

Recommendation Report for Outline Consent

REF NO: AL/111/16/OUT

LOCATION: Land East of Orchard Gardens
Woodgate
Aldingbourne

PROPOSAL: Outline application with some matters reserved for 57 No. units with public open space & affordable housing. This application is a Departure from the Development Plan

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	1.77ha
RESIDENTIAL DEVELOPMENT DENSITY	32.2 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	There are approximately 26 trees on the eastern boundary of the site, of which 9 are now subject to a Tree Preservation Order (Group 1 of TPO/AL/2/16).
BOUNDARY TREATMENT	The western boundary of the site is defined by a mixture of back garden fences and formal hedgerows. The eastern, southern and northern boundaries are formed of trees and scrub/ hedgerows.
SITE CHARACTERISTICS	The site is a greenfield site. It is relatively flat and at the time of submission of the application contained unmanaged grassland and dense scrub, with trees forming the boundaries. The grassland and scrub was cut back in November 2016 and further cleared in October 2017. It appears to have been used for informal recreation, accessed from Orchard Gardens. This route was closed off with temporary fencing prior to scrub clearance works. To the west of the site is 2 storey residential units located in Woodgate Park and single storey residential units located at the end of Orchard Gardens. To the south of the site is a cluster of buildings some of which are residential units, accessed off a private road to the north of the railway line. The railway line is approximately 100m from the southern boundary of the site. East of the site is open farmland and Aldingbourne Rife.
CHARACTER OF LOCALITY	The site is located outside and adjacent to the built up area boundary to the east of Orchard Gardens in Woodgate. It is within the Barnham, Eastergate Westergate draft strategic housing allocation in the modified emerging Arun Local Plan (eALP) and within the Biodiversity Corridor Area in the Aldingbourne Neighbourhood Plan (ANL). The A29 lies to the

west and crosses the railway line at the Woodgate crossing.

RELEVANT SITE HISTORY

AL/37/98/	Outline application for erection of 13 no. dwellings (re-submission AL/71/97)	Refused 04-11-98
AL/71/97	Outline application for erection of 13 dwellings	Refused 03-12-97

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldingbourne Parish Council

Aldingbourne Parish Council

Aldingbourne Parish Council

Objection for following reasons:

Proposed development conflicts with Arun Local Plan (ALP) policies GEN2 (built up area boundary), GEN3 (protection of the countryside) and the more recently adopted Aldingbourne Neighbourhood Plan Policy EH1 (Built-up area boundary). The application site is located within the area of the draft BEW housing allocation under eALP Policy H SP1. However, the policy is not yet adopted, with the eALP examination suspended. In addition there are unresolved objections to Policy HSP1 and the eALP has not yet been subject to examination. These factors reduce the weight to be afforded to this policy. All emerging and adopted Development Plan policies relating to housing are out-of-date given the existing housing land supply position within the District. Significant weight can be given to the benefits associated with the provision of 57 dwellings within this context. However, it is still possible to attribute 'very substantial' weight to the conflict with the adopted Development Plan Policies even those within the existing HLS context (as in the Yapton Appeal). The weight to be afforded to these policy conflicts is a matter for the decision-maker. The proposed development also conflicts with ANP Policy H4 which requires the provision of 40% affordable housing. In addition the application site is located wholly within an area designated under ANP Policy EH2 as a 'Biodiversity Corridor'. Application also conflicts with EH3 (development on agricultural land), EH4 (watercourses), EH5 (surface water management), EH6 (trees and hedgerows). The access road is too narrow and existing development proposals on the A29 are not taken into account. Also concern about insufficient capacity at the Lidsey Waste Water Treatment plant.

36 representations have been received raising the following objections:

Principle:

- contrary to Local Plan
- contrary to made Aldingbourne Neighbourhood Plan, site identified as a green field and is outside the built up area boundary

- undermining the Neighbourhood Plan and exploiting housing shortfall
- already agreed developments of 347 houses in the area (Hook Lane and Fontwell Avenue) providing sufficient housing to meet local need
- the Parish has applications either accepted or pending for 70+ dwellings in Hook Lane, 260+ at Nyton Road and a submission for 300 homes at The Pines, other more suitable alternative sites must be available.
- site is grade 2 agricultural land and does not support diversification of an agricultural business or other land based rural business, therefore not needed
- application is surplus to requirements due to the proposed BEW development and houses already in the pipeline
- would erode the countryside and be an unacceptable expansion

Flooding and foul drainage:

- inability of the site to be drained effectively, flooding in winter months
- construction of homes would eliminate natural drainage and result in surface water flooding
- sewage flooding will increase unless significant improvements made to the whole local area's drainage system, already standing water
- previous plans rejected due to lack of sewerage provision
- current blockages in sewers experienced, fall insufficient to carry away the waste

Traffic:

- Westergate Street will not cope with additional traffic from the development, leading to increased travel times
- additional traffic will exacerbate tail-backs from the Woodgate Crossing and on Orchard Gardens
- children walk to school via Orchard Gardens
- proposal for altering A29 to widen the junction and provide a right turn lane would be dangerous
- pavements in Orchard Gardens narrowed by parked cars causing danger to pedestrians
- risk of increased accidents as access close to primary school
- traffic will increase pollution
- concern that Orchard Gardens would be used as access for future development on adjoining land
- A29 Woodgate Study for West Sussex County Council (2012) highlighted dangers of turning right from side roads onto the A29

Infrastructure:

- local bus service (operates every 2 hours and unreliable) insufficient to cope with additional requirements
- bus services does not connect with Chichester and employment opportunities there
- train service from Barnham insufficient
- local primary school has insufficient places and is over-subscribed
- local surgery at Eastergate struggling with existing demand, is over-subscribed and has inadequate facilities for new patients

Biodiversity and wildlife:

- site is within the biodiversity corridor in the Neighbourhood Plan
- site has already been bulldozed and trees and wildlife habitat destroyed
- lost habitat and trees should be replaced
- site should be left to recover following bulldozing
- sightings of slow worms, grass snakes, green lizard, foxes, woodpeckers, kestrels, owls and pheasants

on and close to the site

- lizards and slow worms are protected species
- no consideration for wildlife
- site cleared to prevent delays and objections to development based on presence of protected species

Amenity:

- area has been used by locals and holiday makers to walk their dogs and enjoy the countryside, no replacement provision
- health, welfare and well-being of residents of Orchard Gardens (including retired and elderly residents) needs to be taken into account as access to the site is through Orchard Gardens and road is narrow in places
- construction activities would have unacceptable impact on residential amenity due to noise, dust, dirt on carriageway
- unacceptable impact on privacy and loss of light (9 Orchard Gardens)
- noise and disturbance will impact on peace enjoyed by residents of Orchard Gardens and Woodgate Park
- loss of views and overlooking (Woodgate Park)
- no considerations for residents

Other

- heavy machinery has been using the private road alongside the railway line to access the site
- boundaries marked on the plan are out of date and inaccurate
- no local jobs or provision for employment would lead to increase in commuting
- local shop almost empty of everyday goods
- access required to rear of garages on Woodgate Park
- fences to neighbouring properties damaged

7 representations were received in support of the application:

- will provide smaller houses for people to start out in an area that is part of the village but close to jobs in Bognor
- not enough homes for younger people - proposal will include homes for all ages
- would mean that young people can stay locally near family and friends
- provides open space and includes keeping the trees
- more suitable location for housing than other sites as it's close to the village
- provides dwellings for people to downsize into
- only affects views of 9-10 properties

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments are considered in the relevant sections of the conclusion.

CONSULTATIONS

Southern Water Planning
 Engineering Services Manager
 Engineers (Drainage)
 Planning and Housing Strategy
 WSCC Strategic Planning

Surface Water Drainage Team
Parks and Landscapes
Head of Planning Policy & Cons
Sussex Police-Community Safety
Ecology Advisor
Arboriculturist
Archaeology Advisor
Network Rail

CONSULTATION RESPONSES RECEIVED:

ADC Arboriculturalist:

As it stands I would see no reason to object to these proposals on arboricultural grounds. However, if this comes back in as a full and detailed application I would expect to see it supported by an Arboricultural Impact Assessment & Method Statement Report inclusive of a Tree Protection Plan defining which trees are to be retained and which trees are to be removed and how they would propose to protect the retained trees and if necessary mitigate any adverse impact on the root systems of these trees - thus complying with the recommendations of BS5837:2012 - Trees In Relation to Construction.

WSCC: Infrastructure contributions:

At present primary/ secondary/ further education schools within the catchment area of the proposal would not have spare capacity and would not be able to accommodate the children generated by the assumed potential residential development. However, the situation will be monitored and further advice on all of the main education sectors, (i.e. Primary/Secondary/Further Secondary) should be sought if this planning application is to be progressed. Therefore contributions would need to be requested based on the recommended formula in order that the school infrastructure contribution may be calculated at a later date. The contributions generated by this proposal shall be spent on expansion of Yapton Primary School, St Philip Howard Catholic School and St Philip Howard Sixth Form

The County Librarian advises that the proposed development would be within the area served by Six Villages Library and that the library would not currently be able to adequately serve the additional needs that the development would generate. Therefore, contributions would need to be requested based on the recommended formula in order that the library infrastructure contribution may be calculated at a later date. The contributions generated by this proposal shall be spent on Yapton Tier 7 library in a community building.

The County Fire Officer advises that a financial contribution from the proposed development towards the cost of fire and rescue infrastructure, principally fire stations and services serving the area within which the proposal stands, would be required. This is necessary due to proposed development in the Southern division and the resultant need to improve service provision across the area. The proposed development should proportionately contribute towards the cost of necessary infrastructure needed to support development. Therefore, contributions would need to be requested based on the recommended formula in order that the fire service infrastructure contribution may be calculated at a later date.

Local Highway Authority:

Right Turn Lane (RTL) - applicant needs to consider how the Hook Lane RTL improvements will interact with the development site access. In addition a Design Audit of the RTL should be provided, setting out

how the proposal accords with the relevant Design Manual for Roads and Bridges parameters. Road Safety Audit - the LHA would request that the RSA is revised and re-considered to incorporate the RTL proposed for Hook Lane application and any revisions to the access arrangements that may result.

Given the points raised above the LHA does not at this stage have sufficient information to provide a recommendation for this application. The applicant will need to revise the proposals paying attention to the points raised above relating to the previously agreed highway improvement works.

Further Local Highway Authority response:

Following discussions on the design of the RTL and the requirements and modifications required, further information was submitted and the LHA are satisfied with the proposals and raise no objection. Consideration will need to be given as to whether the site will need to provide infrastructure contributions to the emerging Local Plan allocation at Barnham, Eastergate, Westergate. Discussions were also held to ensure that proposed improvements relating to the Hook Lane scheme (AL/39/13/OUT), can be integrated with this proposal. Changes to the scheme included modified pedestrian links, widening of the RTL, adjusted alignment of the southbound carriageway taper, bus shelter re-location, visibility splays will be a departure from standards but a 3.0m 'x' distance by 43 m visibility splay is acceptable as a compromise. The Road Safety Audit was satisfactory. A comprehensive Construction Management Plan is requested to ensure deliveries are managed. In relation to capacity, 26 two way movements in the morning and 28 in the afternoon peak hours, combined with the provision of the RTL would mean that the impact on the operation of the local network would not be a severe cumulative impact. In relation to sustainability and accessibility the site is located within a reasonable walking distance of the village store and passenger transport infrastructure, although there will still be a reliance on the private car for the significant majority of daily trips. In relation to safety - there is no evidence to suggest that the arrangements for pedestrians are inadequate or result in safety issues. Conditions are recommended to cover access, construction management plan and visibility splays.

Following reconsideration of the site as part of the BEW strategic allocation, LHA commented that they would expect the site to contribute proportionally towards the A29 re-alignment scheme on the basis of £5,000 per dwelling.

Ecologist:

The Preliminary Ecological Appraisal Report concludes that the proposals could result in the loss of reptile habitat and cause harm to reptiles. Therefore further reptile surveys are recommended. Natural England's standing advice is clear that further species surveys should not be conditioned and therefore these reptile surveys (with a minimum of 8 visits) and any mitigation proposed will need to be undertaken and submitted before this application is determined. Reptile surveys can be undertaken in April, May and September. The mitigation and enhancements for other species as proposed in Table 5 appear acceptable but more detailed comments will be provided on receipt of the reptile surveys and proposed mitigation.

Further Ecologist response:

With reference to the above application and subsequent request from the applicant for the application to proceed without further surveys, I refer the applicant and their agents to the information that they submitted with the application entitled "Preliminary Ecological Appraisal (Incorporating Extended Phase 1 Habitat Survey)" which states in section 15 Conclusions and Recommendations: "The NPPF and ODPM Circular 06/05 require that planning decisions are based on complete and timely ecological information. Further, it is required by Natural England's 'Standing Advice' that protected species information must be available before a decision can be made.

Following this guidance, it is highly unlikely that the local planning authority will defer the provision of further protected species survey work as a condition of any planning consent.

On occasion, it can become necessary to perform further surveys after planning consent is given, where there are extenuating circumstances e.g. if protected species or habitats are found at a later date. It is likely that the local planning authority will seek further surveys before planning consent is given because of the survey's findings."

The survey report says with regards to potential loss/impact: "Loss of habitat and possible harm to reptiles. The habitat on site represents good foraging areas, basking areas and refugia for reptiles. The long unmanaged grass and scrub with the wooded tree line create a mosaic of habitats that offer a range of foraging and shelter potential."

Our request for further surveys is in line with the NPPF and Circular 06/05 and with the advice of the Ecologist's who undertook the Ecological Appraisal for the site.

The only way that we would consider proceeding without the additional surveys at this stage is if we could be convinced by a qualified reptile ecologist that a reptile mitigation plan could be produced which would employ the precautionary principle, assuming reptiles across the whole site, as well as the most likely areas of the site and how mitigation and enhancements would ensure no harm to the reptile population.

Further Ecologist response (3 April 2017):

Site completely cleared in November 2016. Due to this destruction of habitat the subsequent reptile mitigation plan (March 2017) states that the sites suitability for reptiles has been greatly reduced and due to the clearance of the site, full reptile surveys are no longer appropriate. An updated and extensive mitigation strategy will need to be submitted prior to determination showing creation of suitable habitat, a 10m buffer strip and enhancement of habitat for reptiles. Further space is needed for the green corridor to provide connectivity across the site from north to south. The plot in the north east corner should be removed and gardens for the 6 plots to the south east reduced. Lighting scheme should be sensitive to wildlife. Construction and Environmental Management Plan for the wildlife corridor should be provided prior to determination and a Landscape Management Plan for the site detailed in the maintenance and management once construction ended should be conditioned.

Without greatly increasing the north to south corridor on the site, the proposals will not meet Policy EH2 within the neighbourhood plan and also there wouldn't be sufficient space for the required reptile mitigation.

Further ecologist response (10 May 2017)

Confirmed that position set out on 3 April still stands and that suitable reptile habitat needs to be recreated to mitigate for the site clearance prior to the requested surveys. Requirements could be incorporated into the scheme however reptile mitigation will need to be robust and provide optimum habitat for reptiles.

Natural England

Confirmed that there was a reasonable likelihood of impacts to habitats supporting reptiles based upon the preliminary ecological appraisal and your knowledge of the area from an adjacent application site. Whilst no specific reptile survey appears to have been undertaken prior to the habitat clearance works

being carried out, given the likely presence of reptiles prior to the clearance works, it would appear appropriate for the proposal to ensure that there is sufficient habitat provision post development to sustain a population similar to that which was likely to be present on the site before the habitat degradation was undertaken. It would appear appropriate for the applicant to provide details of how they can provide sufficient compensatory habitat to sustain reptiles and maintain connectivity to give the Council confidence that the proposal complies with the NPPF and your local plan.

Housing Strategy and Enabling Manager:

In terms of the provision of affordable housing the scheme is broadly supported.

The exact location; the offer price for the Affordable housing and checking that the affordable housing provision have been delivered will need to be considered at the Reserve Matters stage. Further comments provided relating to the unacceptable wording of the proposed Heads of Terms for the S106 in relation to affordable housing provision.

WSCC Flood Risk Management:

Low risk of surface water flooding, high risk from ground water flooding, no records of historic flooding, no ordinary watercourses nearby.

Future development - Sustainable Drainage Systems (SuDs)

The site is larger than 1ha and should include a comprehensive FRA. A FRA as part of Appendix 11 has been provided but there is limited information provided as part of this document. We would expect the flood risk to change post development as the site's impermeable area will be increased, exacerbating local flood risk. There is insufficient information at this outline stage to comment upon the proposed drainage strategy.

Further comments: Applying standard conditions (as outlined by ADC Drainage Engineer) would be acceptable in this case.

Designing Out Crime Officer:

Outward facing dwellings overlooking the main street create a good active frontage with the streets and public areas being overlooked. Design eliminated the need for vulnerable rear garden pathways.

Parking with in-curtilage parking with number of on street parking bays, leaving the street layout free and unobstructed. Where communal parking occurs it is important that they must be within view of an active room within the property. Gable ended windows can assist in providing observation over an otherwise unobserved area. Advice provided on perimeter fencing height, robust gate construction and location.

Drainage Engineer:

The applicant states that surface water will be discharged to SuDs. Infiltration to be investigated prior to restricted discharge to a ditch. Apply standard conditions.

Infiltration Drainage Design

Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 30% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater

level identified in that location.

Any SUDS or soakaway design will need to include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. Soakaways should not extend down beyond the highest recorded winter groundwater level.

All ditches to have an easement for access and maintenance. Any culverting or diversion works would require land drainage consent.

Network Rail: No objections or comments to make.

Southern Water:

Wastewater will be drained to the Lidsey Treatment works which does not have capacity to accommodate flows from the proposed development. Southern Water requires adequate time to provide capacity through its prioritised Capital Programme. As treatment capacity is not available to serve the development, we would regard the development as premature, pending the provision of adequate capacity to serve the development. Southern Water requests that if consent is granted a condition is attached to the permission to restrict occupation until adequate sewerage treatment capacity is available through the completion of improvement works to Lidsey WWTW. The result of an initial desk top study indicates that Southern Water currently cannot accommodate the needs of this application without the development providing additional local infrastructure. The proposed development would increase flows into the wastewater sewerage system and as a result increase the risk of flooding in and around the existing area, contrary to paragraph 109 of the NPPF. Condition suggested to require details of drainage strategy and an implementation timetable to be submitted and approved in consultation with the sewerage undertaker. Informative suggested relating to entering into an agreement with Southern Water. Advice provided in relation to ensuring sustainable drainage systems and advice on adopting measures in the table 'practical measures to reduce the potential impacts of development' due to surface water inundation issues in the Lidsey catchment.

Archaeologist:

This site lies on a part of the West Sussex coastal plain that modern archaeology has demonstrated to have been relatively densely settled since the neolithic period and where the potential of a site is proportionate to its size. More particularly it lies alongside a former tributary to the Aldingbourne Rife, against which settlement activity and the utilisation of natural resources are likely to have concentrated. In the circumstances it would be prudent to carry out an investigation of the site prior to it being developed in order to identify any archaeological deposits that might be present and to implement appropriate measures for their preservation. This would be most appropriately secured following standard condition ARC1 (excluding the words 'within the area indicated').

Greenspace:

Public Open Space

The Council's SPG guidelines apply to developments of houses and are based broadly upon the National Playing Fields Association's (NPFA) "Six Acre Standard". This requires that 2.4 hectares of open space (or six acres) are provided for every 1,000 people ie 24 square metres of open space per person. Under superseded Fields in Trust guidelines (FIT) this requires that 3.2 hectares of open space are provided for every 1,000 people ie 32 square metres of open space per person. We would require confirmation of the areas of public open space being proposed with this development. The open space indicated would appear to be in a location which would allow for the protection of the trees to the east of the development, however a centrally situated open space area would have been nice to see. With the

number of dwellings on this proposal being 57no this would trigger the need for onsite LEAP, LAP Multi Use Games area (MUGA) contribution and landscaped open space areas. There is no indication of where or how this is being provided therefore we would request confirmation of this. S106 monies would be sought if provision for play is not met on site at a rate of £1000/dwelling to be allocated to local offsite play enhancement .

The detailing of this to be approved by the LPA. Detail of maintenance provision to be provided and commuted sum payments required towards the maintenance of open spaces where these are provided on site and if taken on by the LA. Section 106 monies in addition for infrastructure to be concluded.

Landscaping

We note there is a requirement for any scheme, in accordance with policy to be of High Quality Design, the nature and usage of this development should not compromise this requirement. The emerging landscape design aims should be:

- To design and implement a scheme that reflects and incorporates elements of its surroundings and enhances the atmosphere of local distinctiveness.
- To create a visually pleasing and interesting landscape for owners, employees and visitors to the development.
- To enhance the landscape quality of the site when viewed from the surrounding area.
- To provide a planting scheme that includes native species to blend with the surrounding location, enhance biodiversity and create enhanced wildlife corridor opportunity.
- To provide a sense of flow and cohesion between the different elements of the landscape, buildings, open areas and surrounding environment

The provision of landscaping for the development must be conditioned with any permission. The inclusion of existing valuable tree cover to be incorporated into the scheme along with screening proposals to the most impacted existing adjoining properties in Woodgate Park and Orchard Gardens. Forming part of any application a full landscape scheme should be submitted for approval, detailing species choice, position, densities and size at time of planting. This should be plotted in plan and list form and in relation to the trees and vegetation to be retained in the locale, so that a clear picture of the proposals can be seen. These details are required to assure the adjacent land setting is maintained, the setting is uncompromised and the proposals are appropriate to its setting also its proximity in relation to adjacent views.

Arboriculture

A tree survey relating to existing trees has been undertaken. Tree protection fencing requirements to be identified and the tree protection plan to be conditioned with any permission.

The significant existing trees along the eastern boundary edge identified for retention, must be protected during the works as they have been identified to provide good visual amenity in addition to their biodiversity importance. These trees have the potential for a long life expectancy, with potential to become a prominent feature within the landscape and are worthy of protection, with adequate fencing according to the BS5837 (2012) Provision for fencing according to each of the trees' correct and calculated root protection area must be erected prior to the commencement of any development activities.

COMMENTS ON CONSULTATION RESPONSES:

Noted and considered in Conclusions.

POLICY CONTEXT

Designation applicable to site:

The site is within the proposed Strategic Allocation site 'Barnham/Eastergate/Westergate (SD5) in the modified emerging Arun Local Plan and within the Biodiversity Corridor (Policy EH2) in the ANP.

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

DEV17	Affordable Housing
DEV18	Affordable Housing Outside the Built Up Area
GEN12	Parking in New Development
GEN18	Crime Prevention
GEN2	Built-up Area Boundary
GEN20	Provision of Public Open Space within New Development
GEN23	The Water Environment
GEN26	Water Quality
GEN28	Trees and Woodlands
GEN29	Nature and Conservation Across the District
GEN7	The Form of New Development
GEN8	Development and the Provision of Infrastructure
GEN9	Foul and Surface Water Drainage
GEN3	Protection of the Countryside

Publication Version of the Local Plan (October 2014):

C SP1	Countryside
D DM1	Aspects of Form and Design Quality
D SP1	Design
ENV DM4	Protection of Trees
ENV DM5	Development and Biodiversity
ENV SP1	Natural Environment
GI SP1	Green Infrastructure & Development
H DM1	Housing Mix
H SP1	Strategic housing, parish and town council allocations
H SP2	Affordable Housing
INF SP1	Infrastructure provision and implementation
LAN DM1	Protection of Landscape Character
QE SP1	Quality of the Environment
W DM1	Water Supply & Quality
W DM2	Flood Risk
W DM3	Sustainable Urban Drainage Systems
WM DM1	Waste Management
W SP1	Water

OSR DM1 Open Space, Sport & Recreation

SO DM1 Soils

Main Modifications of the Local Plan (April 2017):

Housing Allocations

H SP1 Strategic Site Allocations

H SP2c Inland Arun

SD SP1a Strategic Approach

Aldingbourne Neighbourhood Plan 2016 POLICY EE8

Communications infrastructure

Aldingbourne Neighbourhood Plan 2016 POLICY EH1

Resist development outside

Aldingbourne Neighbourhood Plan 2016 POLICY EH10

Unlit village status

Aldingbourne Neighbourhood Plan 2016 POLICY EH2

Support adjacent to biodiversity corridors only if demonstrate no harm.

Aldingbourne Neighbourhood Plan 2016 POLICY EH3

Green infrastructure and Ecosystem services
Best and most versatile resisted unless...

Aldingbourne Neighbourhood Plan 2016 POLICY EH5

Development on Agricultural Land

Development in Flood risk areas will not be supported unless...

Aldingbourne Neighbourhood Plan 2016 POLICY EH6

Surface Water Management

Protection of trees and hedgerows

Aldingbourne Neighbourhood Plan 2016 POLICY GA1

Promoting Sustainable movement

Aldingbourne Neighbourhood Plan 2016 POLICY GA2

Footpath and cycle network

Aldingbourne Neighbourhood Plan 2016 POLICY H2

Range of house types

Aldingbourne Neighbourhood Plan 2016 POLICY H3

Housing Mix

Housing density

Aldingbourne Neighbourhood Plan 2016 POLICY H4

10 or more to include 40% unless unviable

Aldingbourne Neighbourhood Plan 2016 POLICY H8

Affordable Housing

Dwellings must have adequate private or shared amenity.

Outdoor space

PLANNING POLICY GUIDANCE:

NPPF

National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE:**POLICY COMMENTARY**

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation is a material consideration when determining planning applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but subsequently suspended whilst Arun District Council addressed matters raised by the Inspector. The examination hearings recommenced on the 19th September.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these took place 10 April 2017 to 5pm on Tuesday 30 May 2017. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modifications may also be material consideration to take into account.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Climping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14). The Aldingbourne Neighbourhood Plan (ANP) was made in September 2016.

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 not considered to comply with the relevant development plan policies in that it is located outside of the defined built up area boundaries within the development plan. However, there are significant material considerations that need to be taken into account and balanced against the policies within the development plan that relate to the supply of housing which are out of date and therefore have reduced weight.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are potentially other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background as detailed in the conclusion section. These include the emerging Arun District Local Plan, National Planning Policy Framework (NPPF) and associated Guidance, the Written Ministerial Statement on Neighbourhood Plans (December 2016) and the CIL Regulations 2010 (as amended).

CONCLUSIONS

Principle:

Arun Local Plan 2003

The policies of most relevance are saved policies GEN2 and GEN3 of the Arun Local Plan. The site is outside the built-up area boundary for Westergate identified by Policy GEN2 - Built Up Area Boundary (BUAB). Outside the BUAB development will not be permitted unless it is consistent with other ALP policies. Policy GEN3 - Protection of the Countryside states that except for several categories of development, none of which relation to the application proposal, development will not be permitted outside the BUAB. As this site lies outside the BUAB it is categorised as countryside and the scheme would conflict with ALP Policies GEN 2 and GEN 3.

Aldingbourne Neighbourhood Plan 2015

The Aldingbourne Neighbourhood Plan (ANP) was made in September 2016 on the basis of the saved policies in the ALP and the draft policies in the eALP (2014).

The ANP has a built-up area boundary shown on a map and referred to in Policy EH1 (BUAB) this states that development outside the BUAB will be resisted unless it is essential for utility infrastructure, where the benefits outweigh any harm and it can be demonstrated that no reasonable alternative sites are available. The application site is therefore classified as countryside and the ANP seeks to protect the countryside from unnecessary development. The scheme therefore conflicts with ANP Policy EH1 as it fails to protect countryside. The site is also with a Biodiversity Corridor as identified in Policy EH3 and this is considered in the ecology section of the report.

Emerging development plans

This includes the emerging Arun Local Plan 2011-2031 Publication Version October 2014 (eALP) as modified March 2017 ('the modified eALP').

The eALP was submitted for examination in January 2015. Following a material increase in the

Objectively Assessed Need (OAN) for housing the eALP examination was suspended to allow ADC to review potential locations for housing development. The proposed Modifications were approved by Full Council and consultation took place between 10 April - 30 May 2017, with the Hearing recommencing September 2017.

Policy H SP1 - Housing Allocation of the modified eALP sets out the overall provision of 20,000 new homes through the Local Plan phased over the plan period to 2031. It includes reference to additional allocations for small sites being made across the District.

Policy H SP2 - Strategic Site Allocations is split into 3 sections covering different areas of the District. Policy H SP2c 'Inland Arun' would allocate an area called 'Barnham/Eastergate/Westergate' (site reference SD5) for 'at least 2,300 dwellings over the plan period, and up to 3,000 in total'. The application site forms a small area within this wider proposed allocation. The policy requires the proposed allocation to provide key infrastructure including a new local centre, new retail, commercial and community facilities, a new Tier 7 library facility and healthcare facilities to serve BEW and Fontwell. New transport requirements include a re-aligned A29 route with a bridge over the railway to the east of the current Woodgate crossing combined with improved access to Barnham railway station, bus services and cycle links. The requirements also include a new two-form entry primary school, a one-form entry primary school and nursery places, in addition, 2 new sports pitches with changing facilities and new employment provision.

Policy SD SP2 - 'Built up area boundary' states that outside the BUAB apart from Strategic, Site Specific and Broad Allocations, development will not be permitted unless consistent with other plan policies. The application falls within the Strategic allocations definition and therefore the exception in the policy would apply.

Full Council (on the 11th January 2017) agreed that planning applications on sites identified in the HELAA as deliverable and considered sustainable would be invited provided that they will not prejudice the emerging local plan and/or infrastructure delivery. They also agreed that first phases of sites being investigated as potential strategic allocations would also be invited, where the phases do not adversely affect the delivery of either the whole allocation or the emerging local plan and that any infrastructure requirements can be delivered proportionally without adversely affecting the delivery of infrastructure required for the potential allocation as a whole. This is considered in the infrastructure section below.

The application has been submitted as a stand-alone site, rather than as part of the proposed strategic allocation, therefore consideration needs to be given to whether it meets the requirement of Policy H SP2 of the modified eALP which requires proposals within the strategic site allocations to be comprehensively planned and having regard to a masterplan endorsed by the Council for the respective areas which incorporates high quality imaginative design and gives a sense of place and a permeable layout. This is considered in more detail in the design and layout section below.

Planning Balance

For reasons given above, the application is not in accordance with ALP Policies GEN 2 and GEN 3 or ANP Policy EH1. The following sets out whether there are any material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

There has been an almost doubling of the OAN to 919 dpa and the current housing land supply figure is around 2 years (March 2017). This demonstrates that there is a pressing need to identify and bring forward deliverable sites for housing and that ADC cannot demonstrate a 3 or 5 year supply of deliverable housing sites. In recognition of this, the Local Plan Sub-Committee resolved (December 2016) to invite planning applications for the first phases of sites being investigated at potential strategic

allocations. Given the absence of a 5 year housing land supply, paragraph 14 of the NPPF is engaged. In accordance with paragraph 14 of the NPPF, planning permission should be granted unless (a) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole or (b) specific policies in the Framework indicate development should be restricted. As the Council cannot demonstrate a 3 year supply, the Written Ministerial Statement on Neighbourhood Planning does not apply. Paragraph 49 of the NPPF is also engaged, which states that the relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a 5-year housing land supply. This means that ALP Policies GEN 2 and GEN 3 and EH1 of the ANP are out of date and have reduced weight.

Policy GEN 2 is clear that the boundaries of the built up area were defined 'for the purposes of the West Sussex Structure Plan and this District Local Plan'. The built-up areas were drawn for the purposes of defining the extent of the built up areas and countryside. This was done with the background of the required number of dwellings for the plan making period being provided within the built-up areas or on allocated sites (up to 2011). Therefore this supports the position that the policy is time expired and can only be afforded limited weight. GEN 3 does not accord with the NPPF in that it protects the countryside for its own sake and so it is out of date in that regard.

The BUAB defined in Policy EH1 of the ANP was set in the context of the out of date OAN and the shortfall of housing is of substantial weight against the out of date policy. The Secretary of State gave substantial weight to the shortfall of housing in the Burndell Road decision (APP/C3810/V/16/3158261) and as the shortfall is still severe, the same amount of weight should be applied in this case.

Consideration needs to be given to the respective roles of Neighbourhood Plans which deal with local, non-strategic needs and Local Plans which deal with strategically assessed needs across the whole district. This approach was confirmed by the Secretary of State in the Fontwell decision (Land East of Fontwell Avenue - APP/C3810/V/16/314095). The modified eALP Policy H SP2c is seeking to address these strategically assessed needs through the identification of the application site as part of a Strategic Site. The modified eALP (2017) is yet to be adopted and therefore limited weight can be attached to the modified eALP and the accordance of the scheme with Policy H SP2c. The supporting text of the ANP recognises that if 'any such strategic allocation is made within an adopted Arun Local Plan, this will need to be reflected in a future review of the ANDP'.

In relation to the issue of prematurity, the Secretary of State decision at Fontwell concluded that little weight should be given to the potential for the application to undermine the plan making process due to the size of the site in relation to the housing requirement and that it wouldn't close off other options in terms of the spatial strategy in the modified eALP. Whilst the modifications have now been published and the modified eALP has progressed closer to adoption, it is considered that little weight should be given to the potential for this application to undermine the plan making process.

Presumption in favour of sustainable development

Regard should also be had to the policies contained in the National Planning Policy Framework (2012) (NPPF) which are a material consideration. In the event of conflicts between policies in these plans or with Government policy, it is the most recent policy which takes precedence. With this in mind the NPPF, which was issued in March 2012, is materially relevant and should be afforded significant weight.

As set out above, the policies in the development plan are out of date and have reduced weight and this means that the presumption in favour of sustainable development set out in paragraph 14 of the National Planning Policy Framework (NPPF) applies. The following considers the proposals against the presumption in favour of sustainable development. This requires consideration of the three elements of sustainability - economic, social and environmental.

Sustainability: The site is identified as countryside in the Local Plan 2003 and the ANP and is also identified as a Biodiversity Corridor in the ANP and Policy EH2 highlights the importance of the wildlife corridor connection between the South Downs and the coast, assisting with the migration of wildlife between habitats and providing important habitats. An assessment of whether the development meets the criteria of Policy EH2 is covered separately below in relation to protected habitats and species. Development on the land would result in an inevitable loss of openness and the character would be permanently altered, as well as a reduction in the amount of land that would function as a wildlife corridor. This would represent some environmental harm and this must be considered alongside economic and social benefits that the development would provide.

Within Westergate there is reasonable provision and distribution of local shops, including a post office, convenience store and small Spar shop at the Esso petrol filling station. There is a Public House which is located to south of the site. There are two restaurants and a cafe. The Aldingbourne Community Sports Centre and Six Villages Sports Centre provide a range of local clubs and societies. The parish is served by two schools, Aldingbourne Primary School and Ormiston Six Villages Academy. St Philip Howard Secondary School is at Barnham. The nearest doctor's surgery is in Eastergate, which is outside a reasonable walking distance.

The site is located within walking distance (approximately 240m) from the nearest bus stop, and 400m from the primary school, local supermarket with a post office and a restaurant. Other facilities within walking distance include the Aldingbourne Sports Centre and Westergate Methodist Church and Hall. The Six Villages Sports Centre, Six Villages Academy, Eastergate Primary School are over the recommended walking distances.

There is a regular bus service accessed from the A29 providing links to Chichester and Bognor, as well as to Barnham and the railway station. The railway station is approx. 3.7km from the site which provides for onward travel to local employment centres as well as London, Brighton and Southampton.

There are no notable employment, retail or health provisions within the village or the surrounds that could reasonably be reached on foot. The LHA raised concerns about the lack of dedicated cycle infrastructure along this section of the A29 in Aldingbourne and that the narrow carriageways and potential for vehicle/ cyclist conflict may make some routes unattractive. Therefore, journeys to wider services and employment centres of Bognor Regis and Barnham would be made by private car.

The Inspector for an appeal (APP/C3810/A/13/2196029) on the Woodgate Centre, close to the proposed site (although south of the railway crossing), commented that 'the relative infrequency of the bus service would make travel by car a more popular choice'. The infrequent services would also mean that using bus services to connect to the train services would be problematic. The Inspector also noted that whilst journeys to Bognor Regis for employment and shopping would be quick and convenient by car, the width of the road and infrequent bends would seriously inhibit cycling.

The sustainability of the site will improve if the proposed Barnham/ Eastergate/ Westergate allocation is brought forward for development. The proposed allocation would mean that community, health, education and retail facilities would be provided at a new local centre, which, depending on where it is located in relation to the application site, would have the potential to improve the sustainability of the site as a location for housing.

Conclusion on principle:

Overall, the principle of development on this site is contrary to the development plan. However, as the Arun Local Plan policies GEN2 and GEN3 and EH1 of the ANP are out of date they are afforded limited

or reduced weight. The material considerations set out above, including the lack of a 5 year housing land supply and the proposed allocation of the site to contribute to supply, are considered to have substantial weight. The sustainability of the site, whilst not well served in relation sustainable transport alternatives for residents to reach employment and shopping facilities, would improve in the longer term with the progression of development of the BEW allocation. Therefore, it is considered that significant weight in the planning balance should be given to the contribution to housing in the district. However, this needs to be considered against whether there are specific policies in the NPPF that indicate that this development should be restricted. This is considered in the Technical Issues section below.

TECHNICAL ISSUES

Affordable housing:

For all developments over 11 residential units the Council requires a minimum of 30% affordable housing on site, as set out in Policy AH SP2 of the modified Local Plan and in the Interim Affordable Housing Policy (2010). The Aldingbourne Neighbourhood Plan (ANP) Policy H4 requires that proposals for 10 or more new dwellings should include 40% affordable housing unless it can be demonstrated that it would make the scheme unviable.

The indicative site layout shows a total of 57 units, of which 30% are proposed to be affordable units (17 units). The proposed mix of affordable housing is 9 rented (4 x 2 bed flats, 2 x 1 bed flats and 3 x 2 bed houses), 8 intermediate (2 x 2 bed flats, 4 x 1 bed flats and 2 x 2 bed houses). The indicative layout shows the affordable units distributed over the whole site in order that it integrates with the overall scheme and is indistinguishable from market dwellings. The tenure split and bedroom size proposed is supported by the Council's Housing Strategy and Enabling Manager. The proposed 30% affordable housing accords with Policy DEV17 of the Arun District Local Plan and the Interim Affordable Housing Policy Statement (2010). The Parish Council have objected to the under-provision. The supporting text to the ANP policy states that it was based on evidence prepared for Arun District Council to support the eALP which suggested that an affordable housing target of 40% would generally prove viable. The updated Local Plan Viability Study (January 2017) examined the provision of 30% affordable housing from strategic sites and concluded that the BEW site would be able to bear 'nearly the full affordable housing requirements'. This was a high level viability study but supports the modified eALP Policy AH SP2 requirement of a minimum of 30% affordable housing, rather than the higher ANP figure of 40%. Therefore, whilst it has not been demonstrated that the site would not be able to provide 40%, the scheme would accord with the eALP Policy AH SP2 which is based on more up to date evidence than the ANP policy requirement. It would also accords with the Council's Interim Affordable Housing Policy (2010).

However, the wording proposed for the S106 would not ensure that the 30% affordable housing would be delivered on the site, as the proposed Heads of Terms indicate that the affordable housing provision would be 'subject to financial viability'. Viability concerns are only mentioned in the proposed Heads of Terms and no viability assessment has been submitted to demonstrate a lower provision of on-site affordable housing. The Housing and Strategy Manager advises that the proposed wording would not be acceptable the applicants in the first instance should be presenting a policy compliant scheme. Following discussion with the applicant, confirmation has been received that they would leave out a minimum percentage for the offer price (cap on the transfer value of the affordable housing to an affordable housing provider) in line with the advice from the Council and also not make provision for a commuted sum if the units were not delivered on-site for any reason. They have confirmed that 'the principle of affordable housing is established and will be ensured by the S106'.

Therefore, subject to a S106 Agreement, the proposal accords with Policies DEV17 of the ALP, AH SP2 of the modified eALP and the Interim Affordable Housing Policy Statement as it would provide 30%

affordable housing.

Illustrative layout and design (including parking):

Policy H SP2 of the modified eALP requires proposals on strategic sites to provide high quality development with a sense of place and permeable layout within a masterplan. Whilst the detailed layout for the site is a reserved matter, it needs to be demonstrated at outline stage that an acceptable scheme can be delivered on the site with the proposed number of units. The Illustrative Layout shows a cul-de-sac layout with 2 bungalows adjoining the bungalows on Orchard Gardens and a mixture of 2, 3 and 4 bed detached and semi-detached properties fronting onto the main street. The trees to the east of the site, along the boundary, are to be retained and incorporated into the open space in order to retain separation from the countryside beyond. The layout shows single and two storey housing with some properties with attic floors. The flats would be small two storey blocks of a similar scale to the houses.

The Design and Access Statement sets out that the bungalows proposed adjacent to those on the east of Orchard Gardens would be a 'natural continuation of the bungalows' and would increase the density gradually from Orchard Gardens. The retention of the tree screen is to be retained to 'limit the visual impact of the development on the wider area'. The DAS also considers that the layout meets secured by design principles and suggests that the gardens backing onto the open space would have lower fences (1.5m with trellis) to ensure adequate overlooking of the space. Surveillance would also be provided from the plots to the north and south of the open space.

However, the Illustrative layout is not considered to be representative of the high quality development expected within the strategic sites. The entrance to the site from Orchard Gardens is largely bounded by the side fences of the adjacent properties. The open space would not be sufficiently overlooked by active property frontages and would present security issues for homeowners with back gardens facing it as well as issues for future users of the space. Open space should be located where it forms a feature of the development with natural surveillance and human presence rather than situated at the rear of gardens. The tree belt does not form an integral part of the development but functions as to screen the development.

The main issue is the disconnect from the wider proposed BEW allocation. Whilst a scheme could be delivered on this site independently from the wider allocation, it could undermine the delivery of a comprehensively planned settlement. The latest indicative Masterplan for BEW excludes this site as the site promoters are not part of the Consortium promoting the southern part of the proposed allocation. No documents have been provided, other than an undated early illustrative Masterplan, to show how this site could be designed to work with the rest of the allocation or how it fits with the phasing for delivery of the allocation. In order to meet the requirements of Policy H SP2, the site would need to be designed to ensure connectivity of transport modes including walking, cycling and public transport. There is an opportunity for this site to provide pedestrian links through to the adjoining site (AL/15/17/PL). The tree belts to the east and north could both be incorporated as part of a larger open space area with the adjoining site, creating high quality connected green spaces. This would also provide the opportunity for enhancing the functioning of the biodiversity corridor. Play provision could also be considered between the two sites. Whilst some of these issues could be addressed through the reserved matters stage, the outcome could be that the proposal for 57 dwellings in this site prejudices the delivery of a comprehensively planned settlement. The application fails to demonstrate that the delivery of development of this scale in this location would not prejudice the comprehensively development of the allocation as a whole.

The density of the site is 32 dwellings per ha. The surrounding developments of Woodgate Park and Orchard Gardens are 38dph and 32dph respectively. However, without information on the amount of space required for ecological mitigation measures (following a Reptile Survey), and also potentially for

sustainable urban drainage systems and open space provision, it is not possible to conclude whether the proposed number of dwellings on the site would result in a satisfactory development.

Therefore, it is considered that the applicants have failed to provide adequate information to demonstrate whether or not the proposed 57 dwellings on this site would undermine the delivery of a comprehensively planned settlement and consequently whether the proposal would provide a high quality development with a sense of place and permeable layout, in accordance with Policy H SP2 of the modified eALP and GEN7 of the ALP.

Green infrastructure, open space, recreation:

The DAS sets out the green infrastructure provision across the site. This includes an area of open space to the north east of the site. Greenspace have raised concerns about the amount of play provision shown, as it doesn't show any Local Areas of Play (LAP) or Local Equipped Areas of Play (LEAP) and a site of this size would require a LEAP and LAP to be provided on-site and landscaped open space area. Greenspace Officers also commented that a central open space would be preferable. If play provision is not to be provided on site then a commuted sum towards provision off-site would be sought. The proposed S106 Heads of Terms include a contribution of £1000 per dwelling (this would need to be index linked from 2000 i.e. £1,600) but a local scheme has not been identified where the contribution would be spent. Therefore, the off-site contribution would not be CIL compliant. The applicant has confirmed that on-site provision for a LEAP could be provided but the illustrative layout has not been amended accordingly.

In terms of landscaping for the site, no details are included with the outline and a full detailed landscaping scheme would be required as part of the Reserved Matters application. Greenspace have commented that the existing trees should be incorporated into the scheme along with screening for adjoining properties in Woodgate Park and Orchard Gardens. These details would ensure that the adjacent land setting is maintained, the setting is uncompromised and the proposals are appropriate its setting also its proximity in relation to adjacent views.

Overall, the applicant has failed to demonstrate whether the application meets the requirements for the provision of public open space set out in Policy GEN20 of the Arun Local Plan and Policy OSR DM1 of the modified eALP through lack of information on on-site provision of a LEAP or the identification of a CIL compliant alternative scheme towards which an off-site contribution could be made.

Traffic and access:

The proposal is outline with all matters reserved except for access. The access to the site would be from the end of Orchard Gardens, extending the road and footways into the new development. Concerns have been raised by local residents about the suitability of Orchard Gardens as an access route for the proposal, due to the width of the road (5m wide), which is further restricted by parked cars (particularly during school drop off and pick up times).

A new right hand lane is proposed off the A29 (Westergate Street) at the junction with Orchard Gardens. The right hand lane (RTL) has been proposed for safety reasons due to queuing traffic along this section of the A29. The existing carriageway is also proposed to be widened to provide the 3m running lanes and RTL. The junction would be approximately 180m from the Woodgate railway crossing. Orchard Gardens road currently serves 20 dwellings directly and 60 dwellings on Woodgate Park. The proposed road layout would be a 'minor access road' and would vary in width in order to reduce speeds.

Representations have raised concerns about the traffic generated from the proposal, particularly in combination with other new developments using the A29. In relation to traffic generation, the Transport

Assessment (TA) estimates that the proposed development would generate around 26 additional trips in the am peak hour and 28 additional trips in the pm peak hour. The TA concludes that the A29 isn't at full capacity and that it can accommodate the traffic flows of the proposed development, including when combined with the other consented developments at Nyton Road and Hook Lane.

Amendments to the proposed right turn lane were made following discussions with the Local Highway Authority in order to ensure that the improvement schemes secured under permission AL/39/13 (Land at Hook Lane, Westergate) were compatible with this scheme. The modifications ensure the integration of the two schemes and addresses the lack of information about the proposed RTL. The LHA are satisfied with the Road Safety Audit which identifies no problems with the proposed access and RTL arrangements. The LHA also concluded that there is no evidence to suggest that the existing arrangements for pedestrians are inadequate or result in safety issues.

In relation to the layout of the site, the access road would be an extension of the Orchard Gardens arrangement and further detail would be required at the reserved matters stage to ensure that footways are 2.0m wide and swept path analysis for refuse vehicles undertaken.

A construction management plan would be required (secured by condition) to set out how deliveries would be managed along Westergate Street in light of the carriageway width and presence of vulnerable road users. This would ensure that safety concerns raised by residents are addressed as well as controlling of noise, dust and mud on the road during construction.

Overall, it is considered that the proposed access would provide a safe layout for traffic, cyclists and pedestrians in accordance with Policy GEN7 of the Arun Local Plan, Policy T SP1 of the modified eALP.

In relation to concerns about capacity of the network, the LHA consider that whilst the proposal would give rise to a more intensive use of the A29/Orchard Gardens junction, the proposed RTL would assist in traffic flow and as a consequence it is not anticipated to result in a severe cumulative impact on the local network. Initial comments from the LHA considered the site as a stand-alone development, rather than as part of a potential strategic allocation. Policy H SP2 requires strategic allocations to address the off-site highway capacity requirements identified for the allocation in the Arun Transport Study. The requirements for BEW include proportional contributions towards road improvements to provide mitigation for increased traffic demands arising from growth in the District, and the re-alignment of the A29.

Following consideration of the site as part of the BEW allocation, the LHA have responded seeking contributions to the A29 re-alignment based on £5,000 per dwelling minus the cost of any works directly provided by the development. This was the approach taken for the Fontwell application (WA/22/15/OUT) which was considered to be CIL compliant. However, there is a need for an overall approach to be taken to ensure the delivery of the A29 re-alignment - particularly in relation to the pooling restrictions. If applications and contributions for sites within the strategic allocation are dealt with in a piecemeal manner, this will mean that contributions would be used up without securing the full amount necessary to deliver the infrastructure. Evidence is required of collaboration between those involved in delivering the remainder of the strategic allocation demonstrating how the infrastructure costs would be apportioned between the parties. Without this assurance it is not possible to demonstrate that this scheme is contributing proportionally towards the transport infrastructure costs associated with the allocation and that it would not prejudice the future delivery of the required transport infrastructure, contrary to Policy H SP2 and INF SP1 of the modified eALP and the Infrastructure Delivery Plan.

The proposal is contrary to GEN8 of the Arun Local Plan and Policy T SP1 of the modified eALP as it has not demonstrated that the transport effects on the local and strategic road network can be satisfactorily mitigated.

Ecology:

The identification of the site as a part of a wildlife corridor accords with para 117 of the NPPF which requires planning policies to minimise the impacts on biodiversity by identifying and mapping components of local ecological networks. The test in the NPPF (para 118) is that if significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort, compensated for, then planning permission should be refused. Policy EH2 of the ANP also requires demonstration that the proposals will not give rise to any significant harm to the integrity or function of the Biodiversity Corridor.

A Preliminary Ecological Appraisal (incorporating an Extended Phase 1 Habitat Survey) was submitted with the application in order to establish the ecological baseline of the site and determine if further surveys were required, as well as making recommendations for mitigation and enhancement. The Appraisal concluded that reptiles required further evaluation in order to provide adequate support for the application as the proposal would lead to loss of habitat and potential harm to reptiles. The Appraisal also notes that the habitat on site represents good foraging areas, basking areas and refugia for reptiles, with adjacent woodland and grassland to the north providing further habitat. The Appraisal also concluded that the grassland and scrub on site provide invertebrate habitat and potential barn owl foraging and that the trees are likely to provide foraging and commuting for bats, as well as one ash tree with bat roosting potential. Natural England's standing advice is clear that further species surveys should not be conditioned and the Council's Ecologist has advised that the reptile surveys should be undertaken. The Environmental Assessment (Feb 2017) submitted with the planning application at AI/15/17/PL (to the north and east of the application site) included the findings from the reptile surveys which took place in June 2016 and recorded common lizards and slow worms within the site boundary for this application. The map produced from the surveys (Map 7 - phase two reptile survey results and location of refugia) clearly illustrates the location of the reptiles found during the survey being within the site for the 57 units. These surveys provide evidence that reptiles were on the site. The survey goes on to state due to the results of the reptile survey the site could be considered as a key reptile site. The survey report stated in paragraph 5.8.1 that; 'Surveys were undertaken within areas of suitable habitat and slow-worm and common lizard were recorded along some of the hedgerow bases, in the south-western field (now outside of the scheme) and the far northern field at the top of the site'.

The applicant has provided a statement setting out why it is appropriate to proceed directly to an impact assessment and mitigation plan without waiting for a reptile survey. The reasoning put forward in the statement includes difficulties with surveys and timing, limited likelihood of reptile populations being high, allowance for habitat enhancement on site, and the intention of the landowner to clear the site to accommodate other permitted uses. The site was cleared in November 2016 resulting in a loss of potential reptile habitat. The applicant submitted a further Mitigation and Enhancement Plan which stated that the 'suitability of the site for reptiles has now been greatly reduced' and that as a result 'full reptile surveys would not be appropriate'. The mitigation proposed is based on a precautionary approach assuming that there may still be reptile species present around the site boundaries.

The Council's ecologist has not accepted this statement as sufficient justification for not carrying out the reptile survey, unless a qualified reptile ecologist provides evidence that a reptile mitigation plan could be produced which would employ a precautionary principle, assuming reptiles across the whole site, as well as the most likely areas of the site and how mitigation and enhancements would ensure no harm to the reptile population. If additional mitigation and enhancement is required, there is the likelihood that the site could not accommodate the number of units proposed. There is insufficient space, based on the illustrative layout, to provide the recommended minimum 10m strip from the treeline to recreate good quality reptile habitat. Natural England advised that it would be appropriate for the proposal to ensure that there is sufficient habitat provision post development to sustain a population similar to that which

was likely to be present on site before the habitat degradation was undertaken. As this information has not been provided, the proposal is considered contrary to paragraph 118 of the NPPF, Policy GEN30 of the Arun Local Plan due to the lack of a reptile survey to demonstrate that significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort, compensated for.

In relation to the Biodiversity Corridor status of the site in the ANP, the Pre-Submission version of the NP identified this site and the AL/15/17/PL site as completely within a broad Biodiversity Corridor. The Examiner recommended removal of the 'agricultural fields' but retention of the hedgerows and streams as the biodiversity corridor. There is disagreement between the applicant and Aldingbourne Parish Council as to whether this site should have been included in its entirety as part of the Biodiversity Corridor or not. Setting this aside, the main issue is whether it has been demonstrated whether or not the proposal would result in significant harm to the functionality and integrity of the Biodiversity Corridor. Whilst the indicative layout shows the retention of the trees to the east of the site and provision of open space in this area, given the lack of a reptile survey, it is considered that insufficient information has been provided to demonstrate compliance with Policy EH2 of the ANP.

Trees:

An Arboricultural Survey Report has been submitted with the application in order to record the location, condition and value of all significant trees in the site. The most important trees within the site are contained in the eastern boundary and are protected by a TPO. The Tree Officer considers that sufficient information has been submitted to assess the likely impact of the application on the tree stock. The Tree Officer highlighted that the group of Ash trees would need to be removed for safety reasons and that the Oaks (8,9 and 10) are shown to be adjacent to an open space which would avoid any conflict with dwellings.

The Reserved Matters application would need to be accompanied by an Arboricultural Method Statement and Impact Assessment and Tree Protection Plan.

Overall, the proposal complies with Policy GEN 28 of the Local Plan and Policy ENV DM4 of the modified Local Plan and EH6 of the ANP as a layout can be achieved which ensures retention and protection of the TPO trees.

Agricultural land

The site is identified as Grade 2 and representations have raised the loss of agricultural land as an issue. Grade 1 and 2 are classified as 'best and most versatile' (BMV) land which is the most flexible, productive and efficient. The NPPF (paragraph 112) requires that the Council takes into account the economic and other benefits of this type of land. Policy EH3 of the ANP seeks to protect high grade agricultural land and does not permit development which would result in its loss, unless there is an overriding need for the development. As the site has been assessed through the eALP process, it is considered that this provides evidence that alternative options for the location of a strategic site have been explored and subjected to a Sustainability Appraisal process to select the most sustainable sites. The eALP 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 sites would have a significant negative effect on the objective of avoiding the loss of BMV land. The loss of BMV is one factor in the site selection and decision making process.

Policy SO DM1 of the modified eALP 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 modified eALP proposes allocating the site for housing, the proposal would meet the requirements of the policy once the modified eALP is adopted. It is important to note that

residential development in the District will inevitably involve the loss of best and most versatile land.

Overall, the loss of the agricultural land meets the 'special circumstances' set out in Policy EH3 of the ANP in that there is an overriding need for the development. It also accords with the modified eALP Policy SO DM1, to which a limited amount of weight can be given, but the loss needs to be weighed in the balance along with other technical matters as part of the 'weighted balance' in paragraph 14. This is set out in the overall conclusion.

Historic environment:

The Archaeological Assessment identified that as the site is within the coastal plain there is potential for prehistoric remains but that there was nothing in the records to suggest that these would be significant.

The Archaeologist agrees with the conclusions of the assessment and noted that this site lies alongside a former tributary to the Aldingbourne Rife against which settlement activity and the utilisation of natural resources are likely to have been concentrated. Therefore it is recommended that an investigation of the site is carried out prior to development in order to identify any archaeological deposits that might be present and to implement appropriate measures for their preservation. This could be secured through a condition.

Overall, the proposal accords with Policy HER DM6 of the modified eALP as it has been demonstrated, subject to the imposition of a condition, that the development would not be harmful to the archaeological interest of the site.

Foul drainage:

Policy GEN9 of the Local Plan (2003) states that permission will be refused for development which will materially increase foul and/or surface water discharges unless the Local Planning Authority is satisfied that either adequate drainage capacity exists or appropriate drainage capacity can be provided as part of the development. The proposal is for foul water from the site to connect with the existing foul sewer network which goes to Lidsey Wastewater Treatment Works. The applicant has stated that foul and surface water will be considered further as part of any detailed application and can be included in a condition.

Southern Water have stated that the Lidsey Treatment Works does not have the capacity to accommodate the flows from the proposed development and that the application should be regarded as premature pending provision of adequate capacity to serve the development. Southern Water have suggested a condition to restrict occupations on site until adequate sewerage treatment capacity is available through the completion of improvement works to Lidsey wastewater treatment works by 2023. Southern Water have also indicated that there is insufficient capacity in the sewerage network to accommodate the flows from the proposed development. Southern Water has suggested a condition requesting a strategy for the foul disposal and surface water drainage.

The applicants have submitted an additional drainage statement suggesting three potential solutions. Firstly, that Southern Water bring forward improvements to Lidsey from increase capacity earlier. Secondly, that Southern Water, with or without developer involvement, could reduce infiltration and free up capacity at Lidsey. Thirdly, that an on-site package treatment plant could be provided. As Southern Water have responded that capacity would only be available post 2023 at the earliest, the first option is not within the control of the applicant and cannot be relied on to address the issue. The second option is again not within the control of the applicant. The third option would only be suitable if it involved an Ofwat approved alternative statutory undertaker (known as 'NAVs') as the Environment Agency would not provide a discharge licence to a private package treatment works.

It is not considered reasonable to impose the suggested condition in order to restrict occupations until treatment capacity is available through a main sewerage connection as there is no certainty about timing for delivery. However, as there is a potential solution in the form of a package treatment works being provided by a NAV, then a condition requiring details of foul drainage would mean that the policy requirements could be met.

Subject to conditions requiring submission of a detailed foul drainage scheme the proposal accords with Policy GEN9 of the Arun Local Plan, Policy W DM1 of the modified eALP and EH5 of the ANP as it demonstrates that the infrastructure could be provided to ensure sufficient foul capacity for the development.

Flooding and drainage

Representations have raised concerns about localised flooding of the site in winter months, as well as a high water table causing flooding. Policy EH5 of the ANP seeks to ensure that all developments in flood sensitive areas are designed and constructed to reduce the level of flood risk.

A Flood Risk Assessment (FRA) has been provided which confirms that the site is within Flood Zone 1 (low risk) but it only provided limited information. Comments from WSCC Flood Risk Management Team indicate that the site has a low risk of surface water flooding but is at high risk from ground water flooding.

A Surface Water Drainage Statement has been provided which identifies the ditch which takes existing surface water runoff along the eastern boundary. The Statement indicates that the proposed development would have a SuDS scheme which would be designed to ensure that the 1 in 100 year event storm plus 30% climate change allowance does not increase flow to that ditch. The Statement envisaged that an underground storage tank solution might be needed due to ground conditions.

The comments from both ADC drainage engineers and WSCC Flood Risk Management emphasis the need to fully investigate options for infiltration methods before ground attenuation. Conditions are proposed in order to ensure that a suitable SuDs scheme is developed informed by winter groundwater monitoring and percolation tests. Existing ditches also need to be maintained and highlighted on future plans with sufficient easements provided for maintenance access.

Further information will be required at reserved matters stage in order to ensure that the detailed layout can accommodate SuDs features. There is also an opportunity to provide an integrated drainage solution in conjunction with adjoining site to the east (AL/15/17/PL), taking on board the recommended strategic drainage solutions identified in the Arun Strategic Surface Water Drainage Study, however, this has not been explored.

Overall, sufficient information has been provided to demonstrate that a SuDs scheme for the site could be developed based on SuDs principles in accordance with Policy GEN9 of the Arun Local Plan and Policy W DM3 of the modified eALP and EH5 of the ANP.

Supporting Infrastructure

Development is only acceptable with the provision of or contributions to the necessary infrastructure and facilities to mitigate the impacts of the development. Representations raised concerns about the lack of capacity of education and healthcare facilities in the area. The modified Local Plan Policy H SP2c sets out the infrastructure requirements for the BEW site, which include:

- a well connected local centre, with connections to the train station at Barnham
- new retail, commercial and community facilities
- new Tier 7 library
- healthcare facilities to serve BEW and Fontwell
- transport requirements - including a new A29 route through the allocation, an east-west route north of the railway linking the existing and new A29 route, Westergate cycle link scheme, regular bus services, access to Barnham Station
- a new two-form entry primary school, a new one-form (expandable to two-form) entry primary school and nursery places
- incorporate two new sports pitches and changing facilities and
- new employment provision

The draft Heads of Terms (revised 23 November) proposed include the following:

- Construction of right turn lane on A29 Westergate Street into Orchard Gardens
- 30% affordable housing
- Library contribution
- Fire service contribution
- Primary, secondary and sixth form education contribution ('if substantiated at reserved matters stage')
- Healthcare contribution
- Footpath/ cycle network contribution (£20,000) towards the costs of improving the footpath cycle network between Barnham and Westergate
- Open space - to be provided on site
- Contribution of £1,000 per market dwelling for off-site provision of LEAP/LAP, MUGA and any additional landscaped open space (to be index linked from base date of it being set at £1,000) or owner to provide on-site LEAP with provision for future maintenance
- Setting up a management company to maintain on-site infrastructure.
- Contribution of £5,000 per dwelling towards transport infrastructure A29 re-alignment less the cost of A29/ Orchard Gardens junction improvement.

As the application site within the BEW site then it needs to demonstrate how the infrastructure requirements above will be delivered, with early phases contributing proportionally to the costs. Without this there is a risk that the financial burden on the remainder of the allocation would be too great. This is also combined with the need to ensure that only 5 pooled contributions are sought for any one project or scheme. The S106 for this scheme needs to mitigate the impact of the proposal but in order to meet the emerging policies, the scheme needs to contribute towards the new self-contained settlement which provides its own infrastructure. As the site is a small proportion of the wider allocation, it would not be delivering any infrastructure on site that the wider site would then not need to deliver (thereby offsetting future costs for the remainder of the site).

The modified Local Plan policy requires the BEW site to deliver a new healthcare facility to serve BEW and Fontwell. The NHS have not responded setting out whether there are any local requirements that could be met through this scheme. The applicants initially offered to contribute towards healthcare but without a specific scheme being identified a contribution would not be CIL compliant.

WSCC have confirmed that the present primary and secondary schools within the catchment areas of the proposal would not have spare capacity and would be unable to accommodate the children from the development. Accordingly contributions are requested (based on a formula to allow the contribution amounts to be based on the housing mix at the reserved matters stage). The contributions are proposed to be spent on: expansion of Yapton primary school; expansion of St Philip Howard Catholic School an expansion of St Philip Howard Catholic School.

However, the proposed wording of the Heads of Terms suggests that 'if substantiated as necessary on application for reserved matters then a proportionate contribution to be made..' for education. The necessity for education provision has been demonstrated in relation to this outline application, with only the detailed contribution amount to be resolved once the final mix of dwellings is known. Therefore, it is considered that there is not sufficient information provided in relation to the S106 Heads of Terms to ensure that the education requirements arising from the development would be met.

Fire and rescue contributions have been sought by WSCC (formula based) due to the need to improve service provision in the Southern division as a result of the development. This is proposed to be used towards the supply and installation of additional fire safety equipment/smoke alarms to vulnerable person's homes in West Sussex Fire Rescue Services serving Yapton.

The proposal is within the area served by Six Villages Library and that the library would not be able to adequately serve the additional requirements that the development would generate. Therefore a formula based contribution is requested towards Yapton Tier 7 library in a community building.

The highways infrastructure, affordable housing and open space requirements are set out in the relevant sections above. The contribution proposed towards the footpath/cycle network is welcomed in principle but would not be compliant with the CIL Regulations unless a specific scheme has been identified that can be considered and it can be ensured that no more than 5 pooled contributions have sought for that scheme.

Sussex Police have confirmed that they are not seeking any contributions from this site.

Overall, it has not been demonstrated that the contributions proposed would ensure that the infrastructure needed to support the development would be sufficient to meet the needs of occupiers and users of the development and the existing community, contrary to Policy GEN8 of the Arun Local Plan and Policies H SP2, H SP2c, INF SP1 and INF 2 of the modified eALP.

Overall conclusion:

Whilst the proposal would deliver much needed housing, there is too much uncertainty about whether the site would provide space for all of the policy requirements to be met with the level of housing proposed. There is insufficient information to demonstrate that the proposal provides for the required infrastructure through contributing proportionally to the infrastructure costs associated with the proposed BEW strategic allocation. When combined with the lack of information on the level of mitigation to be provided for ecology, these factors are considered to outweigh the need for housing.

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.

RECOMMENDATION

REFUSE

- 1 The applicant has failed to demonstrate that the proposed development can be undertaken in a satisfactory manner as it has not demonstrated that the impact on protected species can be avoided, adequately mitigated, or as a last resort, compensated for, contrary to paragraph 118 of the NPPF and Policy GEN30 of the Arun Local Plan. As a result the proposal does not demonstrate whether or not it would give rise to significant harm to the integrity or function of the Biodiversity Corridor contrary to Policy EH2 of the Aldingbourne Neighbourhood Plan.
- 2 The applicant has failed to demonstrate that the obligations proposed would ensure that the infrastructure needed to support the development would be sufficient to meet the needs of occupiers and users of the development and the existing community, contrary to Policy GEN8 of the Arun Local Plan and Policies H SP2, H SP2c, INF SP1 and INF 2 of the modified eALP (updated March 2017), and the National Planning Policy Framework.
- 3 On the basis of the information available the Local Planning Authority is not satisfied that the proposed development can be undertaken manner that would not undermine the delivery of a comprehensively planned settlement or provide a high quality development with a sense of place and permeable layout contrary to Policy GEN7 of the Arun Local Plan and Policies D DM1, H SP2c and H SP2 of the modified eALP (updated March 2017) and the National Planning Policy Framework.