

PLANNING APPLICATION REPORT

REF NO:	BN/195/22/PL
LOCATION:	Land North of Barnham Road and East of Fontwell Avenue Eastergate
PROPOSAL:	Hybrid application: 1)- Full planning application for the demolition of existing dwelling and outbuildings and the construction of residential dwellings, public open space including recreation space and associated infrastructure and works to be constructed in 5 distinct areas (A-E) each one independent from the other and 2)- Outline application with all matters reserved other than means of access for a care home. This application falls within Strategic Site HD5, CIL Zone 1 and 2 (Zero Rated) and may affect the setting of listed buildings. This application is subject to an Environmental Statement.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application is a hybrid application which seeks full planning permission for the demolition of existing dwelling and outbuildings and the construction of 551 residential dwellings. Outline consent is also sought with all matters reserved save for access for a care home.
SITE AREA	Approximately 23.389 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	Approximately 22dph.
TOPOGRAPHY	Predominantly flat.
TREES	A significant number of trees are proposed to be felled and this includes a priority habitat in the format of traditional orchard. The application site impacts on two Tree Preservation Orders (TPO) the largest of which is TPO/BN/1/20, which covers a large proportion of the application site as well as land to the north. TPO/BN/1/20 relates to 36 individual trees consisting primarily of Pedunculate Oak as well as a group of 202 Hornbeam. TPO/EG/1/17 relates to a pedunculate oak in the south-eastern corner of the site which is intended to be retained.
BOUNDARY TREATMENT	The site boundary is varied across the site ranging from mature planting to the south and along the eastern boundary. The northern boundary of the application site follows the alignment of the new A29 and as such cuts across a number of fields and as such does not feature a defined boundary.
SITE CHARACTERISTICS	The application site is located to the north of Barnham Road (B2233) and to the east of Fontwell Avenue (A29). The application site encompasses a number of fields in use for agricultural and pasture as well as copses. A significant belt of

trees runs through the site on a north-south alignment with further tree and scrub occupying a large proportion centrally.

CHARACTER OF LOCALITY

The wider character of the locality is semi-rural with sporadic residential and commercial development to the north of the site. To the west of the site adjacent to Fontwell Avenue is ribbon development adjacent to the highway. Whilst to the east and south of the site is the village of Eastergate.

RELEVANT SITE HISTORY

BN/155/20/EIS	Scoping opinion for up to 600 residential dwellings and care home.	Scoping Issued 08-02-21
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REPRESENTATIONS

Barnham and Eastergate Parish Council - Objection:

- There is currently no approved plan for A29 Northern realignment road and it is not confirmed that the road will be constructed at the same time as the housing development.
- The Parish Council have been monitoring air pollution in this area which is showing significant increases. The area is heavily congested with traffic already and the increased vehicular movements are likely to have further impact on air quality and the health of residents. Proposals in conflict with policies T SP1 and Q DM3.
- There is no increase in healthcare facilities or schools as part of this development.
- Concerns about surface water as well as wastewater. The current sewage system will not be able to cope with the increase wastewater generated by this development. The proposed development by virtue of its size will increase flood risk contrary to policy W DM2.
- The proposed development lies within a wildlife corridor as per the Neighbourhood Plan (BENP). The proposals are in conflict with policy ES15 of the BENP and policy ENV DM3.

Walberton Parish Council - Objection:

- Development will increase traffic on the A29 and air quality contrary to Policies T SP1 and Q DM3.
- No increase in schools on this site and the locality is already under pressure for places.
- There is insufficient health care provision in the locality.
- The sewage system will be unable to cope with the additional load from the proposed development contrary to policy Policy W DM1. The application does not demonstrate water neutrality and will increase flood risk contrary to policy W DM2.

Aldingbourne Parish Council - Objection:

- Additional traffic will adversely impact upon the operation of the existing highways network and will result in additional congestion.
- Proposal does not include construction of a new school.
- Existing healthcare facilities are oversubscribed.
- The sewage system is overloaded and cannot accommodate further development.
- The application does not demonstrate how it will achieve water neutrality.
- Proposals will increase flood risk due to development on existing agricultural fields.

1 No. letter of objection:

- A buffer should be provided with a minimum depth of 5m to ensure that the residential amenity of those residing at 12-14 Hall cottages is not adversely impacted by the proposed development.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and will be considered later in the report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Affordable Housing - Objection.

- The application proposes a total of 551 dwellings on site with 121 of them being proposed as affordable units. This equates to 22% of the units which is an under provision of 44 dwellings (8%). Policy AH SP2 requires a total provision of 165 affordable units (30%).

- To comply with policy a total of 111 rented, 41 first homes and 13 shared ownership. No comment is provided on the mix at present as the incorrect number of homes has been allocated as affordable housing.

- The proposed clustering of the affordable units needs to be revised to comply with policy AH SP2.

Arun Drainage Engineers - Objection.

- Insufficient evidence has been submitted to show that the proposed number of units, the landscaping and layout are implementable without detrimentally impacting surface water drainage for the site and the immediate neighbouring dwellings. Whilst, a Flood Risk Assessment and Drainage Strategy have been submitted they do not meet Arun's design requirements.

West Sussex County Council (Lead Local Flood Authority) - Objection.

- In the absence of an acceptable Flood Risk Assessment and Drainage Strategy the proposal is not in accordance with the NPPG, PPG flood risk and coastal change or local policies. This means that flood risk could increase elsewhere.

Ecology - Objection.

- Insufficient ecological information has been submitted in relation to European Protected Species (bats), Protected species (reptiles and badgers), Priority species (birds) and Priority habitats (Traditional Orchard).

West Sussex County Council (Education) - Objection.

- There is insufficient primary school capacity to meet the proposed child yield from this development.

- A financial contribution towards the delivery of a new secondary school will be required as well as a contribution towards the temporary provision of secondary school transport until such time as the new secondary school is delivered.

Sport England - Support.

- Subject to financial contributions being secured in accordance with Sport England Calculators and the Council's adopted SPD.

Leisure and Greenspace - No objection.

- A landscape led development in this location would be advised in order to blend this development

would be advised to blend the development into the character of the local area.

West Sussex County Council (Local Highway Authority) - No objection.

- The Highway Authority (following submission of additional information) is satisfied that the questions raised about the modelling implications of the scheme have been answered satisfactorily.

West Sussex County Council (Public Rights of Way) - No objection.

- Subject to securing appropriate S106 contributions and conditions that control the detail of public rights of way and crossings.

West Sussex County Council (Minerals & Waste) - No objection.

- The application is located within a mineral safeguarding area for Sharp Sand and Gravel and as such the applicant has submitted a Mineral Resource Assessment (MRA). The MRA concludes that the environmental constraints would prohibit any commercially viable quantities of the mineral from being extracted at the site. The proposed development would result in the sterilisation of the mineral resource and as per Policy M9 it is the responsibility of the determining authority to weigh the overriding need of the non-mineral development against the safeguarded resource.

National Highways - No objection.

- No objection subject to s106 contributions and conditions relating to Travel Plan and Construction Management Plan.

Archaeology - No objection.

- Findings and conclusions of the archaeological desk based assessment are supported. Condition should be imposed to secure evaluation and preservation of archaeology onsite.

Conservation Officer - No objection.

- The proposed development would have a neutral impact upon the setting of the non-designated heritage assets and would not affect the way in which their significance is currently experienced and understood. As such, their special interest would be preserved by the proposed development. As a consequence, the application should be determined in accordance with the relevant policies within the Development Plan.

Southern Water - No objection.

- Network reinforcement will be required and this will be provided within 24 months of consent being granted. Conditions and informatives have been requested.

Environment Agency - No objection.

- General comments provided and informative requested for non-road mobile machinery to be used on site.

Environmental Health - No objection.

- The report, methodology and findings of the 'Desk Study and Ground Investigation Summary Report' (dated August 2022) are considered reliable. Due to a historic landfill site being located approx, 150m to the north of the development it is recommended that a risk assessment is undertaken for the likelihood of ground gasses migrating to the development site. Conditions should be imposed on any future permission for further site investigation, unexpected contamination, air quality, electric vehicle charging, noise and external lighting.

South Downs National Park Authority.

- The Council has a statutory duty to consider the Purposes of the National Park.

Sussex Police - No objection.

- General comments provided around measures to design out crime.
- Financial contributions towards additional police resource to be secured through s106 agreement.

Economic Regeneration - No objection.

- An Employment and Skills Plan should be secured.

West Sussex County Council (Fire & Rescue) - Advice

- Condition proposed relating to fire hydrants.

Natural England - No comments.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

- Lidsey Treatment Catchment Area.
- Strategic Housing Sites Allocation (H SP2).
- Archaeological Notification Areas (HER DM6).
- WSCC Minerals Consultation Areas.
- Safeguarding the Main Road Network - indicative (TSP3K).

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
ECCDM1	ECC DM1 Renewable Energy
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
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
HDM2	H DM2 Independent living and care homes
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERSP1	HER SP1 The Historic Environment
HSP1	HSP1 Housing allocation the housing requirement
HSP2	H SP2 Strategic Site Allocations
HSP2C	H SP2c Inland Arun

INFSP1	INF SP1 Infrastructure provision and implementation
INFSP2	INF SP2 New Secondary School
LANDM1	LAN DM1 Protection of landscape character
OSRSP1	OSR SP1 Allotments
QEDM1	QE DM1 Noise Pollution
QEDM3	QE DM3 Air Pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
SDSP2	SD SP2 Built-up Area Boundary
SKILLSSP1	SKILLS SP1 Employment and Skills
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SODM1	SO DM1 Soils
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
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water

Barnham & Eastergate Neighbourhood Plan 2019 POLICY CLW1	Support independent living
Barnham & Eastergate Neighbourhood Plan 2019 POLICY CLW8	Provision and improvement of school facilities
Barnham & Eastergate Neighbourhood Plan 2019 POLICY ES10	Trees and Hedgerows
Barnham & Eastergate Neighbourhood Plan 2019 POLICY ES13	Renewable and Low Carbon Energy
Barnham & Eastergate Neighbourhood Plan 2019 POLICY ES15	Green Infrastructure and Ecosystem Services
Barnham & Eastergate Neighbourhood Plan 2019 POLICY ES16	Dark night skies
Barnham & Eastergate Neighbourhood Plan 2019 POLICY ES17	Singleton and Cocking Tunnels SAC
Barnham & Eastergate Neighbourhood Plan 2019 POLICY ES1b	Reducing Flood Risk
Barnham & Eastergate Neighbourhood Plan 2019 POLICY ES1c	Sewage
Barnham & Eastergate Neighbourhood Plan 2019 POLICY ES3	The Local Gap/ Green Infrastructure Corridor
Barnham & Eastergate Neighbourhood Plan 2019 POLICY ES5	Quality of design
Barnham & Eastergate Neighbourhood Plan 2019 POLICY ES7	Conserving and enhancing Non-designated Heritage Assets

Barnham & Eastergate Neighbourhood Plan 2019 POLICY GA1	Connection to sustainable transport
Barnham & Eastergate Neighbourhood Plan 2019 POLICY GA4	Parking and new development
Barnham & Eastergate Neighbourhood Plan 2019 POLICY H1	Housing
Barnham & Eastergate Neighbourhood Plan 2019 POLICY H4	Integration of new housing into surroundings
Barnham & Eastergate Neighbourhood Plan 2019 POLICY H5	Outdoor space
Barnham & Eastergate Neighbourhood Plan 2019 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:

SPD11	Arun Parking Standards 2020
SPD12	Open Space, Playing Pitches & Indoor & Built Sports Facilities
SPD13	Arun District Design Guide (SPD) January 2021

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 in conflict with policies D DM1, AH SP2, ENV SP1, ENV DM1, ENV DM3, T SP1, T DM1, H DM1, W DM2, H SP2c and INF SP1 of the Arun Local Plan.

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

CONCLUSIONS

The application is a hybrid and as such seek full planning permission for the proposed housing and outline for the care home element. These two elements have been separated in the below report.

FULL PLANNING APPLICATION - RESIDENTIAL DEVELOPMENT

PRINCIPLE

The application site forms part of a strategic allocation under Policy H SP2c (SD5) through the Arun Local Plan (ALP). The allocation is identified as providing at least 2,300 dwellings over the Plan period, up to 2031, and 3,000 homes in total. In addition, H SP2c identifies that the development proposals will need to deliver key infrastructure including two new primary schools and nursery places; sports hub with pitch facilities; a community hub with a new well-connected neighbourhood centre; road/pedestrian/cycle improvements linking the site with the adjoining areas, together with planned new retail and commercial space. As the application site forms part of the strategic allocation under policy H SP2c (SD5) of the ALP, the proposed development constitutes sustainable development for the purposes of paragraph 11c of the NPPF.

In terms of the delivery of strategic allocations, Policy H SP2 requires development proposals within strategic site allocations to be comprehensively planned and have regard to a masterplan endorsed by ADC. A Framework Masterplan for the entire Site Allocation was submitted to Arun District Council and, following extensive consultation, was endorsed by the Council on 25 November 2020. Prior to this, a number of High Level Development Principles were also submitted to the Council for consideration and were endorsed in February 2020 which informed the Framework Masterplan. The endorsed Framework Masterplan identifies that the site has a potential capacity for up to 4,300 dwellings.

The proposed development includes the land required for the delivery of the northern arc (Phase 1) of the A29 realignment. However, the proposed development does not incorporate any other infrastructure which addresses the needs of the wider allocation and will be reliant upon other parcels to support this development and ensure compliance with Policy H SP2c. This approach to infrastructure delivery is in accordance with the endorsed framework masterplan which identifies that supporting infrastructure will be located in the main parcels located to the south of Barnham Road.

The proposed development is consistent with the endorsed Framework Masterplan. Therefore, the principle of the proposed development is acceptable subject to the development according with the requirements of the Strategic Site Allocation Policy H SP2c and the sub-policy H SP2c (SD5).

LAYOUT, DESIGN AND CHARACTER

Policy H SP2 of the ALP requires development proposals within the Strategic Site Allocations to be comprehensively planned and have regard to a master plan endorsed by the Council. Policy H SP2 sets out a 17-point criteria (a-q) for the design and infrastructure requirements for Strategic Site allocations.

The BEW Framework Masterplan was endorsed by the Council in November 2020 and provides high-level development principles for the Strategic allocation which have been endorsed by the Council. Policy H SP2a (SD5 - Barnham/Eastergate/Westergate) sets out a 12-point criteria which details key design and infrastructure requirements for this particular Strategic allocation. The compliance of these proposals

with these requirements and the endorsed Masterplan is set out below.

Policy H SP2a (SD5 - Barnham/Eastergate/Westergate) states that proposals must demonstrate compliance with the key design and infrastructure requirements which includes: Preservation of the separate identities and avoiding physical coalescence of the three villages; that housing shall be designed around a linear park which follows the Lidsey Rife; a comprehensive strategy for surface water management; and significant views to and from the South Downs shall be incorporated.

The application site sits to the north of Barnham Road and east of Fontwell Avenue and is informed by a number of areas of residential development. The Design and Access Statement (DAS) submitted in support of the application included a context appraisal which reviewed the existing character of surrounding development. The surrounding character is varied with development to the east consisting of a wide variety of house types, materials and designs with a mixture of predominantly detached 1 and 2 storey dwellings. Development to the south is again varied in design and character and consists of a mixture of 1, 1.5 and 2 storey detached and semi-detached dwellings. To the west of the application site is Fontwell Avenue with the older development consisting of detached dwellings of various designs and styles featuring materials of a Sussex vernacular. Collins Close and Cherry Tree Drive are also to the west and these are more modern developments which consist of detached 1 and 2 storey dwellings of similar design and style.

The DAS identifies a number of key principles to carry forward from the context appraisal to inform the proposed development and these are somewhat generic consisting of: responding to local setting; buildings to be up to 2 storey with some 3 storey development; mixed roof forms; and a local materials palette.

The proposed layout separates the development into three blocks located on the eastern boundary, centrally within the site and along the western boundary. The blocks are separated by linear open spaces which run north-south with a larger orchard shown on the northern boundary of the western most open space corridor.

The DAS and character area plan (CB_15_071_012) identifies a total of 4 character areas (Fontwell Avenue, Avenue and Central Green, Core Area and Eastern Quarter). As the names imply the Fontwell Avenue character area is located adjacent to the western boundary and relates to 58 dwellings and 4 blocks of flats adjacent to Phase 1 of the realigned A29. The Avenue and Central Green character area relates to the dwellings immediately adjacent to the western area of open space. The majority of the site falls within the Core Area character area which is the entire central block of the development which equates to approximately 49% of the dwellings. The Eastern Quarter character area is located on the eastern boundary of the site.

The DAS discusses the character areas but this consideration is limited only too materials with no reference to how each character area will differ in regards to its layout, density or design and how this responds to the character of surrounding development. It should also be noted that when considering the external finishes plan (drawing no. CB_15_071_008) that there is very little differentiation between the character areas. The Fontwell Avenue and Eastern Quarter character areas feature the exact same materials with the exception of white weatherboarding which is only present in the Fontwell Avenue character area. Similarly, the bricks proposed for the Avenue and Central Green and Core Area are the same with the only difference being the use of flint in the Avenue and Central Green area and render, weatherboarding and grey roof tiles in the Core Area.

This homogenisation of the materials on the development has resulted in proposals which are not sufficiently varied to differentiate the character areas from one another and as such the character areas are not considered distinct or varied. This lack of differentiation is exacerbated by the repetitive use of

dwelling types, lack of variation in density, scale or any justification for the proposed layout. The submission fails to justify the approach to density or scale with some 3 storey development shown centrally but with the majority of the three storey development located on the northern boundary of the site which is arguably the most sensitive to higher scale development. With the exception of the 9 apartment blocks and the sporadic distribution of 2.5 storey semi-detached and terrace houses all dwellings would be 2 storeys in height.

The dwelling type distribution is repetitive across the entirety of the site with the same corner treatments present in all of the character areas, which despite the variation in materials, results in a repetitive character across the whole development resulting in a layout which is unacceptable. A number of conflicts have also been identified with the Arun Design Guide with interface distances below the minimum requirements. Whilst, numerous gardens fail to meet the minimum depth requirements.

OPEN SPACE AND RECREATION PROVISION

The planning statement identifies a total open space provision of 6.285ha onsite. However, the 'Land Use Plan' (drawing no. CB_15_071_002) identifies that the combined total of open space and existing vegetation (to be retained) is 6.26ha. The planning statement goes on to identify that this will consist of a village green, an apple orchard, a smaller green with SuDS capacity and a woodland play area. In addition to the woodland play area it is identified that the application will provide 1 no. locally equipped area of play (LEAP) and 1 no. neighbourhood equipped area of play (NEAP). This reflects the detail shown on the land use plan which identifies a total play provision of 0.177ha.

The Open Space, Playing Pitches, Indoor and Built Sport Facilities SPD (January 2020) identifies that a development of this scale would generate the need for a total of 3.88ha of open space, consisting of parks and gardens, amenity greenspace and natural and semi-natural open space. Despite the inclusion of existing vegetation the site is likely to meet the minimum open space requirements.

In addition to this the development would generate demand for 0.66ha of play provision and as such the submitted proposals have a shortfall of 0.48ha of play provision. With a development of this scale the Council would expect to see delivery of approximately 6 local areas of play (LAPS) in the form of informal play opportunities integrated with the landscape and 2 LEAPs measuring approximately 600sqm and integrating approximately 8 inclusive play experiences.

In addition, the application would give rise to demand for NEAP provision. However, as the site forms part of a strategic allocation it is intended for NEAP provision to be dealt with collectively through the delivery of a skate park and multi-use sports area as part of the main allocation. However, in order to deliver provision on site for future residents an enhanced LEAP measuring 1,000sqm and containing a minimum of 12 inclusive play experiences.

Therefore, the total on site play provision would equate to approximately 2,800sqm with financial contributions secured towards the delivery of off-site NEAP provision. This is a variation from the submitted details and the full details for on-site play and off-site contributions could be secured through the S106 agreement. Subject to the above elements being secured in an appropriate format the development would accord with relevant development plan policy as well as the Open Space SPD.

The application does not make any provision on site for sports pitches or facilities and this is in accordance with the endorsed framework masterplan. Sports Pitches are intended to be delivered as part of the southern parcels of the allocation with the framework masterplan identifying a new cricket pitch and pavilion, 2 no. grass playing pitches, 1 no. 3G pitch and a sports hub. Subject to appropriate financial contributions being secured through a s106 agreement the proposal is in accordance with policy OSR DM1 of the ALP.

AFFORDABLE HOUSING

It is identified through the DAS (para 4.18) that 22% affordable housing would be provided on the site and that this will consist of 85 affordable rented properties, 6 shared ownership and 30 first homes. The Council's Housing Strategy and Enabling Manager that in accordance with policy AH SP2 of the ALP 30% of the dwellings should be provided as affordable units (165 dwellings). These dwellings should be to a tenure split of 67% rented (111 dwellings), 25% first homes (41 dwellings) and 8% (13 dwellings) intermediate housing. This is a shortfall of 44 affordable dwellings.

The application was not accompanied by a viability assessment to justify the under provision of affordable housing and despite the Local Planning Authority (LPA) being advised by the agent that one would be forthcoming no viability assessment has been submitted. An affordable housing mix has been provided by the applicant in support of the application but given the 8% under provision of affordable housing, which equates to 44 dwellings, and as this is not supported or justified the proposed mix has not been reviewed by officer's.

In addition to the above objection it has also been identified by the Council's Housing and Enabling Officer that the affordable units are unacceptably clustered in conflict with policy AH SP2. The affordable rent and First Homes are predominantly located within three 'clusters' adjacent to the realigned A29 (with the exception of plots 21-28). This is most notable on the northern boundary of the site where plots 189-220 are clustered together with a further 8 further units immediately adjacent to plot 217. In the north-eastern corner of the site plots 59-84, 43-49, 85-89 and 107-111 are clustered together in a 'U'-shape. Therefore, the proposed affordable housing layout by virtue of its clustering as shown on drawing no. CB_15_071_004 is in conflict with policy AH SP2.

HOUSING MIX

Arun Local Plan policy H DM1 identifies a mix of housing to meet local needs and requires all residential developments to provide a mix of dwelling type and sizes to meet the identified need and demand. Policy H DM1 acknowledges that the mix should be negotiated on a site by site basis, having regards to the most up to date Strategic Housing Market Assessment (SHMA).

The application proposes the following market housing mix:

- 1 bedroom dwellings - 26 (6%)
- 2 bedroom dwellings - 110 (25%)
- 3 bedroom dwellings - 243 (57%)
- 4 bedroom dwellings - 51 (12%)

The Updated Housing Needs Evidence (September 2016) prepared in support of the Local Plan identifies under Table 1 the suggest broad mix of housing by size and tenure. For market dwellings the suggested mix is 5-10% one bed; 40-45% two bed; 35-40% three bed; and 10-15% four bedroom or larger. The proposed market dwelling mix results in an under provision of two bedroom properties by 15-20% and an over provision of three bedroom properties of 12-22%.

Policy H DM1 identifies that mix should be negotiated on a site by site basis, albeit deviation from the suggested mix should be supported and justified. In this case it is unclear why the mix has deviated from the suggested mix. It should be acknowledged that the site forms part of the wider strategic allocation and as such character will vary between the parcels given the context and nature of surrounding development. In this case no justification has been provided nor has any argument been set out by the applicant to support the proposed mix. Indeed paragraph 4.4 of the planning statement concludes that the 'proposed housing mix aligns with the Strategic Housing Market Assessment requirements'.

In the absence of justification for the proposed mix and deviation from the SHMA the development is in

conflict with H DM1 of the Arun Local Plan.

ACCOMMODATION FOR OLDER PEOPLE

ADC have adopted guidance around the provision of 'Accommodation for older people and people with disabilities'. This guidance note provides more detail on the standards to be used when implementing adopted policies of the Arun Local Plan. Specifically policies D DM1 and D DM2 of the Arun Local Plan.

The adopted guidance note identifies that for schemes exceeding 51 units 50% of the total houses should meet m4(2) standard, whilst in this case an additional 20 units should be designed to m4(3) standards. The submission makes no reference to the provision of m4(2) or m4(3) dwellings and as the proposals are submitted in full it would not be possible to impose a condition to secure these details. Therefore, in the absence of m4(2) or m4(3) dwellings the proposed development is in conflict with policies D DM1(5) and D DM2 as well as policy H1(7) of the Barnham and Eastergate Neighbourhood Development Plan 2 (BENDP2).

As identified above ADC have adopted guidance around the delivery of accommodation for older people. This guidance under Section 4 identifies that for schemes exceeding 51 units should deliver 50% of all dwellings to m4(2) standard with two additional units designed to m4(3) for every 50 units thereafter. Therefore, of the 551 dwellings proposed 275 should be designed to m4(2) standard with 20 units designed to m4(3) standard.

It is identified through building regulations that for m4(2) standards where parking is within the private curtilage of the dwelling (but not within a carport or garage) at least one space should be capable of being widened to 3.3m. Where communal parking is provided to block of flats, at least one standard parking bay is provided close to the communal entrance with a minimum clear access zone of 900mm to one side and a dropped kerb.

Parking requirements for m4(3) are that where parking is provided within the curtilage of a dwelling (including a carport or garage) it is a standard parking bay with an additional minimum clear access zone of 1200mm to one side and to the rear. Where it is within a communal parking area (e.g. flats) it is a standard parking bay with an additional minimum clear access zone of 1200mm to both sides.

QUALITY OF ACCOMMODATION

ALP policy D DM2 states that dwellings should be of an appropriate site and that the Nationally Described Space Standards provide guidance. The application demonstrates that all dwellings meet the required standards.

The Arun Design Guide identifies that dwellings should be provided with adequate outdoor amenity space and that rear gardens should measure a minimum depth of 10.5m with a width that aligns with that of the dwellinghouse. In addition it is identified that front gardens should provide a minimum defensible space of 2m.

A number of 'corner' dwellings have been incorporated within the layout and this has resulted in a number of irregularly shaped gardens which are predominantly triangular in shape. This is the case for plots 150, 223, 280, 281, 298, 305, 369, 370, 386, 430, 450, 451, 534 and 535 where the garden narrows significantly by virtue of parking encroachment as well as their triangular shape. As a result, whilst these gardens meet the 10.5m depth requirement they fail to provide adequate outdoor amenity space in accordance with the Arun Design Guide. Whilst, this is a relatively low proportion of the overall dwellings provision (15 of 551) given the extent of the shortfalls with gardens measuring between 4.8m-9.5m in depth this conflict is unacceptable and should have been avoided through design amendments.

It has also been noted that plots 4-8 in the south-western corner in the site abut the western boundary of

the site. In this location a number of mature trees are present along the boundary and based upon the submitted drawings the crown spread would extend approximately 7m over the rear gardens adversely impacting upon the amenity of future occupiers and impacting upon the use of the rear garden for domestic purposes. This conflict should have been designed out as the relationship will give rise to pressure to prune/fell the trees during the life of the development.

A number of dwellings have been found to fail to meet the minimum depth requirements for rear gardens and these range from 4.8m-9.5m in length. These are significant under provisions in the size of rear gardens and as such would adversely impact upon the residential amenity of future occupiers.

PARKING PROVISION

The Arun District Council Parking Standards Supplementary Planning Document (SPD) (January 2020) identifies that the proposed development will be located within 'Parking Behaviour Zone 2' which means that the proposed development should deliver a total on site parking provision of 1,159 allocated parking spaces and 110 visitor spaces (total of 1,269).

In total the development proposes 1,067 allocated spaces, 19 allocated car ports, 140 garages (which is equivalent to 70 parking spaces in accordance with the ADC Parking Standards), 11 disabled spaces, 28 unallocated spaces and 89 visitor spaces (which are shown as recessed off street provision) which is a total provision of 1,284 spaces. Therefore, the proposed parking provision exceeds the requirements identified through the ADC Parking Standards SPD. However, the Parking Standards SPD identifies that the provision of spaces for disabled people should be consistent with Manual for Streets (MfS) which identifies under paragraph 8.3.26 that in the absence of any local policies, that 5% of residential car-parking spaces should be designated for use by disabled people. This would equate to a total requirement for this development of 64 spaces for disabled people, which means there is an under provision of 53 spaces. These spaces do not need to be allocated for disabled people but they should be identified and either in accordance with the dimensional requirements or capable of conversion to meet this need. Therefore, in the absence of this detail the proposals would conflict with the requirements of Policy T SP1(d) of the ALP and the ADC Parking Standards SPD (January 2020).

Electric Vehicle (EV) charging points will also need to be provided in accordance with the Council's Parking SPD and these details can be appropriately secured through the use of a suitably worded condition.

In addition to car parking the Parking Standards SPD outlines cycle parking requirements based on dwelling size. In total the proposed residential development would give rise to a demand of 879 cycle parking spaces. These are proposed to be delivered through a mixture of sheds in rear gardens, garages and communal cycle stores. Whilst, details of garages have been provided and these accord with the 3m x 6m dimensions to incorporate cycle parking, no details of sheds have been provided. Therefore, an appropriately worded condition could be used to secure these details.

Whilst, the overall number of parking spaces to be delivered is in accordance with the Parking Standards SPD the lack of sufficient disabled parking spaces is unacceptable and as such the proposed development is in conflict with policy T SP1 of the ALP, Policy GA4 of the BENDP2, the Arun Design Guide and Parking Standards SPD.

ACCESS AND HIGHWAYS

Phase 1 of the realigned A29 wraps around the northern boundary of the site and is to be delivered by WSCC and already benefits from planning permission. A three arm roundabout forms part of the A29 proposals with the southern arm forming an access into the proposed development. A secondary vehicular access will be provided to the south of the site from Barnham Road and this will be in the form of a priority junction with pedestrian footways shown on both sides of the access.

The proposed roundabout has been agreed through the Phase 1 planning application for the link road and has been the subject of detailed design. It had been intended for this to be delivered by Spring 2025 but this has been delayed. The proposed Barnham Road priority junction is a 5.5m wide road with a 7m bell mouth radii, 2m footways are proposed on both sides of the access and will connect into the existing footways on the northern side of Barnham Road. Visibility splays have been provided for this access and based on 85th percentile vehicle speeds are achievable. Vehicle tracking of the proposed Barnham Road site access has been provided for a car, fire appliance and refuse vehicle which has confirmed the access is suitable for these vehicle types.

In addition to these permanent junctions the applicants propose a temporary access for construction traffic only onto Barnham Road from the south-eastern corner of the site. The applicants have advised that this access would return to a green cycle link once it is no longer required.

The internal carriageways for the residential element measure between 5.5m and 4.1m which is in accordance with Manual for Streets (MfS) guidance. The main spine road through the site which connects with the vehicular access points measures 5.5m, whilst secondary roads are shown as reducing to 5m, and tertiary roads are then shown as 4.1m in width.

Concerns have been raised with the proposed 4.1m road widths by WSCC Highway Authority, who have identified that these road widths can suffer from potential blocking if vehicles park on them. Whilst, it is identified that some roads at 4.1m in width might be acceptable in specific circumstances, it has been requested that the applicant widen those roads to a minimum of 4.8m.

WSCC have considered the proposed road layout against 'Cycle Infrastructure Design' (LTN 1/20) requirements with a designated shared footway/cycleway provided to the east of the existing public right of way (PROW) connection providing a north to south connection between Barnham Road and the realigned A29. LTN 1/20 under figure 4.1 identifies that mixed traffic cycling is suitable for most people with a 20mph speed limit. Therefore, the internal road network has also been designed to a 20mph design speed such that cyclists would be able to cycle on the carriageway.

The Transport Assessment prepared in support of this application concludes that an initial phase of 200 dwellings could come forward ahead of Phase 1 of the realigned A29. In the WSCC response dated 28 February 2023 it was concluded that three junctions would be impacted by an interim scenario of development coming forward in advance of Phase 1 of the realigned A29 being open. The applicants state that the A29 realignment scheme is a mitigation measure which would relieve pressure on these existing junctions and, therefore, the applicants have not identified, nor proposed any mitigation within the transport assessment as any potential capacity concerns would be temporary and short term until Phase 1 of the realigned A29 was operational. This position is agreed by WSCC as highway authority.

It should be highlighted that additional highways work has been undertaken by Pell Frischmann on behalf of the Church Commissioner's (BN/11/22/OUT) which has modelled the impact of 600 homes upon the highways network prior to the delivery of Phase 1 of the realigned A29. An agreed position has been reached between Barratt's (the applicant), the Church Commissioner's (BN/11/22/OUT) and CALA Homes (AL/11/24/OUT) which would see this capacity split as follows:

- 1.Church Commissioner's - 350
- 2.Barratts - 150
- 3.Cala - 100

Therefore, whilst there is a difference between the Barratts modelling and that of Pell Frischmann it has been confirmed by WSCC that an additional 50 dwellings would not generate a significant difference in

the level of traffic and as such, WSCC would raise no objection on this basis.

Despite this WSCC had a number of outstanding matters relating to highway capacity and a Modelling Response Note (MRN) was prepared by the applicant in response to these matters. This was the subject of further review by WSCC who confirmed that based on the information contained within the transport assessment and MRN they were satisfied that the questions raised about modelling implication had been answered satisfactorily.

In addition to the above the following matters at the time of preparing this report remain outstanding:

1. Road Safety Audit for proposed refuge island on Barnham Road.
2. Road Safety Audit for care home access.
3. Checking of suitability of RSA for Barnham Road permanent access given that additional dwellings are now proposed.
4. Plan showing Boweries cycle connection integrated with temporary site access (+ updated Stage 1 Road Safety Audit).
5. Plan showing further foot and cycle links within site and to new A29.
6. Plan showing how foot and cycle infrastructure within the application site interacts with similar proposed infrastructure south of Barnham Road.
7. Reply to acoustic fencing points.
8. Internal road layout - plan to show 4.1m-wide road widths increased to 4.8m wide.
9. Care home access (Fontwell Avenue access) - applicant to demonstrate how visibility splays (including forward visibility splays) comply with DMRB.
10. Stage 1 RSA for the beginning of the primary access off the new A29.

The applicant has not provided a response to the above points and in the absence of the requested information it has not been satisfactorily demonstrated that these elements are acceptable. It should be noted that in WSCC most recent communication with the applicants transport consultant who had advised a note was being prepared in response to these points but no such document was submitted. It was also advised that in relation to points 2 and 3 the audit team were made aware of these issues and no further comments were provided from them (the audit team) so subject to seeing the auditors comments these issues may fall away.

Given the outstanding matters the proposed development has failed to satisfy the LPA that the proposal is acceptable in terms of access, visibility splays and internal road layout, and would therefore give rise to increased hazards to highway users. The proposal has also failed to demonstrate safe and convenient access by a choice of means of travel. Therefore, the proposed development is in conflict with policies T SP1 and T DM1 of the Arun Local Plan.

ECOLOGY

The Council's Ecologist has been consulted and has recommended that the application be refused due to insufficient information on European Protected Species (bats), Protected species (reptiles and badgers), Priority species (birds) and Priority habitats (Traditional Orchard). The application was accompanied by an EIA Scoping Report (December 2020), Environmental Statement (ES) (December 2022), Landscape Illustrative Masterplan (December 2022), Landscape General Arrangement Plan (December 2022) and Lighting Assessment (December 2022).

The submitted ES ecology chapter has provided a summary of the results, identifying that 67 trees on site have roost potential, 43 of which have low roost potential and will be lost as a result of the development. It is also identified that a building located within the western extent of the site was found to support a day roost of Common Pipistrelle. However, the document states this building has low bat roost potential. The Council have not been provided with location plans relating to the trees and building

identified with the potential for bat roosts. However, it is understood that the building with roost potential is located within the care home site. The ES chapter goes on to state that a European Protected Species Mitigation Licence will be required and repeat bat surveys may be necessary at reserved matters stage to update the results and inform mitigation. However, this information is required prior to determination of this application and the use of conditions to secure this detail would be inappropriate.

In addition, the site is located within 10.8km of the Singleton and Cocking Tunnels Special Area of Conservation (SAC) which is within the 12km buffer zone. The ES fails to acknowledge that the site falls within this buffer zone and so it is unclear that if the likely impacts on the designated site have been sufficiently assessed in accordance with the Sussex bat SAC Planning and Landscape Scale Protocol. The additional information pertaining to bats and the Singleton and Cocking Tunnels SAC must be provided prior to determination to inform the LPA's project level Habitats Regulations Assessment.

The Reptile Survey Report identifies that reptile surveys were carried out between March and April 2019 with an updated site walkover in December 2022 which concluded that the site condition was unchanged. It is identified through the ES (Volume 1, Chapter 8) that an onsite translocation will be carried out. Therefore, the details relating to the proposed translocation must be provided prior to the determination of the application to ensure the proposed measures are appropriate and meet the Government's Standing Advice for reptiles, especially in relation to the reptile receptor site. The Reptile Survey Report (January 2023) does not provide the necessary information pertaining to the proposed reptile translocation site and as such the application fails to provide sufficient information relating to reptiles.

It is identified through the ES that mitigation through the closure of a sett under a Natural England Mitigation Licence will be carried out to avoid disturbance to Badgers during construction. It is unclear if the mitigation hierarchy has been followed, such as is the setts removal essential or can alternative measures be implemented during construction to protect badgers without the need for sett closure. In addition, it has been identified through the ES that exclusion fencing will be installed to prevent public access to the treeline which contains the sett, with badger access gates provided within the fence to coincide with mammal paths. It is recommended that mitigation measures should be detailed within a Construction Environmental Management Plan (CEMP) and secured through the use of an appropriately worded condition. In addition a copy of the Natural England Mitigation Licence should be submitted to the LPA so it can be demonstrated that statutory obligations to avoid wildlife crime are being fulfilled.

There is no indication that a breeding birds survey has been carried out. This is expected for a development of this scale, given the presence of habitat for breeding birds on site. No justification has been provided as to why these surveys have not been carried out. Although the documentation submitted does indicate that clearance work should not be carried out during the breeding bird period. In order to fully assess the impacts of the development this survey work should be undertaken and provided to the LPA prior to the determination in accordance with Government Standing Advice.

DEFRA's Geographic Information Tool (MAGIC) identifies that the majority of the site is listed as Priority Habitat Traditional Orchard, with some Deciduous Woodland which is not listed as Priority Habitat. The ES confirms that the majority of traditional orchard on site will be lost and that despite the implementation of approximately 1ha of new traditional orchard planting being proposed the total loss and the time for the new orchard planting to mature and reach its target condition, there will be a net loss on site which will result in a significant adverse effect at the local level. In order to compensate for this the applicants proposed approx. 1.2ha of orchard off site.

This offsite orchard is proposed to be located in Felpham and is identified as being delivered as a community orchard on a site within the applicants control. The applicant intends to deliver this on the land previously identified as sports pitches at Site 6 (Felpham). A financial contribution of £947,447

towards offsite provision in lieu of the sports pitches was negotiated with the Council's Greenspace Team and presented to and approved by the Environment Committee on the 27 February 2023. However, no details of the proposed orchard have been provided as part of this application nor has the existing planning permission at Site 6 been amended to address the loss of the sports pitches nor has a deed of variation been approved to secure the financial contribution towards offsite provision. Therefore, in the absence of this the proposed mitigation has not and cannot be secured to offset for the loss of the Priority Habitat.

It is also unclear from the submission if a Hedgerow Regulations Assessment has been carried out in order to identify any hedgerows which would be classes as 'important' under the Hedgerow Regulations 1997. Therefore, for both the outline and full applications a Hedgerow Regulations Assessment must be submitted prior to determination or clarification provided as to why this has not been carried out.

By virtue of the ecological matters identified as outstanding above the proposed development is in conflict with policies ENV DM1 and ENV DM3 of the Arun Local Plan.

LIGHTING

The application was accompanied by a Lighting Assessment (December 2022) which uses indicative lighting plans. The Council's Ecologist has confirmed that from an ecological perspective the lighting assessment has been carried out appropriately. However, given the level of detail provided it has not been possible to compare the results of this document with ecologically sensitive areas on site. Any increase in artificial light would negatively impact foraging bats and other light sensitive species. Therefore, an appropriately worded condition could be used to secure a wildlife sensitive lighting scheme in accordance with best practice guidance.

BIODIVERSITY NETGAIN

Policy ES3 of the Barnham and Eastergate Neighbourhood Development Plan 2 (BENDP2) identifies that new development within or adjacent to Biodiversity Corridors (as identified on Map B and Appendix A) must assess the impact of development on the natural environment and must not give rise to any significant harm to the integrity or function of the Biodiversity Corridors. It is also identified under policy ES3 that development must deliver at least 10% net gain in biodiversity, which should be delivered on site. Biodiversity Corridor 2 runs north to south through the development site and would fall within the eastern most area of open space.

The Biodiversity Net Gain Assessment is included as Appendix 8.6 and states that an estimated net gain of approximately 5.86 Habitat Units (+8.36%) and 0.24 Linear Units (+4.43%) is achievable. However, to achieve the habitats units requires off-site compensation through the creation of an additional traditional orchard habitat in Felpham, as stated above. No details of the off-site location have been provided as part of this application, nor have the full Metric calculations been shared with the Council. If off-site compensation is to be secured there would need to be evidence of a commitment to carry out these enhancement as well as a legal agreement to secure them. This would also need to include a habitat management and monitoring plan for the off-site mitigation which aligns with the aims and objectives of the biodiversity metrics. Therefore, this further information would need to be submitted for review prior to the determination.

In addition, no biodiversity enhancement measures have been identified in the submitted documents. The ES ecology chapter makes reference to the need for bat and bird boxes but provides no specific detail. In order to secure net gains for biodiversity these measures should be specified and quantified to provide certainty to the Council of the impacts on legally protected species and ensure that appropriate mitigation licences are secured.

In the absence of this detail the Council are unable to demonstrate its compliance with its statutory duties

including its biodiversity duty under Section 40 of the Natural Environment and Rural Communities Act 2006. Therefore, given the insufficient detail provided around the delivery of the offsite and onsite mitigation the proposals are in conflict with policy ENV DM5 of the Arun Local Plan and would fail to deliver 10% net gain as required by policy ES3 of the BENDP.

SOILS

The application site has been allocated for residential development under policies H SP1 and H SP2c of the Arun Local Plan and has been the subject of significant assessment prior to allocation. Alternative options for the location of this strategic allocation have been explored and subjected to a Sustainability Appraisal process to select the most sustainable sites.

The Arun Local Plan (2011-2031) Sustainability Appraisal recognised that most of the undeveloped coastal plain within the District is high grade agricultural land and that the majority of the strategic allocations would have a significant negative effect on the objective of avoiding the loss of 'best and most versatile' (BMV) land. The loss of BMV is one factor in the site selection and decision-making process.

Policy SO DM1 of the Arun Local Plan states that development will not be permitted on this type of land unless 'designated by this plan' or unless the need for the development outweighs the need to protect such land in the long term. As the site is a strategic allocation within the Local Plan the proposal would not be the subject of assessment under policy SO DM1 of the ALP or policy ES14 of the BENDP2.

DRAINAGE

The proposed surface water drainage strategy for the development has been considered by the Lead Local Flood Authority (LLFA) and the Council's Drainage Engineers who have both raised an objection. It has been identified in their consultation responses that insufficient evidence has been submitted to show that the proposed number of units, landscaping and layout are implementable without detrimentally impacting upon surface water drainage for the site and neighbouring dwellings or increasing flood risk. It has also been identified that the submitted Flood Risk Assessment (FRA) and Drainage Strategy do not meet national SUDs design guidance, which the Planning Policy Guidance suggests planning authorities refer to when making decisions.

Drainage is a fundamental consideration in design and as such it is essential to establish if the proposed site layout retains sufficient space to accommodate surface water drainage prior to approval. Failure to secure a fully implementable and robust drainage strategy at this stage is likely to unduly prejudice the drainage design and could result in the proposals failure to meet policy requirements as well as increasing flood risk.

The drainage strategy as submitted does not follow the hierarchy for sustainable drainage, two catchments are proposed to discharge surface water to the public foul sewer and infiltration has not been adequately investigated. Surface water must not be discharged into the foul sewer. The foul sewer is not a recognised disposal location in the SuDS Manual, Approved Document H, the NPPG or Southern Water's Surface Water Management Policy DS 001 v0.3 and 'Public Sewers - Adoption of a Public Sewer Section 104 Water Industry Act 1991'. The surface water disposal method and location are critical to the determination of the feasibility and layout of the proposed development. Until the applicant is able to evidence a policy compliant and sustainable method of draining surface water from all catchments, it cannot be determined if the proposed layout, scale of development and access may later prejudice the surface water drainage design and resulting in an increase in flood risk.

In light of the likely ground conditions and groundwater levels demonstrated within the submission, it is anticipated that infiltration will be viable in parts of the site. However, the proposed drainage strategy does not demonstrate if compliant freeboard is achievable. This is in conjunction with earthworks above ground level which will require consideration of groundwater impacts, third party land transitions,

overland flow routes and geotechnical evidence. Concerns have also been raised by the Council's Drainage Engineers in relation to the lack of design consideration to the realigned A29 to ensure that the new highway and drainage infrastructure are suitably co-ordinated.

The relevant consultees have both indicated that the surface water drainage modelling requires amendments to its inputs. It appears that the applicant has not included all contributing areas in their design calculations and that the following items have not been modelled correctly or to an adequate extent:

- Rainfall model - should be FEH 2022 (rather than 1999).
- CV values for all storm events (summer and winter) - should be set to 1.
- Impermeable area to include basin footprints.
- Evidence an allowance for urban creep.
- Climate change allowances - must be set to 45% for the 1 in 100 year critical events. (The same climate change allowance must be applied to the surcharged outfall calculations).
- MADD factor - set to zero unless it can be evidenced where this storage is being provided.
- Infiltration design rates - must be worst case rather than average.
- Inadequate range of storm durations considered.

It is implied that the correction of these items will result in an increased need for surface water storage, which the applicant has not evidenced is achievable within the proposed layout.

It has also been highlighted that the applicant has not evidenced compliance with necessary legal easements to watercourses and maintenance buffers to proposed SuDS features. Easements must be shown on all proposed site plans to ensure compliance with Arun District Council Land Drainage Byelaws, approved by the Secretary of State for Environment Food & Rural Affairs on 30 September 2004.

Were conditions to be imposed to secure details of an appropriate drainage scheme given the substantial shortcomings of the submitted drainage strategy there is no certainty that an appropriate drainage scheme could be delivered. Therefore, conditions could result in a permission that is unimplementable.

In light of the above the proposed development is in conflict with policies W DM2 and W DM3 of the Arun Local Plan.

HERITAGE

The application was accompanied by a heritage statement in accordance with the relevant paragraph of the NPPF. The site does not contain any designated or non-designated heritage assets. However, the heritage statement does identify that there are a number of heritage assets located within 1km of the site. The majority of these have been scoped out from further detailed assessment on the basis that the site does not form an element of their setting within which their significant is understood or appreciated. This conclusion is supported by the Council's Conservation Officer, although Eastergate Parish Hall and Fontwell Avenue & Barnham Road are identified as non-designated heritage assets which warrant further consideration.

Eastergate Parish Hall lies to the south of Barnham Road adjacent to the southern boundary of the application site. The significance of this non-designated heritage asset is derived from its architectural and historical interest. The village hall sits on a triangular plot and its immediate setting is comprised of hardstanding with green verges and flowerbeds adjacent to Barnham Road. Buildings are located to the east, west and south which post-date the hall and do not encroach upon the appreciation of the hall and have a neutral impact upon its wider setting.

The application site consists of fields which are likely to have contributed to the rural setting of the hall but overtime the trees and hedgerows have obscured direct views from the hall and with the exception of glimpsed views through the field gate the application site is no longer directly appreciable. Therefore, the development of the application site would result in a neutral impact upon the significance of Eastergate Village Hall.

Fontwell Avenue and Barnham Road are both identified as historic rural roads through the Barnham and Eastergate Parish Council Map of Non-Designated Heritage Assets. Both roads represent two of the main thoroughfares through the village of Eastergate and have been extensively modernised. The heritage statement has shown that the alignment of the roads can be dated back to the 1805 OS and remain largely unchanged with the exception of new accesses and roundabouts. In addition built development now adjoins these roads and ditches have largely been replaced by modern drainage systems. Therefore, the significance of the roads lies predominantly in the surviving historic route alignment.

The application site does not specifically contribute to the understanding of how the route alignment was developed nor is the site directly visible from Fontwell Avenue with only glimpses obtained from Barnham Road as a result of the existing mature vegetation. Therefore, the existing site makes a neutral contribution to the significance of the non-designated historic routes.

The proposed development would not impact on any designated heritage asset and have a neutral impact upon the non-designated heritage assets and would not affect the way in which their significance is currently experience and understood. As such, their special interest is preserved by the proposed development which would be in accordance with policies HER SP1 and HER DM2 of the Arun Local Plan.

The Council's Archaeology Advisor has been consulted on the proposed development and has raised no objection subject to the imposition of an appropriately worded condition to secure evaluation and preservation of archaeology onsite.

NOISE POLLUTION

The application site will feature the realigned A29 immediately to the north and as such could be exposed to noise pollution associated with the operation of the road. ALP Policy QE DM1 identifies that any residential development in close proximity of the A29 must be supported by a noise exposure category (NEC) assessment and designed to ensure residents will to be adversely affected by noise as well as ensuring that any increase that might reasonably be expected in the future is taken account of.

The application was accompanied by a Noise Assessment (December 2022) which has been considered the Council's Environmental Health department who have raised no objection subject to the imposition of appropriately worded conditions to secure details of noise management during the construction phase, the internal and external noise levels of dwellings as well as noise generated by air source heat pumps and electricity and pumping stations. Therefore, subject to the imposition of appropriately worded conditions the development accords with policy QE DM1 of the ALP.

AIR POLLUTION

ALP Policy QE DM3 requires that major developments are in easy reach of established public transport services, maximise provision for cycling & pedestrian facilities, include electric car charging points and contribute towards the improvement of the highway network. The application was accompanied by an Air Quality Assessment as well as the ES which has been reviewed by Environmental Health who have requested further clarification from the applicant that there are no other development sites within the surrounding area which shall contribute to the cumulative impacts on air quality. However, environmental health did advise that subject to confirmation that there are no other developments within the surrounding

area which will contribute to the cumulative impacts then permission should be granted in accordance with the Air Quality Assessment.

CLIMATE CHANGE:

ALP policy ECC SP1 requires new development be designed to adapt to impacts arising from climate change and all major developments must produce 10% of total predicted energy requirements from renewables unless unviable.

These details can be adequately secured through the imposition of an appropriately worded pre-commencement condition and as such subject to the imposition of this condition the development would accord with policies ECC SP1 of the ALP.

EDUCATION

It has been identified by WSCC as education authority that the BEW Strategic allocation will need to deliver two new primary schools to accommodate the children generated by the development. The Framework masterplan identifies that the two new primary schools will be located in the Church Commissioner's parcel (BN/11/22/OUT) as well as to the south of the railway line.

The education authority conclude that the existing primary school provision within the locality of the site is unable to accommodate the pupils arising from the proposed development. There is also uncertainty around the delivery of the new primary school meaning that it is unlikely that the school will be completed prior to the occupation of this development.

Discussion's have been taking place between the applicant as well as the Church Commissioner's and CALA around the delivery of the primary school and what existing capacity there is to facilitate the construction and delivery of the new northernmost primary school. These discussions are still ongoing and there remains uncertainty around delivery of the new school or any such interim provision as well as how existing capacity will be split to ensure the school site can come forward at the earliest opportunity. In the absence of any such certainty around delivery of the new primary school the proposed development would fail to appropriately mitigate its impact upon primary education provision in conflict with policies H SP2c (SD5) and INF SP1 of the ALP.

A financial contribution has also been requested towards the delivery of a new secondary school within the district. However, objections have been raised by WSCC education authority in relation to the interim scenario, prior to the new secondary school being delivered, whereby students may need to be transported out of district due to insufficient secondary capacity within Arun. Some concerns exist with the proposed methodology for the secondary transport contribution for developments of a larger scale by virtue of the duration of payments. However, this is a matter which could be resolved through further negotiation and an appropriate contribution could be secured through the s106 agreement.

SUMMARY AND RECOMMENDATION

The Council accepts that it is unable to demonstrate a 5-year supply of deliverable housing land. As such, the policies which are most important for the determination of this proposal are considered out of date, as specified in footnote 8 of the Framework. In these circumstances, paragraph 11(d)(ii) of the Framework indicates that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

By virtue of its allocation the Council accept that the site is in a sustainable location, with good connections to public transport services. Similarly, it is acknowledged that the delivery of this site would make a significant contribution towards the Council's Housing Land Supply. However, as identified above

the proposed development would conflict with the development plan insofar as it relates to design, layout, residential amenity, affordable housing provision, parking, ecology, biodiversity and drainage. These conflicts with the development plan in combination significantly outweigh the benefits of the proposed development.

Therefore, the full application is recommended for refusal for the reasons set out below.

HYBRID PLANNING APPLICATION - CARE HOME

The care home element is submitted in outline with all matters reserved save for access. Therefore, matters of design, layout, scale and landscape would be the subject of consideration through the determination of a subsequent reserved matters submission.

PRINCIPLE

The assessment of principle and compliance with policy H SP2c has been undertaken above and the considerations in relation to this element of the submission are the same. The senior living accommodation would contribute to the overall level of residential accommodation on the application site and the wider Strategic allocation area.

Policy H DM2 Independent living and care homes - states that new and extended independent living and care homes will be permitted where applications can demonstrate they comply with the criteria listed in the policy and where proposals are consistent with all other Local Plan policies. A number of the criteria (points c, d and e) are matters of design and cannot be assessed as part of this outline submission.

The potential location for the elderly accommodation is in accordance with the Framework Masterplan adjacent to Fontwell Avenue. The care home site is within 0.3 miles (6 minute) walk of the nearest convenience store but it is unclear at this time what format the care home would take and whom it would serve. However, proximity to the services and facilities is considered acceptable.

Therefore, the principle of development for specialist accommodation for the elderly is considered acceptable and in accordance with Local Plan Policy H DM2 (insofar as it can be considered at this time) and Barnham and Eastergate Neighbourhood Plan 2 (BENDP2) Policy H1 - Housing.

The Arun Local Plan identifies the BEW strategic allocation under Policy H SP2c (SD5) as providing at least 2,300 dwellings over the plan period, with an additional 700 after 2031. The BEW Framework Masterplan, endorsed in November 2020, set out how the wider strategic site area can accommodate 4,300. The senior living accommodation can be accommodated within the housing projections and its location is identified through the Framework Masterplan. Therefore, the principle of the proposed development is acceptable subject to compliance with other relevant policy considerations.

ACCESS AND HIGHWAYS

The care home will be provided with its own independent access from the A29 (Fontwell Avenue). The access is proposed as a dropped kerb vehicle crossover onto a 7.8m wide access. It is anticipated that any HGV access to the care home would be minimal. The swept path analysis provided for a refuse vehicle has shown that there would be some overhang onto the northbound arm of the roundabout when a large refuse vehicle exits the site. However, such vehicles would visit the site infrequently and the vehicle tracking confirms that two cars can enter and exit the site simultaneously without overhang.

The applicant has acknowledged that visibility splays looking north from the access would pass through a small embankment associated with the A29 realignment roundabout scheme. The final levels are not currently available and would be confirmed at detailed design stage for the A29 realignment scheme. Indicatively the applicant has advised that the bank would appear to be 600mm higher than existing levels. If it were found to impair visibility then it would need to be re-graded into the care home site to

achieve the requisite visibility splays.

The proposed access has been reviewed by WSCC as local highway authority who have raised an objection to the care home access due to the lack of a Stage 1 road safety audit and because the applicant has failed to demonstrate how the visibility splays would comply with the Design Manual for Roads and Bridges (DMRB).

Therefore, the proposed development is in conflict with policies T SP1 and T DM1 of the Arun Local Plan.

ECOLOGY

As identified above a number of ecological matters remain outstanding with a number of surveys and reports deemed insufficient by the Council's Ecology Officer. The issues and concerns raised above are the same for both the full and outline application and as such the outline application is also in conflict with policies ENV DM1 and ENV DM3 of the Arun Local Plan.

DRAINAGE

As identified above objections have been raised by both the Council's Drainage Engineers as well as the Lead Local Flood Authority due to the absence of an acceptable Flood Risk Assessment and Drainage Strategy. A number of issues were identified but no updated information was provided by the applicant to overcome these objections. In the absence of the necessary information the application is in conflict with policies W DM2 and W DM3 of the Arun Local Plan.

SUMMARY

Whilst the principle of the care home is acceptable the information submitted in relation to access, ecology and drainage is insufficient. These conflicts in combination are deemed to result in significant harm which would outweigh any benefits associated with the proposed development. Therefore, the proposed outline element is recommended for refusal for the reasons identified below.

HUMAN RIGHTS ACT

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal 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

The developer would need to make appropriate and proportionate financial contributions towards the delivery of infrastructure and facilities to offset the impact of development. The heads of terms have not been agreed between the Council and the applicant at this time and no S106 agreement has been prepared. Therefore, in its absence the development would conflict with INF SP1 of the Arun Local Plan.

CIL DETAILS

A proportion of this application is CIL liable, therefore, developer contributions towards infrastructure would also be required (dependent on any exemptions or relief that may apply).

RECOMMENDATION

HYBRID REFUSED

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

The Reasons below refer to the 'FULL' matters within the planning application

- | | |
|----------|--|
| REASON 1 | The absence of distinct character areas and approach to density along with the repetition of dwelling types and corner treatments results in an unsatisfactory standard of environment. Whilst, failure to achieve appropriate garden depths and separation between dwellings contrary to the Arun Design Guide. Therefore, the proposed development results in unacceptably adverse harm to the amenity of future occupiers and would fail to improve upon the character of the site and surrounding area contrary to policy D DM1 of the Arun Local Plan and policy ES5 of the Barnham and Eastergate Neighbourhood Development Plan 2. |
| REASON 2 | The proposed development fails to make an adequate provision of affordable housing and fails to provide justification for provision not in accordance with policy AH SP2 of the Arun Local Plan. |
| REASON 3 | The proposed development would result in the loss of priority habitat (traditional orchard) with insufficient detail provided to demonstrate that this could be appropriately mitigated. It has also failed to provide sufficient supporting information relating to bats, reptile translocation and breeding birds. The submission has also failed to acknowledge the sites location within the 12km buffer zone for the Singleton and Cocking Special Area of Conservation (SAC) and as such has provided insufficient information to allow for the impact to be accurately assessed. Therefore, the proposed development is in conflict with policies ENV SP1, ENV DM1 and ENV DM3 and ES17 of the Barnham and Eastergate Neighbourhood Development Plan 2. |
| REASON 4 | The proposed development fails to deliver a 10% net gain in biodiversity through the use of the Defra approved biodiversity metric on site. Nor has the application been able to satisfactorily demonstrate that this mitigation could be delivered off-site within Barnham and Eastergate contrary to policy ES15 of the Barnham and Eastergate Neighbourhood Development Plan 2. |
| REASON 5 | Adequate information has not been submitted to satisfy the Local Planning |

Authority that the proposal is acceptable in terms of access, visibility splays and internal road layout, and would therefore give rise to increased hazards to highway users contrary to policy T SP1 of the Arun Local Plan.

- REASON 6 The proposal does not demonstrate safe and convenient access by a choice of means of travel, nor encourage and enable and increase in environmentally sustainable means of travel such as walking, cycling and public transport and therefore would not minimise the impact of car journeys on the local highway network contrary policies T SP1 and T DM1 of the Arun Local Plan.
- REASON 7 The proposed housing mix deviates from the latest version of the Strategic Housing Market Assessment without satisfactory justification and fails to deliver appropriate levels of m4(2) and m4(3) compatible housing to meet the needs of older and disabled people contrary to policy H DM1 of the Arun Local Plan.
- REASON 8 The proposal fails to include satisfactory levels of disabled parking in conflict with policy T SP1 of the Arun Local Plan, the Arun District Council Parking Standards SPD and Manual for Streets.
- REASON 9 The application has failed to adequately evidence that surface water generated by the proposed development can be safely and adequately drained without increasing flood risk elsewhere contrary to policy W DM2 of the Arun Local Plan and ES1 of the Barnham and Eastergate Neighbourhood Development Plan 2.
- REASON 10 The application has failed to demonstrate that the proposed development would not unduly prejudice the delivery of the new primary school required to address the needs of the Barnham, Eastergate and Westergate strategic allocation contrary to policies H SP2c and INF SP1 of the Arun Local Plan.
- REASON 11 The applicant has failed to agree developer contributions regarding affordable housing, education, secondary school transport, healthcare, highways, sports provision, community facilities, on-site play provision, off-site play provision and allotments contrary to policy INF SP1 of the Arun Local Plan.

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

The Reasons below refer to the 'OUTLINED' matters within the planning application.

- REASONS 1 Inadequate information has been submitted and as such the Local Planning Authority remain unsatisfied that the proposal is acceptable in terms of access and visibility splays, and would therefore give rise to increased hazards to highway users contrary to policy T SP1 of the Arun Local Plan.
- REASONS 2 The application has failed to adequately evidence that surface water generated by the proposed development can be safely and adequately drained without increasing flood risk elsewhere contrary to policy W DM2 of the Arun Local Plan and ES1 of the Barnham and Eastergate Neighbourhood Development Plan 2.
- REASONS 3 The proposed development would result in the loss of priority habitat (traditional orchard) with insufficient detail provided to demonstrate that this could be appropriately mitigated and has failed to provide sufficient supporting information relating to bats, reptile translocation and breeding birds. The submission has also failed to acknowledge the sites location within the 12km buffer zone for the Singleton and Cocking Special Area of Conservation (SAC). Therefore, the proposed development is in conflict with policies ENV SP1, ENV DM1 and ENV

DM3 and ES17 of the Barnham and Eastergate Neighbourhood Development Plan 2.

REASONS 4

The proposed development fails to deliver a 10% net gain in biodiversity through the use of the Defra approved biodiversity metric on site. Nor has the application been able to satisfactorily demonstrate that this mitigation could be delivered off-site within Barnham and Eastergate contrary to policy ES15 of the Barnham and Eastergate Neighbourhood Development Plan 2.

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 this link.](https://www.arun.gov.uk/weekly-lists)

BN/195/22/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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