

## REPORT UPDATE

Application No: WA/48/19/RES

### Reason for the Update / Changes

This application was presented at the Development Control Committee meeting on Wednesday 24 June 2020, where it was resolved to DEFER a decision to enable more work to be undertaken by the applicant on the design of the scheme.

The proposal considered by the Committee in June was unacceptable in terms of:

- The appearance of the buildings, private outdoor amenity space and the landscaping of the site;
- Provision for the parking of cars, charging of electric vehicles and the parking and storage of cycles;
- Its ability to accommodate the movement of a 12m long refuse vehicle; and
- Information regarding the use of energy.

Following discussions with officers, the applicants submitted a large number of revised plans, drawings and documents. The application was subject to a further period of consultation and publicity, which ended on 8th October 2020.

Further representations:

- (i) Walberton Parish Council has suggested that flints from a wall to be demolished be used in a gateway with a plaque stating that they came from "The Old Smithy" in Fontwell;
- (ii) A letter of support has been received, in which reference is made to economic and social benefits for the community;
- (iii) A previous objector has raised concern over the risk of pollution of the aquifer and the risk of flooding at Wandleys Lane; and
- (iv) A letter has been received expressing concern about the loss of an "ancient hedgerow".

Comments on the further representations:

Surface water drainage details will be the subject of a separate application for the approval of matters reserved by conditions 12 and 14 of the outline planning permission (WA/22/15/OUT).

The loss of sections of the hedgerow was addressed in the previous officer report.

Summary of updated consultation responses:

- Highways England - Satisfied that the reserved matters in this application would not materially affect the safety, reliability and/or operation of the strategic road network.

- Local Highway Authority - A plan should be provided to show the tracking of an HGV to the delivery bay of the retail unit and the cycle parking should be relocated towards the store frontage. The additional information showing visibility for pedestrians and cyclists at Wandleys Lane is acceptable but further details should be provided to restrict potential misuse of the access by motorcycles. The proposed cycle network should be considered in the context of LTN 1/20 (Department for Transport, Local Transport Note 1/20 - Cycle Infrastructure Design, published 27 July 2020). A fire tender would overrun soft landscaping in the vicinity of plots 290-301 and should be addressed.

- Environment Agency (EA) - Reviewed the Drainage Strategy and SUDS Statement (June 2020). Noted that the development is sited in a very sensitive groundwater location, with part within a source protection zone 1 and the remaining area in a source protection zone 2. Support the use of the CIRIA SuDS Manual and the Simple Index approach to calculate the pollution prevention measures required and the need for a Maintenance Plan in any application to discharge the condition (i.e. conditions 12 and 14 of WA/22/15/OUT). The applicant needs to demonstrate why a deep system is the only feasible option and to justify why a shallower system could not be installed. The EA will only agree to the use of a deep infiltration system if specific criteria are met.
- Southern Water - No discharge into the public system until offsite drainage works to provide sufficient capacity are complete. Southern Water is currently in the process of designing and planning delivery of network reinforcements.
- Sussex Police - No further comments from a crime prevention perspective.
- West Sussex Fire and Rescue Service - Recommend the imposition of conditions to secure the provision of fire hydrants.
- ADC Drainage Engineers - No objection. Now demonstrated that there is adequate space for surface water drainage.
- DC Environmental Health - EH has no further comments to make on the amendments.
- ADC Greenspace - Clarification sought on the type of outdoor gym equipment and siting in relation to paths. ADC would not support self-binding gravel as a choice of material for pathways through the public open space, if it were responsible for maintenance and management, with tarmac preferred instead. ADC would also not support the use of 'Play Bark', if it were responsible for maintenance and management of the play areas, preferring a suitable non loose-fill material instead. Clarification sought on equipment for the LEAP. Unable to support the siting of balance logs and glacial play boulders at the edge of the attenuation pond for safety reasons. Details requested for the orchard trees.

### Comments on updated consultation responses:

Local Highway Authority - A plan to show the tracking of an HGV to the delivery bay of the retail unit is expected to be submitted. From the swept path analysis for a fire tender already provided, this is unlikely to give rise to difficulty. The orientation of the retail unit has changed, to dissuade customers parking on the street, and the cycle stands have been relocated so that they remain convenient near the store entrance. With regard to the Wandleys Lane access, paragraph 8.3.1 of LTN 1/20 states: "Access controls can reduce the usability of a route by all cyclists, and may exclude some disabled people and others riding nonstandard cycles. There should therefore be a general presumption against the use of access controls unless there is a persistent and significant problem of antisocial moped or motorcycle access that cannot be controlled through periodic policing." The landscape masterplan has been checked and a fire tender would not overrun soft landscaping in the vicinity of plots 290-301. It would remain on a proposed hard surfaced area instead.

Environment Agency - The submitted drainage strategy does not propose a deep infiltration system. It states: "All new access roads, parking bays and access drives will be permeable paving with full infiltration. Run-off from the new plots will be directed to trench soakaways. In the parts of the site where the infiltration rates were poorer, the runoff from the new buildings will be directed to the new infiltration basin located in the south western corner of the site" (p.8). All of these SuDS features are shallow means of infiltration. Full details of the drainage system, including construction details for the permeable

paving, soakaways and infiltration basin will be the subject of a separate application for the approval of matters reserved by conditions 12 and 14 of the outline planning permission (WA/22/15/OUT).

Southern Water - Foul water drainage details will be the subject of a separate application for the approval of matters reserved by condition 15 of the outline planning permission (WA/22/15/OUT).

West Sussex Fire and Rescue Service - It is understood that the design of the mains water infrastructure will be completed by Portsmouth Water, who consult directly with the fire and rescue service to ensure that requirements for fire hydrants are met.

ADC Greenspace - The outdoor gym equipment is listed on the Northern Masterplan and is shown in wider areas of hard surfacing, keeping pathways clear for pedestrians and cyclists. ADC will not be responsible for the maintenance and management of the pathways or the play areas. As stated in the previous officer report, the principal area of public open space is to be transferred to Walberton Parish Council and the remainder will be the responsibility of a management company. The equipment for the LEAP is listed on the Playground Plan and the planting for the orchard is listed on the Northern Masterplan. The applicant has agreed to submit a revised Southern Masterplan with the balance logs and glacial play boulders at the edge of the attenuation pond removed.

### Officer Comments:

The principal changes to the scheme that was considered by the Development Control Committee in June are summarised below. The market housing mix has been amended to include some 1-bedroom units, which will provide a more balanced mix.

### Layout

The layout has been revised with the removal of flats over garages in parking courts, behind the houses and apartment blocks, which had little or no outdoor amenity space. The depth of gardens has also been reviewed in the context of the Arun Design Guide SPD to ensure that the minimum separation distances between habitable rooms is achieved in the interest of privacy.

The proposed cycle paths follow clear and legible routes through the site, are now a consistent (3m) width and will be constructed with appropriate materials and signage. The West Sussex Cycling Design Guide August 2019 states that surfaces should be appropriate to the environment; "in urban areas paths should usually be sealed with 'black top'" while "in rural areas other surfaces may be more appropriate, such as compacted stone, or grit rolled into a stone surface".

The parking provision has been reviewed in the context of the Council's Parking Standards SPD and the overall provision has been increased from 913 to 925 spaces. An additional space will be provided for the retail unit, taking its provision to 11 spaces. The applicants have stated that the scheme has been checked to futureproof for EV charging, including allocation of a further sub-station if required, and will submit full details in pursuance of a pre-occupation planning condition.

Cycle parking facilities have been added adjacent to the community building and at the multi-use games area and play area. Cycle storage for the proposed houses has been clarified on the parking layout.

A full tracking assessment of the layout has been undertaken and satisfactory plans have been provided to show the movement of a 12m long refuse collection vehicle and a fire tender.

### Appearance

The latest proposal has been prepared in the context of a revised Design Code Masterplan (currently the subject of application WA/51/20/DOC), which has redefined the proposed character areas as follows:

1. Gateway Arrival - "A welcoming gateway defined by a prominent local shop, a grander scale of buildings framing a landscaped boulevard, mature trees, green space and improved pedestrian connections."
2. The Avenue - "Larger detached units respond to the mature trees along Fontwell Avenue and adopt the architectural styles from existing properties to the south."
3. The Slopes - "Streets that step down the slopes towards Fontwell Avenue, opening up views of focal trees and Fontwell Racecourse."
4. Arundel Road - "New dwellings that tie in with the existing suburban character of Arundel Road. Integrates existing community with the new."
5. The Greens - "A village character centrally located on the plateau of land framed by hedges and trees. Dwellings generally front onto common green spaces, with green routes incorporated into the existing landscape".
6. Rural Edge - "Enclosed 'rural courtyards' which respond through scale and form to the existing farm house and barns on Wandley's Lane."

Each character area now adopts a more distinctive design approach, in both the buildings and the landscaping. Some alternative house types have been introduced, but each one to no more than a single character area to ensure that they are exclusive. All house types incorporate different materials, door styles, window styles, roof types and architectural details that are specific to the character area in which they are situated.

In the Gateway character area, the apartment buildings now feature more traditional style windows and doors and projecting gables with king trusses and decorative barge boards. There are stepped floor levels as the buildings rise up the slope which, combined with the projecting gables, add variation and help to reduce the mass. A more traditional design has also been adopted for the retail building, but with a small tower feature that provides a focal point on one corner.

In The Avenue, detached house types exclusive to this character area have been included, featuring wider frontages or full height splayed bays and buff brick with red quoins. The proposed dwellings around the pond have been reduced in height, cottage style doors have been included and side lights have been removed to provide symmetry.

In The Greens character area, the house types are different to those in The Avenue and feature different materials, including pale boarding and painted brickwork. Links between buildings are generally full height, not reduced height with dormers as used elsewhere.

The Rural Edge has been extended to include all plots that relate to Wandleys Lane. The style of buildings reflects a relatively consistent barn typology, while the layout creates a series of lanes between shared courtyard spaces. Juliette balconies have been replaced with vertical windows, barn hoist features have been added and full height glazed panels have been introduced to reflect traditional barn sized openings. There are now house types exclusive to this area, with detailing and materials (e.g. dark boarding) not seen within the other character areas.

The apartments and house types in the Arundel Road character area also use more exclusive character references to guide the roof form, windows, doors, porches and detailing.

The existing 'bottle store' has been separated from the proposed community building, using a simple flat

roof link between the two parts. The design of the community building now reflects a more traditional approach, taking architectural references from the rest of the Arundel Road character area. The internal layout has also been amended to suit the requirements of the Parish Council.

### Landscaping

The landscaping scheme now includes planting on the boundary with the employment site to the north-west. When combined with the proposed planting on the adjoining site, there will be a planted buffer of at least 6m between the residential and employment uses.

### Other Matters

A surface water drainage strategy has been prepared and submitted to demonstrate that the proposed development is capable of being satisfactorily drained.

A detailed Energy Strategy Statement has been submitted with the revised plans, to satisfy the requirements of condition 22 of the outline planning permission (WA/22/15/OUT). The strategy calculates the total CO2 arising from the dwellings and demonstrates that a 10% reduction in energy demand will be achieved through improved fabric efficiency measures.

### Conclusion:

The applicants have made numerous changes to the scheme that was considered by the Development Control Committee in June, leading to significant improvements in the design. There are some further refinements, which have been discussed and agreed between the applicants and officers, with a final set of revised plans expected to be submitted in advance of the Committee meeting on 25 November 2020. The reasons for refusal set out in the earlier officer report have essentially been addressed and, subject to the receipt of those final plans, the application can be recommended for approval with conditions.

Background Documents: Development Control Committee report 24 June 2020.

### RECOMMENDATION

The recommendation is that the application be approved subject to the following conditions:

1. The development hereby approved shall be carried out in accordance with the following approved plans, drawings and documents:

(Full list to be added, potentially in a further update.)

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Policy D DM1 of the Arun Local Plan 2011-2031.

2. Prior to the occupation of the dwellings, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings, which meets the minimum requirements for the year 2023 set out in Table 2.2 of the Arun Parking Standards SPD, shall be submitted to and approved in writing by the local planning authority. Thereafter, the scheme shall be implemented in accordance with the approved details and the charging points shall be permanently retained and maintained in good working condition.

Reason: New petrol, diesel and hybrid cars/vans will not be sold beyond 2035, and to mitigate against

any potential adverse impact of the development on local air quality, in accordance with Policy QE DM3 (c) of the Arun Local Plan 2011-2031, the Arun Parking Standards SPD and the National Planning Policy Framework.

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

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with Policy D DM1 of the Arun Local Plan 2011-2031.

4. Block A hereby permitted shall not be used within Use Class A3 unless and until, details of a suitable system for the extraction of cooking odours (including details of the extract fan units, filters, extraction hoods and ducting together with method of noise abatement) has been submitted to and approved in writing by the Local Planning Authority. The equipment approved under this condition shall be installed by a competent engineer before such use commences and thereafter shall be maintained in accordance with the manufacturer's instructions.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Adopted Arun Local Plan 2011-2031.

5. The drainage serving the kitchen(s) at any proposed commercial hot food business shall be fitted with a grease trap / separator of a proportionate capacity to effectively contain grease residue arising from the estimated numbers of hot meals served and waste water flow rate. The applicant shall provide the Local Planning Authority with details of their proposed grease trap / separator in order to demonstrate design and installation will be in compliance with BS EN 1825-1:2004 and BS EN 1825-2:2002 (Current Status: 'Under Review') or other effective means of grease removal.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of the Adopted Arun Local Plan 2011 - 2031

6. Block A hereby permitted shall not be used within Use Class A3 unless and until details of suitable provision of sanitary accommodation (in line with the guidelines set out within the Arun District Council document entitled: 'Provision of sanitary accommodation in food businesses') has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of maintaining adequate amenity to local residents and visitors to the area.

7. No delivery activities shall take place at Block A, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday).

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Adopted Arun Local Plan 2011-2031.

8. Details, including acoustic specifications, of all fixed plant, machinery and equipment associated with air moving equipment (including fans, ducting and external openings), compressors, generators or plant or equipment of a like kind, installed within the site which has the potential to cause noise disturbance to any noise sensitive receivers, shall be submitted to and approved by the Local Planning Authority before

installation. The rating level of noise emitted from the use of this plant, machinery or equipment shall not exceed the measured background sound level when assessed by a competent acoustician using BS 4142:2014, at any adjoining or nearby noise sensitive premises.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Adopted Arun Local Plan 2011-2031.

9. No external lighting shall be installed unless and until details have been submitted to, and approved in writing by the Local Planning Authority. This submission shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles). The approved scheme shall be installed, fully assessed by a competent individual when operational, to ensure no light creep / bleed, and maintained and operated thereafter in accordance with the approved details, unless the Local Planning Authority gives its written consent to any variation.

Reason: To protect the appearance of the area, the environment and wildlife, and local residents from the effects of light pollution in accordance with Policy QE DM2 of the Adopted Arun Local Plan 2011-2031.

**Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.**

### PLANNING APPLICATION REPORT

**REF NO:** WA/48/19/RES

**LOCATION:** Land to the East of Fontwell Avenue  
Fontwell Avenue  
Fontwell

**PROPOSAL:** Approval for Reserved Matters following outline permission WA/22/15/OUT comprising 400 new homes (incl. affordable), 360sqm of retail space (A1 to A3), 152sqm of community space (D1 to D2 & including retention & refurbishment of 12sqm 'old smithy'), demolition of remaining buildings to Arundel Road along with public open space, LEAP, MUGA, allotments, car & cycle parking, drainage & associated works - This site also lies within the parish of Barnham & Eastergate.

<b>SITE AND SURROUNDINGS</b>
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<b>DESCRIPTION OF APPLICATION</b>	This application seeks approval of reserved matters following the grant of outline planning permission (WA/22/15/OUT) by the Secretary of State on 13 July 2017 for "up to 400 new dwellings, up to 500 sq. m of non-residential floor space (A1, A2, A3, D1 and/or D2), 5,000 sq. m of light industrial floorspace (B1 (b)/(c) and associated works including access, an internal road network, highway works, landscaping, selected tree removal informal and formal open space and play areas, pedestrian and cyclist infrastructure, utilities, drainage infrastructure, car and cycle parking and waste storage" on land east of Fontwell Avenue, Fontwell.
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Approval is sought for the appearance, landscaping, layout and scale of the residential, retail, community and public open space elements of the development.

The application does not include the light industrial (Class B1(b)/(c)) element. This is currently the subject of a separate application (BN/57/19/RES).

SITE AREA	16.18 hectares
RESIDENTIAL DEVELOPMENT DENSITY	24.7 dph (gross density)
TOPOGRAPHY	There is a north to south ridge in the centre of the site with land sloping downward on each side.
TREES	The site contains many mature specimens of trees, including Corsican pine, English oak, common lime, sycamore, beech, horse chestnut, hybrid black poplar and Scots pine. There are several individual and group Tree Preservation Orders (TPOs) in place on the site.  Many of the trees are proposed to be retained and incorporated into the development. Some would be lost to facilitate safe vehicular access to the site from Fontwell Avenue, as approved at the outline stage.
CHARACTER OF LOCALITY	The site is bounded to the north by residential properties located within Fontwell village and accessed off Arundel Road. To the west lies Fontwell Park racecourse, Denmans garden and some light industrial/warehouse units. To the east are larger residential properties within spacious grounds off Wandleys Lane and to the south further residential properties and Claremont Lodge care home. The South Downs National Park (SDNP) is located to the north, beyond Fontwell Village, on the other side of the A27. The Sussex coast lies approximately 7.24km (4.5 miles) to the south.

<b>RELEVANT SITE HISTORY</b>
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WA/22/15/OUT	Outline application with some matters reserved to provide up to 400 No. new dwellings, up to 500 sqm of non-residential floorspace (A1, A2, A3, D1 and/or D2), 5000 sqm of light industrial floorspace (B1 (b)/(c)) & associated works including access, internal road network, highway works, landscaping, selected tree removal, informal & formal open space & play areas, pedestrian & cyclist infrastructure utilities, drainage infrastructure, car & cycle parking & waste storage. This application is a departure from the Development Plan & also lies within the parish of Eastergate.	Called In by DCLG/SD 20-01-16
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**Appeal: Allowed+Conditions  
13-07-17**



**REPRESENTATIONS**

**REPRESENTATIONS RECEIVED:**

Barnham & Eastergate Parish Council

Walberton Parish Council

Barnham & Eastergate Parish Council

WALBERTON PARISH COUNCIL: No objection to this application.

BARNHAM & EASTERGATE PARISH COUNCIL: Objection.

- (i) supports the matters raised by the Environment Agency in relation to groundwater;
- (ii) supports Arun District Council in respect of surface water drainage;
- (iv) major concerns over parking in relation to the community hub, disabled parking, no electrical points; and
- (v) major concerns in respect of the hedgerow that has been cut down that represents the Parish boundary.

The Parish Council added:

- (i) The ancient hedgerow that forms part of the Parish boundary must be retained in its current position.
- (ii) Existing hedges must not be removed but incorporated into the layout (Neighbourhood Plan Policy ES10);
- (iii) Lack of suitable transport connections (Neighbourhood Plan Policy GA1);
- (iv) Cycle access to Fontwell Avenue and the South Downs National Park is inadequate
- (v) The lighting proposals seem excessive (Neighbourhood Plan Policy H6); and
- (vi) 'Anonymous design' (e.g. Block H, G and J) should be avoided and better proposals brought forward particularly in respect of roof lines and the three-storey blocks (Neighbourhood Plan Policy H4).

**OTHERS**

18 representations have been received from 12 individuals; 1 supporting and 11 objecting. The following issues have been raised:

In Support:

- More new build housing needed in the local area to allow first time buyers to take advantage of the Government's Help to Buy scheme. Developing this area would also help to support the local villages as they would benefit from the new infrastructure as a result.

In Objection:

- Too dense and cramped.
- "Condensed urbanised housing".
- "The design of these dwellings is hideously ugly... All dwellings to be 2 storey (not 3 which is so intrusive) and a much more aesthetically pleasing design is needed to fit better with the locality."
- Three-storey town houses are not fitting for a village environment.
- Air pollution from traffic on the nearby strategic road network.
- Potential contamination of the water supply.
- Would exacerbate artificial light pollution.
- The recently installed cycle path to part of the South Downs is used only occasionally.
- The cycle path runs straight into the A29 and does not connect with other cycle routes.

- Cycle storage at the back of the garden is not acceptable.
- Parking provision should be at a level of at least 3 cars per house to discourage on road parking.
- Insufficient parking provision for the proposed retail unit.
- Solar panels and electric vehicle charging points are required.
- Recycling should be encouraged with communal collection areas.
- A Multi-Use Games Area (MUGA) and sports facilities are not wanted by the community.
- Impact on wildlife.
- Removal of hedgerows is contrary to local plan policy (ENV SP1).
- The site provides a habitat for protected species.
- The proposed employment area is unacceptable given the semi-rural setting and neighbouring borehole.
- Concern about foul water drainage.
- Ease of access into the rear of properties could be a security issue.
- Loss of amenity, outlook and landscape for local villagers.
- The proposed number of units is too high.
- Insufficient regard has been given to infrastructure including schools and medical facilities.
- Inadequate public transport links.

The 'Bottle Store':

- It is likely that the building would need to be substantially demolished and reconstructed for its proposed use, which would undermine its potential locally listed status.
- The roof and guttering would overhang the neighbouring property.
- Concern about the proposed use of the building as a community hall and the potential for future changes of use.
- Need to restrict the hours of use to avoid noise and disturbance to occupiers of neighbouring residential properties.
- The risk of Arundel Road being used for overspill parking.
- The height should not exceed that of the existing building to avoid an impact on the sunlight and daylight of neighbouring properties.
- External lighting must not be allowed to spill onto neighbouring property and used only when required.
- The bin store should be relocated away from the boundary with residential properties.
- The proposed community centre would be better located towards the centre of the site near the field and play area.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

The representations are noted and are considered as appropriate in the Conclusions section of this report.

<b>CONSULTATIONS</b>
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- WSCC Strategic Planning
- Environment Agency
- Highways England
- Southern Water Planning
- Engineers (Drainage)
- Parks and Landscapes
- Arboriculturist
- Surface Water Drainage Team

Sussex Police-Community Safety  
Environmental Health  
Ecology Advisor  
Ecology Advisor  
WSCC Strategic Planning  
Highways England  
Environment Agency  
Southern Water Planning  
Engineers (Drainage)  
Parks and Landscapes

**CONSULTATION RESPONSES RECEIVED:**

HIGHWAYS ENGLAND: No Objection.

Highways England is concerned with proposals that have the potential to impact on the safe and efficient operation of the Strategic Road Network (SRN), in this case the A27. Highways England will not accept any surface water run off or new connections from the development into the A27 highways drainage system (DfT Circular 02/2013 paragraph 50 applies). On this basis, the reserved matters in this application do not have an impact upon the safety or operation of the SRN and we do not have any comments or objections.

It is expected that prior to the commencement of any works on the site, a detailed drainage scheme based on RCP's Drainage Strategy and SUDS statement (January 2020) shall be submitted to and approved in writing by the local planning authority (who shall consult Highways England).

It is also expected that prior to the commencement of any works on the site, a detailed lighting scheme shall be submitted to and approved in writing by the local planning authority (who shall consult Highways England).

**LOCAL HIGHWAY AUTHORITY:**

(i) Parking standards - The design and access statement notes that parking has been provided across the development and local to the plots at 1.5 spaces per 1 bedroom dwelling, 2 for 2 & 3 bedroom dwellings and 3 for 4 bedroom and above. ADC should consider the proposed level of parking in accordance with their own parking standards with regard to the provision for 1 bedroom dwellings, the use of garages and electric vehicle charging.

(ii) Retail parking - A technical note has been submitted explaining that 10 parking spaces would be provided, whereas the Arun Parking Standards SPD would require 24. The provision of 10 spaces is justified upon TRICS data, local catchment area and comparison to other local stores. As such no concern is raised.

(iii) Pedestrian and cycle connections - An additional connection has been included onto Wandleys Lane. Further information should be included to ensure pedestrian visibility is provided onto Wandleys Lane.

(iv) Vehicle tracking - It is noted that a fire tender in the vicinity of plots 363 and 362 would be required to reverse across vehicle parking spaces. A refuse vehicle in the vicinity of B20 and B21, C30 and C29 and parking space 33 would also appear to overrun or be restricted. As such, amendments are required.

(v) Cycle parking - cycle parking should be provided within the site (e.g. in front of the retail unit, play area and allotments).

(vi) Visibility splays - Additional plans showing access points and visibility splays are still to be provided.

(vii) Arundel Road access - A restriction will be needed to prevent all-day parking in the proposed parking

bay on Arundel Road.

Further information/modifications should be provided to address the above.

**ENVIRONMENT AGENCY:** No objection subject to conditions.

We have reviewed the Drainage Strategy and SuDS Statement (January 2020). We support the use of the CIRIA SuDS Manual and the Simple Index Approach to calculating the pollution prevention measures required. Long term maintenance is also included in the report and we would like to highlight the need for long term management and maintenance in order to protect groundwater and ensure the SuDS system works effectively.

**SOUTHERN WATER:** No objection subject to use of a planning condition.

Southern Water has undertaken a desk study of the impact that additional foul water flows from the proposed development will have on the existing public sewer network. There is an increased risk of flooding unless any required network reinforcement is provided by Southern Water. Any such network reinforcement will be part funded through the New Infrastructure Charge with the remainder funded through Southern Water's Capital Works programme.

No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.

**ADC DRAINAGE ENGINEERS:**

Further surface water drainage information is required prior to the determination of this application to ensure that the development can adequately drain.

The surface water drainage proposals require some re-evaluation. Some soakaways need to be moved to ensure sufficient easement between soakaways and buildings can be achieved. Where possible, soakaways should also be moved from the application site boundary.

There is a large degree of variation in infiltration rates across the site. Some proposed soakaways are located between previous infiltration testing locations where rates differed substantially. Assessing the adequacy of the surface water drainage design and layout is therefore difficult in these locations. Further infiltration testing is being completed to ascertain where the delineation in soil characteristics occurs.

A 10m offset is required between buildings and soakaways due to the presence of chalk in underlying strata. As a result, drainage and layout must be considered concurrently.

**ADC ECOLOGICAL ADVISOR:**

The information submitted within the 'Updated Ecological Survey 2018', 'Technical Note: Ecological Considerations - reserved matters application' and Landscaping Maintenance Plan (Jan 2020) is in-line with the agreed proposals as part of the outline planning application.

An updated plan of the ecological enhancements which will be taking place on site is required to ensure that this still follows the agreed enhancements.

**ADC GREENSPACE:**

- (i) Protection must be given where indicated for existing vegetation to be retained, including the hedgerow on the parish boundary;
- (ii) While self-binding gravels for paths in the main area of public open space will give a softer appearance than tarmac, there is a maintenance liability that the Parish Council needs to consider;
- (iii) The playground plan provides a good mix of play experience with a variety of equipment;
- (iv) Clarification is required over the provision of unequipped natural areas of play for younger children

(LAPs);

(v) Agree with Southern Water that there should be no planting within 3m of the gravity foul sewer;

(vi) Responsibility for maintenance to be confirmed.

Recommend approval of hard and soft landscape details, public open space, LEAP, MUGA and allotments proposed within this application.

**ADC ARBORICULTURE:** No objection subject to the use of a planning condition to ensure appropriate levels of protection for retained trees.

**SUSSEX POLICE:**

Recommend additional measures (comments relate to initial submission).

Sussex Police has no major concerns with the proposals. However, additional measures to mitigate against identified local crime trends and site specific needs should be considered.

**ADC ENVIRONMENTAL HEALTH:**

No objection in principle, but further information is required in relation to:

(i) The storage of commercial waste from the Class A1, A2 or A3 units; and

(ii) Mitigation of the effects of noise and external lighting from the Class D1/D2 use on local residents.

Additionally, model conditions have been recommended to deal with:

(i) The extraction and treatment of fumes and odours generated from cooking or any other activity undertaken on the premises;

(ii) The drainage from any commercial kitchen, to be fitted with an effective grease trap/separator;

(iii) Details of extract fan units, filters, extraction hoods and ducting together with method of noise abatement;

(iv) The provision of sanitary accommodation in food businesses;

(v) Restriction on the hours of deliveries;

(vi) Details, including acoustic specifications, of all fixed plant, machinery and apparatus associated with air moving equipment; and

(vii) External lighting.

#### **COMMENTS ON CONSULTATION RESPONSES:**

Highways England - Conditions 12 and 14 of the outline planning permission deal with the surface water drainage system and the SuDS. Condition 20 deals with the lighting of the employment area adjacent to the Fontwell West roundabout.

Local Highway Authority - Additional plans showing access points and visibility splays are not required as part of this application (with the exception of the additional pedestrian and cycle access onto Wandleys Lane). Access was considered at the outline stage and the approved plans were listed in Condition 4 of the outline planning permission.

Environment Agency - Conditions 12, 13, 14, 15 and 16 of the outline planning permission address the matters raised previously by the Environment Agency.

Southern Water - Condition 15 of the outline planning permission requires details of a proposed foul water drainage system to be submitted to and approved in writing by the local planning authority prior to the commencement of each phase of the development.

ADC Ecological Advisor - Condition 17 of the outline planning permission requires a detailed ecological enhancement scheme to be submitted to and approved in writing by the local planning authority prior to the commencement of construction works on each phase of the development.

ADC Greenspace - On the question of responsibility for maintenance, the applicant has stated:

(i) "In respect of commuted sums associated with the principal POS area to be transferred to Walberton Parish Council, Schedule 5 of the S106 legal agreement entered into in association with the grant of outline planning permission requires the approval of a Parish Council Open Space Delivery Plan which must be submitted to and agreed in writing by WPC prior to the commencement of development. As per para. 4 of the Schedule, this also requires a commuted sum to cover ongoing maintenance of the POS to be agreed in writing with WPC. This process has commenced with WPC".

(ii) "The POS which will not be transferred to WPC will be managed via standard Management Company provisions funded through service charge and will be formally agreed with ADC through the submission of an 'Other Open Space Delivery Plan' and associated 'Other Public Open Space Management and Maintenance Plan' as per Schedule 5, Part B of the S106 legal agreement entered into in association with the original grant of outline planning permission".

ADC Arboriculture - Condition 11 of the outline planning permission requires a scheme for the protection of trees, shrubs and hedges to be retained on, or adjacent to, the site to be submitted to and approved in writing by the local planning authority prior to the commencement of development.

## **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
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
QESP1	QE SP1 Quality of the Environment
WMDM1	WM DM1 Waste Management
GISP1	GI SP1 Green Infrastructure and Development
HDM1	H DM1 Housing mix
HSP1	HSP1 Housing allocation the housing requirement
HSP2	H SP2 Strategic Site Allocations
HSP2C	H SP2c Inland Arun
HWBSP1	HWB SP1 Health and Wellbeing
INFSP1	INF SP1 Infrastructure provision and implementation
LANDM1	LAN DM1 Protection of landscape character
OSRSP1	OSR SP1 Allotments
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality

[Barnham & Eastergate Neighbourhood Plan 2014](#) Connection to sustainable transport

POLICY GA1

Barnham & Eastergate Neighbourhood Plan 2014 POLICY GA2	Footpath and cycle path network
Barnham & Eastergate Neighbourhood Plan 2014 POLICY CLW4	Provision of allotments
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES10	Trees and hedgerows
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES11	Energy efficiency of new development
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES5	Quality of design
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES6	Contribution to local character
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES8	Buildings should be designed to reflect the three-dimensional qualities of traditional buildings
Barnham & Eastergate Neighbourhood Plan 2014 POLICY GA4	Parking and new development
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H3	Housing mix
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H4	Integration of new housing into surroundings
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H5	Outdoor space
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H6	Attention to detail
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H7	Drainage for new housing
Walberton Neighbourhood Plan Policy 2017 CL8	Allotments
Walberton Neighbourhood Plan Policy 2017 HP10	Affordable Housing
Walberton Neighbourhood Plan Policy 2017 HP11	Housing Density
Walberton Neighbourhood Plan Policy 2017 HP13	Design Guidance
Walberton Neighbourhood Plan Policy 2017 VE3	Protection of Trees and Hedgerows
Walberton Neighbourhood Plan Policy 2017 VE8	'Unlit village' status

**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 Local Plans and Made Neighbourhood Development Plans.

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

While the site lies within the designated Minerals Safeguarding Area and the Lidsey Waste Water Treatment Works Catchment Area, the policies related to these subjects are not directly relevant to the reserved matters the subject of this application.

The application site falls within two parishes, Walberton Parish and Barnham and Eastergate Parish, both of which have made neighbourhood development plans. The Barnham and Eastergate Neighbourhood Development Plan 2014-2029 was made on 16 July 2014. The Walberton Neighbourhood Development Plan was made on 8 March 2017.

The outline planning permission (WA/22/15/OUT) was granted in the context of both of these neighbourhood plans.

Relevant neighbourhood plan policies have been taken into account and are addressed in the Conclusions section of this report.

## DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is located within a strategic housing allocation inside the built-up area boundary in compliance with the Development Plan. However, the proposal does not comply with the Development Plan because of its conflict with the following policies of the Arun Local Plan 2011-2031:

D SP1 Design  
D DM1 Aspects of form and design quality  
ECC SP2 Energy and climate change mitigation  
T SP1 Transport and Development  
T DM1 Sustainable Travel and Public Rights of Way  
WM DM1 Waste Management

## OTHER MATERIAL CONSIDERATIONS

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

## CONCLUSIONS

### PRINCIPLE

A masterplan for the Fontwell strategic allocation has not yet been endorsed by the Council. However, a



Design Code Masterplan has been prepared and submitted for approval (WA/41/19/DOC) in pursuance of condition 7 of the outline planning permission (WA/22/15/OUT). A copy of the submitted Design Code has been included among the plans, drawings and documents accompanying this application for approval of reserved matters.

The principle of the development of this site was established with the grant of outline planning permission (WA/22/15/OUT) by the Secretary of State on 13 July 2017, for up to 400 new dwellings as well as commercial floor space. Access to the site, from Fontwell Avenue, was considered as part of the outline application and was also approved.

The issues to be considered under the current application are matters of detail and relate to the appearance, landscaping, layout and scale of the residential, retail, community and public open space elements of the development. Consideration of these matters will need to include an examination of how well the proposed development integrates Fontwell with the existing urban area at Wandleys Close in the context of Policy H SP2c.

Policy H4 of the Barnham and Eastergate Neighbourhood Development Plan 2014-2029 also requires residential development to be designed so that the new housing integrates with its surroundings and is well connected to the village.

### Housing Mix

Policy H DM1 of the Arun Local Plan 2011-2031 seeks to secure a mix of dwelling types and sizes, including affordable housing units, as does Policy H3 of the Barnham and Eastergate Neighbourhood Development Plan 2014-2029. The former states, "for developments of 11 units or more the Council shall require a balanced mix of market and affordable dwelling sizes including family sized accommodation based on the most up to date SHMA recommendations".

From the submitted Plot Schedule and the Tenure Layout (Drawing numbered P1549.1.04 Rev. C), the proposed development comprises the following mix in each sector:

#### Market

0 x 1 bedroom - 0%  
75 x 2 bedrooms - 27%  
178 x 3 bedrooms - 64%  
27 x 4+ bedrooms - 10%

#### Intermediate/Starter Homes

9 x 1 bedroom - 15%  
33 x 2 bedrooms - 56%  
17 x 3 bedrooms - 31%  
0 x 4+ bedrooms - 0%

#### Affordable Rented

21 x 1 bedroom - 34%  
33 x 2 bedrooms - 54%  
4 x 3 bedrooms - 7%  
3 x 4+ bedrooms - 5%

When compared with the SHMA recommendations, the market housing is weighted towards the provision of three-bedroom dwellings at the expense of smaller units. The intermediate sector generally accords with the recommendations, while the affordable rented sector is dominated by the provision of

two-bedroom dwellings at the expense of both smaller one-bedroom units and larger three-bedroom units.

### Affordable Housing

Policy AH SP2 of the Arun Local Plan 2011-2031 states that the Council will require a minimum of 30% of the total number of units proposed on site to be provided as affordable housing on the same site on all developments of 11 residential units or more.

A planning obligation, secured at the outline stage, also requires 30% of the total number of dwellings to be provided as Affordable Housing Units.

The application proposes 400 dwellings and includes 120 affordable units, which equates to a 30% provision of affordable units. Therefore, the total number of units to be provided as affordable housing meets both the policy requirement and the planning obligation.

The proposed affordable housing mix does not accord precisely with the planning obligation associated with the outline planning permission (WA/22/15/OUT). However, the Council's Housing Strategy & Enabling Manager has reviewed the proposal and, recognising the benefit of an additional house for rent, considers the proposed affordable housing mix to be satisfactory.

Policy AH SP2 of the Arun Local Plan 2011-2031 adds that: "Affordable Housing must be visually indistinguishable from market housing with large groupings of single tenure dwellings or property types avoided. Affordable housing units shall be permitted in small clusters throughout development schemes." Small clusters of affordable housing units are proposed throughout the scheme, in all five of the distinct character areas. In this respect, the proposal accords with Policy AH SP2.

### LAYOUT

Policy D SP1 of the Arun Local Plan 2011-2031 states: "All development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details. Development proposals should have been derived from: a thorough site analysis and context appraisal; adherence to objectives informing sustainable design (inclusivity, adaptability, security, attractiveness, usability, health and wellbeing, climate change mitigation and habitats); and the influence these objectives have on the form of the development."

Policy D DM1 states that the Council will have regard to various aspects of form and design quality when considering proposals for development, including layout both in terms of movement and legibility.

### Street Hierarchy

The proposed layout follows a clearly defined street hierarchy, as set out in the submitted Design Code Masterplan. There are five types of residential street, defined by their design speed, street width, pavement width, parking arrangement, building set-backs, plot boundaries, materials and tree planting. The streets are as follows:

#### 1. The Arrival Avenue

This is the main access street and connection to Fontwell Avenue. It is a formal tree lined street, with a 6.1m wide carriageway, grass verge of a consistent width and a footway on each side. It has a two and a half to three-storey building frontage enclosing the street. Hedge planting defines the plot frontage. It features some defined on-street parking bays.

## 2. Residential Avenues

These are secondary residential streets leading from the Arrival Avenue. They are tree lined (typically to one side, which can alternate). The carriageway is 5.5m wide. There is a grass verge (typically to one side of the street). There are footways on each side. Private plot frontages are defined by hedges. Again, there are some defined on-street parking bays.

## 3. Residential Streets

These are tertiary residential streets. There is occasional tree planting. The carriageway width is 4.8-5.5m and there is a verge and footway on each side. A mix of hedges define the plot boundaries and there are occasional on-street parking bays.

## 4. Stray Streets

These are green corridors providing a visual and physical transition between the central common and the rural edges. The verges vary in width to provide green space and informal clusters of trees (to either side). The carriageway width is 5.5m and there is a verge or footway to each side. The plot frontages are defined by hedges and there is private plot parking.

## 5. Edge Lanes

These are single-sided access routes overlooking landscape edges, open space or mature trees (along Fontwell Avenue). They feature a 4.8m wide carriageway / shared surface drive.

Unlike the plans originally submitted, the proposed street hierarchy is now considered to be legible.

## Land uses and character areas

The proposed layout features open space, including allotments, orchard, wildflower meadow, paddocks, equipped play area and multi-use games area in the north-eastern part of the site. This retains the 4.5 hectares of open space provision established at the outline stage and secured through a s.106 agreement.

The proposed housing is located to the north-west, west, south and south-east of the open space in five distinct character areas. The character areas have been defined following a thorough analysis of the site and its surroundings and the wider Sussex Downs and Coastal Plains landscape character areas. As set out in the Design Code Masterplan, the five character areas are described as follows:

1. Gateway Arrival - "A welcoming gateway defined by a prominent local shop, a grander scale of buildings framing a landscaped avenue, mature trees, green space and improved pedestrian connections."
2. Slopes to Fontwell Avenue - "New residential streets which are less formal in character than the Gateway Avenue. Streets that step down the slopes towards Fontwell Avenue, opening up views of focal trees and Fontwell Racecourse."
3. Arundel & London Road - "New dwellings that tie in with the existing suburban character of Arundel Road."
4. Village - "A village character centrally located on the plateau of land framed by hedges and trees. Dwelling frontage to the common parkland space and tree lined avenue."
5. Rural Edge - "Enclosed 'rural courtyards' which respond through scale and form to the existing farm house and barns on Wandley's Lane."

A 336 square metre retail unit is proposed on the north side of the Arrival Avenue, within the Gateway Arrival character area. A 150 square metre community building is proposed to the north of the site adjacent to Arundel Road, within the Arundel & London Road Character Area. This includes conversion of 'The Old Smithy' (or 'Bottle Store'), which is proposed as a Building of Special Character in the Walberton Neighbourhood Development Plan.

One of the requirements of Policy H SP2 of the Arun Local Plan 2011-2031 is to cluster retail, commercial and community opportunities, as far as possible. Ordinarily, this would mean siting the proposed retail unit and the community building close together. However, Walberton Parish Council have expressed the view that the location of the proposed community building in the north of the site will enable the existing residents of Fontwell to be able to walk to the premises and that it will help to integrate the development with the existing village. Walberton Parish Council have added that there is an existing cluster of retail premises in the service area on the north side of Arundel Road and an existing parade of four shops at Orchard Crescent, both in close proximity of the site of the proposed community building.

Division of the site into the five proposed character areas and the location of the retail unit and the community building are considered to be acceptable.

#### Connectivity

Policy T SP1 of the Arun Local Plan 2011-2031 requires development not only to provide safe access on to the highway but to create safe and secure layouts for traffic, cyclists and pedestrians and to incorporate appropriate levels of parking in line with published guidance on parking provision and the Arun Design Guide.

Access and parking for the allotments is proposed using a grasscrete track situated between apartment block E and the equipped play area. This avoids the potential for conflict between allotment holders and the residents of the apartments, whose car park was previously proposed as a means of access. Access and parking for the paddocks will still require travelling a relatively long distance from Fontwell Avenue through a large part of the internal road network and crossing the route of a footpath/cycle link more than once.

The proposal includes the provision of an east-west footpath and cycle route through the public open space in the north of the site, linking Wandleys Lane with one of the internal roads leading north to Arundel Road. However, the Planning Layout (drawing numbered P1549.001 Rev. B) shows a reduction in the width of the footpath/cycle link from 3m to 2m where it meets the access for the allotments and the continued route north for cyclists is unclear.

Another footpath/cycle link has been introduced along one of the "stray streets" towards the south-eastern corner and Wandleys Lane beyond. This additional route could benefit the residents of Wandleys Close in gaining access to Fontwell village and also assist with the provision of a link between the coast and the South Downs National Park. That said, the Planning Layout (drawing numbered P1549.001 Rev. B) appears to show a gap between the site boundary and the Wandley's Lane carriageway. Hence the request from the local highway authority for further information to be provided.

Policy GI SP1 of the Arun Local Plan 2011-2031 requires all major development to be designed to protect and enhance existing green infrastructure assets, and the connections between them. Policy GA2 of the Barnham and Eastergate Neighbourhood Development Plan 2014-2029 also supports proposals that improve and extend the existing footpath and cycle path network, allowing greater access to new housing, the village centres, green spaces and the open countryside.

Pedestrian and cycle connections are proposed to be created as part of the vehicular access to Fontwell Avenue and an emergency vehicle access to Arundel Road. Further connections to Fontwell Avenue are proposed between the retained mature trees. The two connections to Wandleys Lane have already been mentioned. The proposed internal street pattern offers a choice of routes for pedestrian and cycle movement through the site. The network of routes shown on the plan in the Design and Access Statement (p.71) demonstrates a high level of permeability.

### Parking Provision

Arun District Council's Parking Standards Supplementary Planning Document (SPD) January 2020 requires the provision of 2 car parking spaces for 1, 2 and 3-bedroom dwellings and 3 spaces for 4-bedroom dwellings. Given the proposed housing mix, this requires the provision of a total of 830 spaces for the residential units. Visitor parking is also required at a ratio of 20% of the total number of residential units, adding 80 spaces.

Cycle parking provision is also required at a ratio of 1 space for each flat, 1 space for 1 and 2-bedroom houses and 2 spaces for 3 and 4-bedroom houses.

From the submitted Parking Layout (Drawing numbered P1549.1.05 Rev.C), 913 parking spaces are proposed to be provided, including 10 for the retail unit. Garages and car ports have been included in the calculation. However, the SPD requires these to be at least 6m x 3m internally and, where it meets these dimensions, counts a garage as 0.5 parking spaces only. The submitted plans show car ports that do not meet these dimensions and garages that are smaller too. Consequently, there is a shortfall in the total number of car parking spaces to be provided. No information appears to have been provided regarding the provision of electric vehicle charging points.

Plans have been submitted showing the provision of sufficient cycle storage facilities for the flats, but the provision of covered and secure cycle parking facilities for many of the houses is unclear. Similarly, there appears to be no cycle parking provision for the community building, Multi-Use Games Area or play area.

The submitted plans show the provision of 7 parking spaces for the proposed community building and 10 parking spaces for the proposed retail unit. The former satisfies the Arun Parking Standards SPD. The latter does not.

A technical note has been submitted with the application explaining that 10 parking spaces would be provided for the retail unit, whereas the Arun Parking Standards SPD would require 24. The provision of 10 spaces is justified upon TRICS data, local catchment area and comparison with other stores. The local highway authority raises no concern with this, but notes that parking restrictions are likely to be required in front of the retail unit to reduce the likelihood of parking on the carriageway. Given the layout of the proposed unit, with its main entrance facing the "Arrival Avenue" and the parking spaces located at the rear, this scenario is considered to be highly likely. No information has been provided on deliveries to the unit which, depending on the size of vehicle used, could also lead to parking on the carriageway. Rather than have to introduce and subsequently enforce parking restrictions, such matters should be addressed through the design of the scheme. As currently proposed, this part of the layout is not considered to be acceptable.

### Amenity Space Provision

Policy H5 of the Barnham & Eastergate Neighbourhood Development Plan requires proposals for new housing development to include good quality outdoor amenity space in the form of private gardens or a shared amenity area. The supporting text adds: "The amount of land used for garden or amenity space

should be commensurate with the size and type of dwelling and the character of the area, and should be of appropriate utility (for play and recreation) and quality having regard to topography, shadowing (from buildings and landscape features) and privacy."

The Government's National Design Guide recognises that well-designed homes and buildings provide good quality internal and external environments for their users, promoting health and well-being (para. 123). Amenity space is defined as: "The outside space associated with a home or homes. It may be private or shared, depending on the building it serves".

In accordance with paragraph 13.3.5 of the Arun Local Plan 2011-2031, the Council has published the Arun District Design Guide SPD Consultation Draft. Section H.04 of the Design Guide deals with Residential Outdoor Amenity & External Space Standards. It recommends minimum separation distances between habitable rooms in back to back, back to side and front to front arrangements, the minimum depth for private rear gardens and the minimum area for communal shared spaces.

Generally, the proposed layout accords with the recommended separation distances. That said, the relationship between plots 206-207 and plot 208 is not acceptable. Plots 206-207 feature living room, bathroom and bedroom windows at first floor level which will overlook the rear garden of plot 208, resulting in a loss of privacy for the occupiers of that property.

Private rear gardens are generally a minimum of 10m in depth, but there are several examples where this is not achieved across the whole width of the plot (i.e. plots 136, 165, 173, 179, 317 & 318). In the case of plot 165, this is due to the provision of a parking space for a neighbouring dwelling.

Communal shared space for most of the apartment buildings is limited to the soft landscape areas immediately adjacent to the buildings or courtyard parking areas. However, all of the apartment buildings are within reasonable proximity of the large central area of public open space.

In addition to the houses and apartment buildings there are several proposed flats over garages (e.g. plots 31, 51 and 325). These buildings would be sited behind the houses and apartment blocks, with a poor outlook over parking spaces and with little or no outdoor amenity space. These elements of the layout are considered to be unacceptable and contrary to local and neighbourhood plan policies.

### Bin Storage

Policy WM DM1 of the Local Plan supports new residential development provided that: "a. It is designed to ensure that kerbside collection is possible for municipal waste vehicles b. Where appropriate, communal recycling bins and safe bin storage areas are available to residents of flats". Policy H6 of the Barnham & Eastergate Neighbourhood Development Plan requires bin stores and recycling facilities to be considered early in the design process and integrated into the overall scheme.

Bin storage for the houses is located in the rear gardens while communal stores are provided for the apartment buildings. No information has been provided on the storage of waste from the proposed retail unit.

According to the Design and Access Statement: "The site layout has been designed to ensure that refuse and recycling collections can be undertaken from the adoptable public road network at the front of properties. The private streets have been designed to accommodate refuse vehicles and to ensure that the necessary standards relating to turning areas and roadway construction have been met." The last statement is incorrect. The local highway authority has commented that the submitted swept path analysis for a refuse collection vehicle requires amendment to avoid showing a vehicle either running over, or being restricted by, five parking spaces. Moreover, the submitted plans show the tracking of a

10.22m long vehicle. For Arun District, it is necessary to show the turning of a 12m long refuse collection vehicle.

The proposed development is therefore not considered to accord with Policy WM DM1 of the Local Plan and Policy H6 of the Neighbourhood Plan. Generally, it is considered that the proposed layout would function well, enabling movement through the site and to places beyond while at the same time having a clearly legible structure. However, the submitted plans fail to demonstrate satisfactory provision for the parking of cars and cycles, the charging of electric vehicles, outdoor amenity space, waste storage for the retail unit and space to accommodate the movement of a refuse collection vehicle.

### SCALE

Policy D DM1 (14) of the Arun Local Plan 2011-2031 states: "The scale of development should keep within the general confines of the overall character of a locality unless it can be demonstrated that the contrary would bring a substantial visual improvement".

The proposed dwellings would be predominantly two storeys in height, which would work well stepping down the slopes towards Fontwell Avenue. There are some two and a half storey buildings in key locations, defining focal spaces or facing the large open space, to provide a sense of enclosure. Some taller apartment buildings, rising to three storeys, are proposed at the eastern end of the "Arrival Avenue" and in the street running north towards Arundel Road.

The taller buildings are mostly located on the wider roads or on the edge of areas of open space, so as not to appear out of place in relation to their surroundings. Those located in the "Arrival Avenue" also take advantage of the slope, stepping down towards Fontwell Avenue, so as not to appear too bulky.

Longer two storey buildings are proposed in the "Rural Edge" character area and seek to follow the example of barns and similar agricultural buildings surrounding a courtyard. Located adjacent to the public open space, it is considered that buildings of this scale would fit with their surroundings.

The scale of the proposed buildings is considered to be appropriate for their location within the site. In this respect, it is considered that the proposed development complies with Policy D DM1 (14) of the Arun Local Plan and Policy H4 of the Barnham & Eastergate Neighbourhood Development Plan.

### APPEARANCE

Policy D DM1 of the Arun Local Plan 2011-2031 requires proposals to "demonstrate a high standard of architectural principles, use of building materials, craftsmanship and hard and soft landscaping to reflect the local area". Similarly, Policies ES5, ES6 and ES8 of the Barnham & Eastergate Neighbourhood Development Plan 2014-2029 and Policy HP13 of the Walberton Neighbourhood Development Plan 2015-2035 require proposals for new housing to be of high quality and designed to reflect the local character.

The National Design Guide states that well-designed new development is influenced by:

- "an appreciation and understanding of vernacular, local or regional character, including existing built form, landscape and local architectural precedents;
- the characteristics of the existing built-form;
- the elements of a place or local places that make it distinctive; and
- other features of the context that are particular to the area".

This includes considering a range of factors, one of which is facade design, such as the degree of

symmetry, variety, the pattern of windows and doors and their details. (Paragraph 52)

The Arun District Design Guide SPD Consultation Draft also contains guidance on building design. Section J.04 deals with building frontages and facades and section J.05 deals with roofs, openings and articulation.

New designs are required to respond to the frontages and facades of existing buildings in the immediate surroundings and exemplars in the wider context in order to ensure a high-quality elevational treatment that integrates with the surrounding context. Generally, vertical emphasis in elevation is suited to development in urban areas, while horizontal emphasis is suited to rural contexts. Building facades should be simply organised and aligned.

The SPD seeks to ensure that the roofs, windows and entrances of buildings are simply and successfully designed to integrate with the surroundings and wider context. It states that dormer windows should not be over-dominant and fussy, windows and doors should be vertically and horizontally aligned, while arrangements that are almost aligned should be avoided.

The proposed materials include brick, boarding, flint, painted brick, tile hanging and render for the external walls and brown, red and grey tiles for the roofs. The specific choice of materials appears to be determined by the character area in which the building is located.

The revised set of plans and drawings has been examined in the context of the submitted Design Code. Examples have been found where the appearance of the proposed buildings appears to conflict with the Design Code. In the Fontwell Avenue Character Area, the proposed cottages around the attenuation pond are not shown with lower eaves, one and a half storeys or feature chimneys. In the Arundel & London Road Character Area, there are no proposed semi-detached houses with central gables. In the Village Character Area, it is proposed to include two and a half storey dwellings that bear little, or no resemblance, to a 'cottage' style. The proposed two and a half storey dwellings have facades that would be difficult to describe as being simply organised. Some feature large dormers (or full-length windows and a Juliette balcony) at second floor level, full-length windows and Juliette balcony at first floor level and narrower windows at the ground floor, with a mixture of different doors and canopies.

The applicant has been made aware of these concerns and has submitted an annotated copy of the submitted Design Code identifying those parts of the development where they believe the code is met and those parts where further revision could be made. The proposed revisions include the following:

In the Fontwell Avenue Character Area - dropping the eaves to 1.5 storey (plots 199 - 202) and adding feature chimneys (plots 198 & 203). In the Arundel & London Road Character Area - adding central gables (plots 67&68 and 71&72) and forming a pair of semi-detached houses (plots 62&63). In the Village Character Area - adding picket fencing (plots 333-341). In the Rural Edge Character Area - linking blocks F and G with an archway and a clock and adding a 1.2m high flint wall (plots 358-360 & blocks F & G).

Three computer generated images (CGIs) and a set of streetscene drawings annotated with references to the design code have also been submitted. The streetscenes and the CGIs re-inforce the view that the aspirations set out in the submitted design code have not been fully realised in the appearance of the buildings. Indeed, CGI - B shows a street scene that could be from a development almost anywhere.

Consequently, the appearance of the proposed development is not considered to constitute high quality design that would otherwise accord with Policy D DM1 of the Arun Local Plan, the policies of the neighbourhood plans, the National Design Guide and the draft Arun District Design Guide.



## Trees

Policy ENV DM4 of the Local Plan states: "Where there are existing trees on or adjacent to a development site, developers shall be required to provide:

- d. Land and tree surveys
- e. A tree constraints plan
- f. An arboricultural impact assessment to include a tree protection plan and arboricultural method statement

A limited number of trees would be lost to facilitate safe vehicular access to the site from Fontwell Avenue. This was considered and approved at the outline stage.

An Arboricultural Method Statement, including updated Tree Survey Plans and Tree Retention Plans, has been provided with the reserved matters application. The ADC Tree Officer has concluded that the proposed development is broadly supportable from an arboricultural perspective, although the provision of open space and landscape planting would be expected to be both ambitious and with the long-term in mind, to provide adequate compensation for the planned loss of so much high canopy.

The existing hedgerow on the boundary between the two parishes satisfies the definition of an "important" hedgerow under The Hedgerow Regulations 1997, because it has existed for more than 30 years and it marks a boundary between parishes existing before 1850. The Regulations make provision for the protection of "important" hedgerows. Before removing any such hedgerow, the owner must notify the local planning authority. The hedgerow may then not be removed if the local planning authority serves a hedgerow retention notice. However, removal of an important hedgerow is permitted if it is required for carrying out development for which planning permission has been granted.

The hedgerow does not form part of the setting of any heritage asset; the significance of which would otherwise need to be considered along with the harm that would result from the hedgerow's removal.

The alignment of the hedge is approximately north to south and it divides the land adjacent to Fontwell Avenue from the rest of the site. Outline planning permission was granted by the Secretary of State for development of the whole of the site that has subsequently become the strategic housing allocation (SD6) in the Arun Local Plan; not only the land adjacent to Fontwell Avenue. Only one means of vehicular access to the housing site was permitted, from Fontwell Avenue. Therefore, it is inevitable that one or more sections of the hedgerow will need to be removed to accommodate the development. Indeed, an illustrative layout was provided at the outline stage showing the removal of sections of this hedgerow. The landscape masterplan accompanying the current reserved matters application shows the removal of similar sections of the hedgerow. Subject to the implementation of an ambitious planting scheme to compensate the loss, as part of the landscaping proposals, this is considered to be acceptable.

As Condition 11 of the outline planning permission separately requires a scheme for the protection of trees, shrubs and hedges to be retained on, or adjacent to, the site to be submitted to and approved in writing by the local planning authority prior to the commencement of development, the proposed development is considered to accord with Policy ENV DM4 of the Arun Local Plan.

## LANDSCAPING

Condition 8 of the outline planning permission (WA/22/15/OUT) states: "The landscape details referred to in Condition 1 shall include a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas other than privately

owned domestic gardens. The landscape management plan shall be implemented in accordance with the approved details."

A Landscape Maintenance Plan dated January 2020, prepared by DEFINE landscape architects, has been submitted in support of the application. The plan includes objectives, management responsibilities and maintenance schedules, as required by Condition 8. In addition to the landscape maintenance plan, the application is accompanied by five plans and two sections showing details of the landscaping proposals, including specimen street tree planting, specimen orchard tree planting, native tree planting, native shrub planting and ornamental shrub planting.

While the landscaping scheme has much to commend itself, what is particularly notable is the absence of proposals to provide significant planting on the boundary with the employment site to the north-east. The illustrative layout that accompanied the outline application (WA/22/15/OUT) and the framework masterplan in the submitted Design Code show two different forms of planting on this boundary. The landscaping scheme submitted with the application for approval of reserved matters for the light industrial floorspace (BN/57/19/RES) also shows proposed native species tree planting adjacent to the boundary, but within that site and ultimately under separate ownership and control. The absence of planting in this location as part of the proposed housing development is a significant omission and of such importance that the submitted scheme is considered to be unacceptable.

### Open Space Provision

Policy OSR DM1 (2) of the Local Plan states: "Housing... will be required to contribute towards:

a. Open space provision in accordance with guidance set out in the current Open Space Study. In some parts of the District open space provision is identified as being sufficient in terms of quantity. Therefore, provision of new open space is not deemed necessary but what is needed is to seek contributions for quality improvements and/or new off-site provision in order to address any future demand."

Developments of the scale proposed in this application are expected to provide open space on site. Using the online calculator associated with the Open Space, Playing Pitches, Indoor and Built Sports Facilities SPD, a development of 400 dwellings would be expected to provide at least 2.8ha of public open space.

The proposed provision of 4.5ha of on-site public open space is acceptable and complies with Policy OSR DM1(2a) of the Local Plan, the Open Space SPD and the s.106 agreement associated with the outline planning permission (WA/22/15/OUT).

### OTHER MATTERS

#### Residential Amenity

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

The proposed development is considered unlikely to result in significant harm to existing nearby residential dwellings in terms of overlooking, overbearing or overshadowing impacts. There is limited conflict between the proposed dwellings and existing dwellings. A separation distance of 25m is present between the proposed houses and the nearest dwellings on the west side of Fontwell Close. As such this relationship does not give rise to any unacceptable adverse effects.

The proposed use of 'The Old Smithy'/'Bottle Store' as a community building has the potential to give rise

to unacceptable noise and disturbance to the occupiers of nearby residential properties. However, a suitably-worded planning condition could be used to restrict the hours of use of the building, to minimise potential noise and disturbance to neighbours.

Consequently, the proposed development accords with Policy D DM1(3) of the Local Plan.

#### Drainage

Condition 12 of the Outline Planning Permission (WA/22/15) is a pre-commencement condition requiring full details of the proposed surface water drainage scheme to be submitted to and approved in writing by the local planning authority as part of a separate application. The condition also precludes the occupation of any building until the complete surface water drainage system serving the development has been implemented in accordance with the approved details.

However, while drainage is a matter for a separate application for the approval of details reserved by Condition 12 of the Outline Planning Permission, it is inextricably linked to the layout of the site. Full details of the proposed surface water drainage scheme and the site layout must therefore be considered concurrently as ADC's drainage engineer has advised.

#### Heritage Assets

Policy VE 5 of the Walberton Neighbourhood Development Plan refers to buildings and structures of character and requires that "development proposals relating to them will be expected to retain their local distinctiveness and removal of part or all of them will not be permitted unless it can be demonstrated that they cannot be put to an alternative beneficial or viable use". Schedule 5B of the same plan identifies 'The Old Smithy', located in the northern part of the application site, as a building that should be added to the local planning authority's Local List. The building has not been added to the Local List. Therefore, there is no need for an assessment as to whether the proposal accords with policies HER DM2 of the Arun Local Plan 2011-20131 and VE5 of the Walberton Neighbourhood Development Plan, or paragraph 197 of the NPPF. Even so, it is noted that the proposal includes re-use and retention of the building rather than its loss.

#### **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 design of some of the parking courts and streets may not meet the needs of disabled people who find it difficult to navigate level surfaces when the kerb between the road and pavement is absent.

## **SECTION 106 DETAILS**

Planning obligations related to the proposed development are contained in a s.106 agreement completed at the outline stage. The obligations include contributions towards healthcare, swimming pools, sports halls and community buildings, artificial turf pitches, police infrastructure, education, highways, fire and rescue, libraries, a playing field path, play area, cycle path and MUGA. The agreement also deals with the provision of affordable housing, a bus service, public open space and community buildings.

## **RECOMMENDATION**

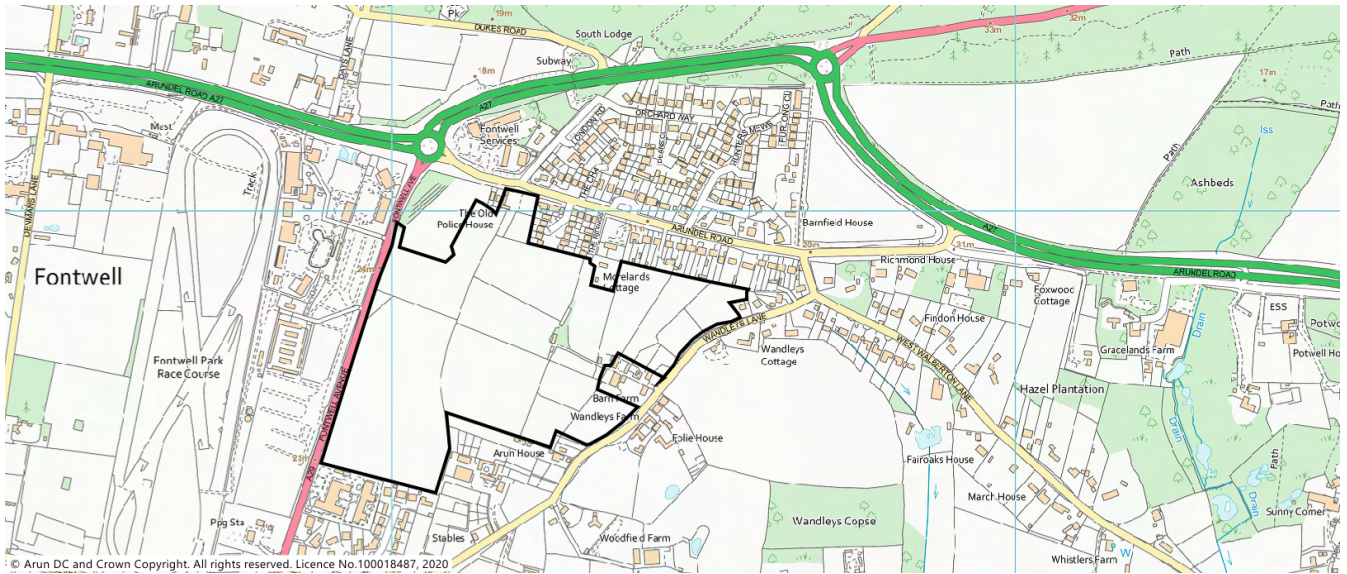
### **REFUSE**

- 1 The proposed development does not constitute a high standard of design in the appearance of the buildings, outdoor amenity space for the dwellings and the landscaping of the site, contrary to Policies D SP1 and D DM1 of the Arun Local Plan 2011-2031, Policies ES5, ES6 and ES8 of the Barnham & Eastergate Neighbourhood Development Plan 2014-2029, Policy HP13 of the Walberton Neighbourhood Development Plan 2015-2035, the National Planning Policy Framework and the National Design Guide.
- 2 The proposed development does not make adequate provision for the parking of cars, charging of electric vehicles and the parking and storage of cycles contrary to Policies T SP1 and T DM1 of the Arun Local Plan 2011-2031 and the Arun Parking Standards Supplementary Planning Document January 2020.
- 3 Insufficient information has been submitted to demonstrate that the proposed development would be able to accommodate the movement of a 12m long refuse vehicle to collect household waste and items for recycling, contrary to Policies D DM1 (10), T SP1 and WM DM1 of the Arun Local Plan 2011-2031.
- 4 Insufficient information has been submitted to demonstrate how at least 10% of the energy supply of the development can be secured from decentralised and renewable or low-carbon energy sources or equivalent fabric first standards that would secure a 10% reduction in energy use, contrary to the requirement of condition 22 of the outline planning permission (WA/22/15/OUT) and Policy ECC SP2 of the Arun Local Plan 2011-2031.

## **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)

**WA/48/19/RES - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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