the play area proposals was submitted which shows that it would comprise a climbing stack, springer, balancing beam, rotating disc, pod swing, pentagonal tower, embankment slide, see-saw and a bench and bin. The play area would be enclosed within a 1 metre high galvanised bow top railings with two sets of self closing outward opening gates with child-proof mesh. There would be a path through the site and some tree, shrub and hedge planting with some areas of grass. At the time of writing, we await updated comments from the Landscape Officer but on the face of it believe the amendments to have addressed the previous concerns.

The original scheme did not propose a LAP, however the plans have been updated to include one to the south of the site which measures 602m². The provision of a LEAP and LAP ensures compliance with the Open Spaces, Playing Pitches, Indoor and Built Sports Facilities supplementary planning document and Policy HWB SP1 of the Arun Local Plan as it is 'designed to maximise the impact it can make to promoting healthy communities'.

HERITAGE

The proposed development would be within the setting of the Barnham Church Lane Conservation Area and within proximity of a number of Listed Buildings, including:

- Grade II Listed Thimbles (List UID: 1276575) circa 200 metres north of the application site.
- Grade II Listed Luckham Cottage (List UID: 1233179) circa 200 metres east of the application site.
- Grade II Listed Curacoa (List UID: 1276728) circa 158 metres southeast of the application site.
- Grade II Listed The Street Cottage (List UID: 1353826) circa 177 metres southeast of the application site.
- Grade II Listed The Lodge of Barnham Court (List UID: 1027691) circa 200 metres south of the application site.
- Grade II Listed Manor Cottage (List UID: 1276754) circa 245 metres south of the application site.
- Grade I Listed The Parish Church of St Mary (List UID: 1027690) circa 300 metres south of the application site.
- Grade I Listed Barnham Court (List UID: 1233144) circa 280 metres south of the application site.

The applicant has submitted a Heritage Statement which identifies and discusses the nearby heritage assets and their significance, before assessing the impact that the proposed development would have on them.

Regarding the impact on Barnham Court, the Heritage Statement states that 'the proposed development would have no impact on the portion of Barnham Court's heritage significance that is drawn from its standing form and fabric; thus ensuring that this is entirely preserved'. It also states that 'The only change to the asset's setting brought about by the development would be the loss of some relatively distant glimpses of the Court's chimneys and roof structure looking over and between the trees and woodland, within the intervening landscaping'. It concludes that the proposed development would not result in a loss of heritage significance.

For Curacoa, it states that 'The proposed development would have no effect whatsoever on the majority of the asset's significance which is derived from its standing form and fabric and similarly there would be no change to the aspects of Curacoa's setting'. It identified that elements of the proposed development

may be visible from the heritage asset, however due to the proposed landscaping, there would be visual separation. It concludes that the proposal would not cause a loss of the building's significance and would not result in any harm.

Regarding Luckham Cottage, it states that as 'there is no intervisibility between these two parts of the settlement, it will not be possible for the proposal to result in any loss of significance of the listed building and therefore it will result in no harm'.

It states that the proposed development 'would have no direct effect on the character or appearance of the Barnham (Church Lane) Conservation Area'. It also highlights that 'There would be an impact on the conservation area and a loss of significance from the conservation area through the reduced spatial separation' from Barnham and focused on the 19th century railway station and ability to experience and appreciate that impact in terms of views out from and across the conservation area in the northeast. It concludes that 'Whilst there would be a loss of significance from the conservation area; when viewed in the context of the asset as a whole and the totality of its significance drawn from the built form and fabric and the other aspects of its setting, it can only be concluded that the scale of harm would be limited'.

The Heritage Statement concludes by stating that the development is 'considered to cause no harm to the significance of the surrounding Listed Buildings' and a very minor level of harm to the Barnham (Church Lane) Conservation Area'.

The Council's Conservation Officer commented on the 23rd December 2022 that the proposed development would result in less than substantial harm to nearby heritage assets. As required by paragraph 202 of the NPPF, 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, this harm should be weighed against the public benefits from the proposal including, where appropriate, securing its optimum viable use'.

The public benefits associated with the proposed development include, but are not limited to, addressing the district's shortfall in housing land supply, good public open space provision, affordable housing contribution, job creation and achievement of biodiversity net gain. For the original submission, there was a fine balance which tipped against the proposed development whereby the level of harm outweighed the public benefits. The scheme was subsequently tweaked to provide further tree planting to the south of the site, between the built form of the proposed development and the Conservation Area to provide further screening. This has reduced the level of harm to the Conservation Area, and the public benefits now outweigh the less than substantial harm to nearby designated heritage assets. The applicant has also provided a note titled "Mitigating the visual impact of development to/from the Barnham Conservation Area" which includes several visualisations.

Overall, it is considered that the proposed development complies with policies HER DM1 and HER DM3.

ENERGY EFFICIENCY

Policy ECC SP2 states that all new residential development is expected to be energy efficient and requires applicants to demonstrate how they will:

- a. Achieve energy efficiency measures that reflect the current standards applicable at the time of submission
- b. Use design and layout to promote energy efficiency; and
- c. Incorporate decentralised, renewable and low carbon energy supply systems

It also requires all major development to produce 10% of the total predicted energy requirements from renewable or low carbon energy generation on site, unless it can be demonstrated that it is unviable. Condition 14 of the approval of BN/149/22/PL mirrors this requirement.

No such scheme has been submitted as part of this reserved matters stage, and the applicant must ensure that this is submitted to and approved by the local planning authority prior to commencement of the development through a separate application.

CONCLUSION

The proposal seeks approval of reserved matters for 200 dwellings in respect of appearance, landscaping, layout and scale.

The proposed development would provide an acceptable access, parking and have an adequate impact on highways capacity. It would also provide sufficient internal and external amenity and facilities for waste management. It would have an acceptable impact on biodiversity, trees, landscape and heritage subject to protection, enhancement and mitigation measures. It would also provide a satisfactory landscape scheme and would achieve biodiversity net gain whilst providing plentiful open space. The development is of a high quality design with suitable variation in building styles and the public benefits arising from the development would outweigh the harm caused to designated heritage assets.

On balance, subject to receipt of a response from the Environment Agency confirming no objection, it is considered that the proposed development accords with the development plan and national policy and therefore the application is recommended for approval subject to conditions.

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.

CIL DETAILS

This application is CIL liable, therefore, developer contributions towards infrastructure will be required (dependent on any exemptions or relief that may apply).

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following approved plans:
- Allotment WC Block Elevations and Floor Plans 220615-AB-WC-EP Rev. A
 - Barnham Rife Crossing General Arrangement BSO/E5036/009D
 - Bin/Cycle Store 1 Elevations and Floor Plans 220615-AB-BS1-EP Rev. A
 - Bin/Cycle Store 2 Elevations and Floor Plans 220615-AB-BS2-EP Rev. A
 - Boundary Treatment Plan 220615/09/BT Rev. D
 - Close Boarded Fence DB-SD13-006
 - Coloured Site Layout 220615/02/CSL Rev. E
 - Dwelling Type Plan 220615/04/DT Rev. E
 - Fire Strategy Plan 220615/10/FS Rev. E
 - Hard Landscaping Plan 220615/12/HL Rev. A
 - House Types AHD (Flint) Elevations and Floor Plans 220615-HT-AHD-F-EP
 - House Types AHD Elevations and Floor Plans 220615-HT-AHD-EP Rev. D
 - House Types Apartments Elevations and Floor Plans 1 220615-HT-APT1-EP Rev. C
 - House Types Apartments Elevations and Floor Plans 2 220615-HT-APT2-EP Rev. C
 - House Types CAT (Flint) Elevations and Floor Plans 220615-HT-CAT-F-EP
 - House Types CAT Elevations and Floor Plans 220615-HT-CAT-EP Rev. D
 - House Types DEA Elevations and Floor Plans 220615-HT-DEA-EP Rev. D
 - House Types HAV Elevations and Floor Plans 220615-HT-HAV-EP Rev. D
 - House Types HOP Elevations (Tile Hanging) and Floor Plans 220615-HT-HOP-T1-EP
 - House Types HOP Elevations and Floor Plans 220615-HT-HOP-D-EP Rev. D
 - House Types HOP Elevations and Floor Plans 220615-HT-HOP-EP Rev. D
 - House Types HOP-D (Flint) Elevations and Floor Plans 220615-HT-HOP-D-F-EP
 - House Types HOP-D (Tile Hanging) Elevations and Floor Plans 220615-HT-HOP-D-T1-EP
 - House Types KEN Elevations and Floor Plans 220615-HT-KEN-EP Rev. D
 - House Types KNI Elevations and Floor Plans 220615-HT-KNI-EP Rev. D
 - House Types LAM (Tile Hanging) Elevations and Floor Plans 220615-HT-LAM-T-EP
 - House Types LAM Elevations and Floor Plans 220615-HT-LAM-EP Rev. D
 - House Types MAT Elevations and Floor Plans 220615-HT-MAT-EP Rev. D
 - House Types MEW (Tile Hanging) Elevations and Floor Plans 220615-HT-MEW-T-EP
 - House Types MEW Elevations and Floor Plans 220615-HT-MEW-EP Rev. D
 - House Types MIL Elevations and Floor Plans 220615-HT-MIL-EP Rev. D
 - House Types MON Elevations and Floor Plans 220615-HT-MON-EP
 - House Types SHE (Tile Hanging) Elevations and Floor Plans 220615-HT-SHE-T-EP
 - House Types SHE Elevations and Floor Plans 220615-HT-SHE-EP Rev. D
 - House Types T51 Elevations and Floor Plans 220615-HT-T51-EP Rev. D
 - House Types T52 Elevations and Floor Plans 220615-HT-T52-EP Rev. D
 - House Types T54 Elevations and Floor Plans 220615-HT-T54-EP Rev. D
 - House Types T55 Elevations and Floor Plans 220615-HT-T55-EP Rev. D
 - House Types TUD Elevations and Floor Plans 220615-HT-TUD-EP
 - House Types WIN (Tile Hanging) Elevations and Floor Plans 220615-HT-WIN-T-EP Rev. A
 - House Types WIN Elevations and Floor Plans 220615-HT-WIN-EP Rev. A
 - Impermeable Areas Layout BSO/E5036/014E
 - Landscape Masterplan BDWS23957 10 Rev. B
 - Landscape Proposals BDWS23957 11C
 - Landscape Proposals BDWS23957 11C Sheet 1
 - Landscape Proposals BDWS23957 11C Sheet 2

Landscape Proposals BDWS23957 11C Sheet 3
 Landscape Proposals BDWS23957 11C Sheet 4
 Landscape Proposals BDWS23957 11C Sheet 5
 Landscape Proposals BDWS23957 11C Sheet 6
 Landscape Proposals BDWS23957 11C Sheet 7
 Landscape Proposals BDWS23957 11C Sheet 8
 Landscape Proposals BDWS23957 11C Sheet 9
 Levels Strategy Sheets 1 BSO/E5036/002E
 Levels Strategy Sheets 2 BSO/E5036/003E
 Levels Strategy Sheets 3 BSO/E5036/004E
 Location Plan 220615/LP Rev. A
 M4(2) & M4(3) Plan 220615/11/M4(2)-M4(3) Rev. K
 Materials Plan 220615/08/MP Rev. H
 Open Space Conveyance BDWS23957 50 Rev. B
 Open Space Proposals BDWS23957 20D Sheets 1
 Open Space Proposals BDWS23957 20D Sheets 2
 Open Space Proposals BDWS23957 20D Sheets 3
 Open Space Proposals BDWS23957 20D Sheets 4
 Open Space Proposals BDWS23957 20D Sheets 5
 Open Space Proposals BDWS23957 20D Sheets 6
 Open Space Proposals BDWS23957 20D Sheets 7
 Open Space Proposals BDWS23957 20D Sheets 8
 Open Space Proposals BDWS23957 20D Sheets 9
 Open Space Proposals BDWS23957 20 Rev. D
 Parking Plan 220615/06/PP Rev. E
 Play Area Proposals BDWS23957 21 Rev. B
 Refuse Strategy Plan 220615/07/RS Rev. E
 Single Garage Elevations and Floor Plans 220615-AB-SG-EP Rev. A
 Site Layout 220615/01/SL Rev. Z
 Site Location Plan BSO/E5036/001
 Storey Heights Plan 220615/03/SH Rev. E
 Substation Elevations and Floor Plans 220615-AB-SUB-EP Rev. A
 Twin Garage (Gabled) Elevations and Floor Plans 220615-AB-TG-G-EP
 Twin Garage Elevations and Floor Plans 220615-AB-TG-EP Rev. A
 Site Visibility ITB18228-GA-003 Rev. H
 Swept Path Analysis - Estate Car ITB18228-GA-004 Rev. D
 Swept Path Analysis - Estate Car ITB18228-GA-005 Rev. D
 Swept Path Analysis - Fire Appliance ITB18228-GA-002 Rev. H
 Swept Path Analysis - Refuse Vehicles ITB18228-GA-001 Rev. G

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D DM1, D SP1, QE SP1 and T SP1 of the Arun Local Plan.

- 2 Notwithstanding the submitted drawings and details, no development shall commence until a detailed schedule of materials, and samples if required, to be used in the implementation of the approved hard landscaping scheme has been submitted to and approved by the Local Planning Authority. The materials so approved shall be used in the construction of the hard landscaping scheme.

Reason: To enable the Local Planning Authority to control the development in terms of visual quality in accordance with Policy D DM1 of the Arun Local Plan.

- 3 Notwithstanding the submitted drawings and details, no development shall commence until a

detailed schedule of materials, and samples if required, to be used in the construction of walls, fenestrations, and roofs of dwellings has been submitted to and approved by the Local Planning Authority. The materials so approved shall be used in the construction of the dwellings.

Reason: To enable the Local Planning Authority to control the development in terms of visual quality in accordance with Policy D DM1 of the Arun Local Plan.

- 4 The infrastructure and soft measures set out in the Travel Plan (i-Transport Ref: DS/ITB18228-002A TP) shall be implemented as approved. The implementation will be undertaken in accordance with Section 7 (management and implementation) and Section 8 (Monitoring) of the report.

Reason: To provide healthier, active and more environmentally sustainable travel options to the use of the car in accordance with Policies T SP1, T DM1 and QE DM3 of the Arun Local Plan.

- 5 Floor plans, elevations, and roof plans of cycle stores shown on the approved Site Layout Parking Plan 220615/06/PP Rev D shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking for each dwelling shall be installed in accordance with the approved plans prior to occupation of said dwelling, and shall thereafter be retained at all times for their designated purpose.

Reason: To provide alternative travel options to the use of the car in accordance with Policy T DM1 of the Arun Local Plan.

- 6 The works to Footpath FP323 shall be carried out in accordance with the PROW Summary Note (ITB18228-003 TN) and any recycled aggregate shall be clean with no glass, plastic or metal in it.

Reason: To provide convenient, safe, comfortable and attractive routes for pedestrian and cyclists in accordance with Policy T DM1 of the Arun Local Plan.

- 7 Footpath FP323 shall be kept open and unobstructed until a Public Path Order has been issued by the Local Planning Authority for the diversion of the footpath and a formal permissive path agreement is made between the landowner and West Sussex County Council for upgrading the footpath.

Reason: To enable the Local Planning Authority and Local Highways Authority to control the development in terms of active travel and accessibility in accordance with Policy T DM1 of the Arun Local Plan.

- 8 Notwithstanding the provisions of Schedule 2, Part 1, Class B and Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting this Order) no dormer windows or extensions shall be constructed unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To ensure the amenities of future occupants are protected from overlooking or loss of privacy in accordance with Policy D DM1 of the Arun Local Plan.

BACKGROUND PAPERS

[The documents relating to this application can be viewed on the Arun District Council website by going to https://www.arun.gov.uk/weekly-lists and entering the application reference or directly by clicking on](https://www.arun.gov.uk/weekly-lists)

[this link.](#)

BN/147/22/RES - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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