

REPORT UPDATE

Application No: AL/115/17/OUT

Reason for the Update / Changes

Reason for Update/Changes:

A new version of the NPPF was published following to the preparation of this officer report. The new guidance has been assessed and the following changes are applicable:

107:-

The Parish Council make comments on various parts of the previous NPPF on page 106. The Conclusions section of the report addressed the relevant issues.

108

The reference to para 109 and flooding is now considered at para 163.

113

Para 11 is replaced by para 2 and 12. Para 12 states:-

Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

113

Para 112 is now 170 and footnote 53

114

Paras 56, 58, 60, and 64 have been replaced by 110, 124 and 130

115

Para 32 has been replaced by 109

117

See comments re page 113.

Officers Comment:

The recommendation remains unchanged.

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

Recommendation Report for Outline Consent

REF NO: AL/115/17/OUT

LOCATION: Wings Nursery
Lidsey Road
Aldingbourne
PO20 3SU

PROPOSAL: Outline application with some matters reserved for the erection of 55 No. dwellings, sustainable drainage measures, public open space, children's play area, landscaping & all other associated works. This application is a Departure from the Development Plan

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks permission for 55 dwellings with the only matter being approved being access of which two are proposed - one to the south of Wings and one to the north.
SITE AREA	2.6 hectares
RESIDENTIAL DEVELOPMENT DENSITY	21.15 per hectare
TOPOGRAPHY	Predominantly flat
TREES	There are some significant trees on the site/nearby - these are considered later in the report. A tree preservation order has been made during the application process.
BOUNDARY TREATMENT	The boundary treatment for the site comprises of a variety items including post and rail fencing to the front and hedging/trees of various heights to other boundaries.
SITE CHARACTERISTICS	Grassland over the majority of the site with a glasshouse to the south east corner which can be viewed from the highway.
CHARACTER OF LOCALITY	The site lies to the west of the A29 Lidsey Road. The houses opposite are generally low scale semi-detached bungalows. The character is rural and this is evidenced by the land uses to the west. There are a number off detached dwellings on the southern boundary and a dwelling "Wings"

RELEVANT SITE HISTORY

AL/18/51	Continued Use Of Access	Approve 17-10-51
AL/121/88	Proposed indoor pools & terraces	ApproveConditionally 16-01-89

AL/104/86

Alterations and additions comprising two storey extension and double garage

ApproveConditionally
09-02-87

The history has no similar applications to that now proposed.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldingbourne Parish Council

Objection. Aldingbourne NDP passed on 18th October 2016 and is now made -policies therefore relevant. Statutory test is s38(6) of Planning and compulsory purchase Act 2004 which require decision in accordance with the development plan unless material considerations indicate otherwise. The development plan is saved policies of the local plan and the ANDP.

The Council has a housing land supply shortfall (March 2017) since then a number of consents have been granted for major residential development. It is anticipated that the HLS position has improved since then but unlikely Council has a 5 year HLS so policies for supply of housing are out of date in accordance with NPPF para 49. Therefore para 14 "tilted balance is engaged".

Weight to be given to policies in the tilted balance exercise relate to - extent of shortfall, action being taken to address it and the purpose of the constraint policy and if it is consistent with the NPPF.

The LPA should establish actual extent of HLS shortfall, the e LP is at an advance stage and applicants recognise adoption of e LP will improve HLS to at least 3.8 years.

The Parish Council has resolved to update the ANDP.

The site is outside the built up area (bua) and constitutes open countryside. The proposal is in direct conflict with the policy and the proposal is not consistent with other Local Plan policies relevant to the principle of development in the open countryside.

GEN3 seeks to safeguard the countryside unless one of the 5 criteria apply - they do not.

The development conflicts with these policies - neither of which are out of date within the meaning of NPPF para 49 but have a "restricting" impact therefore weight to be given to them depends on consistency with NPPF. Considered that they are consistent with 5th core principle of NPPF para 17 which discusses character and NPPF para 157 which discusses environmental value of land where development would be inappropriate.

Policies of the ANDP apply and map E shows the built up area boundary and policy EH1 states development outside the built up area will be resisted unless it is for essential utility infrastructure. The proposal conflicts with this policy.

Applicant confirms 33% affordable housing. Policy HSP2 of the e LP requires 30% however H4 of the ANDP requires 40% unless it would make the scheme unviable. The policy has full weight as it does not restrict the supply of housing.

WSCC objected to the proposal in January 2018 due to highway issues. The proposal therefore conflicts with GA1 of the ANDP on sustainable transport and GEN4 of the Local Plan.

Tilted balance is engaged. Social benefits of housing provision can be afforded great weight however affordable housing is contrary to ANDP policy.

The harm associated with the development is substantial. On balance the benefits of the proposal are outweighed by the adverse impacts.

If the LPA wish to progress the application the Parish would seek clarification on what community benefit could be achieved and what contribution the development could make towards affordable housing mix and the Aldingbourne Community Sports Centre.

1 letter of support:

Voted for in Neighbourhood Plan, parish could have a trust to manage houses, house prices too expensive.

2 letters of objection:

- Too many new houses.
- Traffic
- Flooding
- Schools and health facilities can not cope

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. Details relating to the principle and the tilted balance are dealt with later in the report. The proposed level of the affordable housing contribution is 33% which is below the 40% required by the ANDP policy and it is accepted that this policy has weight being part of the development plan. WSCC no longer object to the application.

Regarding the letters of objection there was previously a shortfall in the districts housing land supply. However since the adoption of the Arun Local Plan 2011-2031 a 5 year housing land supply can be demonstrated. The site is not within a flood area and infrastructure to support schools and health facilities is part of the s106 legal agreement.

CONSULTATIONS

WSCC Strategic Planning
Surface Water Drainage Team
Environmental Health
Parks and Landscapes
Arboriculturist
Southern Water Planning
Planning and Housing Strategy
Engineering Services Manager
Engineers (Drainage)
NHS Coastal West Sussex CCG
Ecology Advisor
Network Rail
Highways England

WSCC Strategic Planning
WSCC Strategic Planning
WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

County Highways:-

Following review of addition information and agreement by the applicant to a package of mitigation and contribution towards the Strategic Allocation known as BEW, the Highway Authority does not raise objection to the application subject to the following:

S106:

- Widened footway on western side of the A29 from the main (southern) site access up-to the southern edge of the car park serving the Prince of Wales Public House
- Footway on eastern side of road taken from junction of Willows Caravan Park access road to Lee's Yard
- Strategic Infrastructure Contribution of £390,500
- Bus stops, shelters and real-time passenger information contribution (and/or works)
- Travel Plan
- Contributions towards other non-highways infrastructure (education, libraries etc.)
- Cycle stands adjacent to nearby convenience store

County infrastructure:-

Infrastructure in the s106 required for schools, libraries and fire and rescue services.

Tree officer

Initial objection. Principle of development is acceptable in arboricultural terms subject to the current tree issues being resolved by a re-design of the layout and showing mitigation planting of Oaks for any trees losses.

Southern Water

Exact position of sewer must be determined - applicant should discuss with Southern Water.

Desktop study shows can not accommodate needs of development without providing additional local infrastructure. Proposed development would increase flows into waste water sewage system and increase risk of flooding contrary to para 109 of the NPPF. Condition suggested if LPA minded to approve relating to SuDS and no commencement until foul and surface water details have been approved.

NHS

No objection subject to s106 of £54,557 for The Croft GP surgery" for the infrastructure needs of managing "on the day demand".

West Sussex Flood risk management

Low risk from surface water flooding, existing surface water flow paths across the site must be maintained and wholesale site level rise via the spreading of excavated material should be avoided.

High risk from groundwater flooding. No records of historic flooding.

No ordinary watercourses running across site or in locality. Groundwater monitoring should be carried out and no development should be carried out until designs approved and details of management of SuDS etc approved.

Ecology

Bats present and mitigation has been proposed and we are happy with measures proposed subject to a condition.

If three English oaks are being retained and undisturbed further emergence surveys will be required.

Small population of reptiles on site. Mitigation has been proposed which is suitable and has been conditioned -no construction until the translocation has taken place.

Works to trees/vegetation should be undertaken outside bird breeding season - an ecologist should check within 24 hours if works needed during 1st March - 1st October.

Housing Strategy and Enabling

Object to original proposal - preference for social rent not affordable rent. Negotiated to an acceptable conclusion 18 units (33%) to be provided with 75% affordable and 25% intermediate as required by AHSP2 of the emerging plan. Proposed dwelling mix acceptable.

Would not support capped percentage transfer values to a provider being applied to affordable dwellings. Request applicant engage with preferred registered partner or approved non registered partner. Alternatively the Council may be interested in acquiring the affordable dwellings. S106 required.

Network Rail - No response

Environmental Health - No response

Engineers - No objection subject to conditions.

Parks and Landscapes

Require 0.42 ha of public open space. The water body should not be included in POS area calculations. Onsite play provision required and MUGA contribution in addition to landscaped open space. Landscaping should be of a high quality.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted - where relevant the conditions and s106 contribution requests will be attached as conditions/included in the s106. It is proposed to include conditions relating to drainage to overcome the concerns of Southern Water.

POLICY CONTEXT

Designation applicable to site:
Outside built up area boundary

DEVELOPMENT PLAN POLICES

AHSP2	AH SP2 Affordable Housing
CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
ECCDM1	ECC DM1 Renewable Energy
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
HDM1	H DM1 Housing mix
HERDM6	HER DM6 Sites of Archaeological Interest
HORDM1	HOR DM1 Horticulture
HSP1	HSP1 Housing allocation the housing requirement
HSP2	H SP2 Strategic Site Allocations
INFSP1	INF SP1 Infrastructure provision and implementation
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QEDM4	QE DM4 Contaminated Land
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems
WSP1	W SP1 Water

Aldingbourne Neighbourhood Plan 2016 POLICY EE2	Retention of employment land
Aldingbourne Neighbourhood Plan 2016 POLICY EH1	Resist development outside
Aldingbourne Neighbourhood Plan 2016 POLICY EH10	Unlit village status
Aldingbourne Neighbourhood Plan 2016 POLICY EH3	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 GA3	Parking and new development

Aldingbourne Neighbourhood Plan 2016 POLICY H1	New housing or altering dwellings
	Quality of Design
Aldingbourne Neighbourhood Plan 2016 POLICY H2	Range of house types
	Housing Mix
Aldingbourne Neighbourhood Plan 2016 POLICY H3	Housing density
Aldingbourne Neighbourhood Plan 2016 POLICY H4	10 or more to include 40% unless unviable
	Affordable Housing
Aldingbourne Neighbourhood Plan 2016 POLICY H9	Items to consider e.g. - bin stores
	Attention to detail

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD1	Open Space & Recreation Standards
SPD3	Parking Standards

POLICY COMMENTARY

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

The Arun District Local Plan was adopted on 18th July 2018.

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.

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; 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

The policies of the ANDP have been taken into consideration. As the Council can now demonstrate a housing land supply of greater than 3 years the ANDP policies relating to the supply of housing are not

out of date.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to conflict with relevant Development Plan policies in that the site lies outside the built-up area boundary where development or redevelopment is unacceptable and there is no completed legal agreement that would provide the necessary infrastructure required to make the development acceptable.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

The application site is located within the Parish of Aldingbourne and as such the development plan in the determination of this application will consist of the Arun District Local Plan (ALP) 2011 - 2031 and the Aldingbourne Neighbourhood Plan (ANDP) .

Arun District Local Plan (2011-2031):

The key policy considerations in the determination of this application are considered to be SD SP1, SD SP2 and C SP1 of the Arun Local Plan (ALP) 2011 - 2031.

The application site is situated outside of the built up area boundary (BUAB) as specified by policy SD SP2 seeks to focus development within the built up area. Policy C SP1 of the ALP seeks to protect the countryside for its own sake and as such exerts strict control over development situated outside of the BUAB. Due to the sites location outside of the BUAB development in this location would be in conflict with policies C SP1 of the Arun Local Plan 2011 - 2031.

Aldingbourne Neighbourhood Plan (2014):

The ANDP was made in 2016 and as such forms part of the development plan in the determination of this application.

Policy EH3 of the ANP seeks to protect high value agricultural land unless it supports the diversification of the rural economy or the need for development clearly outweighs the harm.

Policy EH1 of the ANP seeks to focus development within the BUAB defined in the plan, development outside of the BUAB will not be permitted unless certain circumstances apply, namely unless the development is for essential infrastructure or the benefits outweigh the harm and it can be demonstrated that no reasonable alternative sites are available.

Policy H6 allows permissions for windfall sites within the built up area only.

Presumption in favour of Sustainable Development

The NPPF states:-

11. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

12. This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place.

Therefore as the development conflicts with an up-to-date Local Plan and there are no material considerations to indicate otherwise a recommendation for refusal would be compliant with the NPPF.

On 30th October 2017 The Local Plan sub-Committee considered a report to clarify the position of the Council following the Local Plan Sub-Committee meeting of 6th December 2017. The report of the 30th October stated:-

On 6 December Local Plan Sub-Committee resolved to invite planning applications on sites identified as 'deliverable' in the HELAA in an attempt to boost the supply of housing in the short term. This was in response to a shortage of housing supply and the need to take steps to boost the supply, especially in view of the forthcoming Local Plan examination. The decision of LPSC on 30 October confirmed that this would be a consideration to applications submitted 'until the Local Plan is adopted'. Therefore, applicants for current planning applications will have some comfort that the resolution of Full Council will continue to be a material consideration after the status of the development plan changes and the maximum opportunity is taken to boost housing supply in the short term.

The site in question was considered to be "developable" in the HELAA.

Conclusion on Matters of Principle:

The principle of residential development on this site is contrary to the development plan (Arun District Local Plan policy C SP1 and the intention of the ANDP to protect countryside policies EH1 & H6).

The proposed development would provide an additional 55 houses which are not required in the District at the present time due to the 5.3 year housing land supply identified in the inspector's comments on the Local Plan. Whilst the development would have a small positive effect upon the supply of housing the principle of residential development on this site would, in current policy circumstances and as set out in the NPPF, not be acceptable.

AGRICULTURAL LAND:

ANDP Policy EH3 states that:

"Proposals for development on the 'best and most versatile' agricultural land shown on Map B, the latest available Defra Agricultural Land Classification Map, will be resisted unless it can be demonstrated that it would meet the following criteria: (1) It supports the diversification of an agricultural enterprise or other land-based rural business; or (2) The need for the development clearly outweighs the harm"

The ANDP includes an Agricultural Land Classification Map (Map B). However, this is based on the

"Post 1988 Agricultural Land Classification (England)" dataset and is incomplete for large parts of the district. As such, the map does not provide any grading for the application site. Therefore, based on the plan within the ANDP, it is not clear that policy EH3 should apply. However, the policy also makes reference to the latest available classification map which, whilst not shown on Map B in the ANDP, has clearly different designations to the ANDP. This data suggests that the site is either Grade 1, 2 or 3 and is therefore likely to be considered as 'best and most versatile agricultural land'.

Regard should also be taken in respect of the advice in the NPPF and in respect of the Arun Local Plan 2013 -2031.

Paragraph 112 of the NPPF states that: "Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality."

Policy SO DM1 of the ALP 2011 - 2031 considers soils and states that:

"Unless designated by this Plan or a Neighbourhood Development Plan, the use of Grades 1, 2 and 3a of the Agricultural Land Classification for any form of development not associated with agriculture, horticulture or forestry will not be permitted unless need for the development outweighs the need to protect such land in the long term."

The agricultural land grade is noted. This is a relatively small area of land and the site has limited agricultural potential. It is not considered that a refusal on these grounds alone is justified.

CHARACTER & DESIGN:

Arun Local Plan policy D DM1 lists a series of 15 factors that development must comply with - these include character, impact and public realm.

Aldingbourne Neighbourhood Plan (ANDP) policies H1 and H3 are both relevant. H1 requires that new housing should be of a high quality design that reflects the local character and reinforces local distinctiveness. Meanwhile, H3 states that the density of new development should be appropriate to its location by virtue of size, siting and relationship to existing properties.

It is also necessary to consider the guidance within the National Planning Policy Framework. Section 7 states that good design is a key aspect of sustainable development (paragraph 56), and that developments should respond to local character & history, reflect the identity of local surroundings & materials, establish a strong sense of place and be visually attractive as a result of good architecture (paragraph 58). Paragraph 60 advises that local planning authorities should promote or reinforce local distinctiveness. Paragraph 64 then confirms that planning permission should be refused for poor design that fails to improve the character or quality of an area.

It is noted that the application is in outline and does not seek approval of layout or the design of the dwellings.

The existing character of this section of Lidsey Road has a broadly linear development on the opposite side of the road whilst the current site is generally open and features more sporadic development. The proposed density is relatively low and the site could be developed in a way which respects the character of the southern approach to Aldingbourne.

It is therefore considered that the proposal would be in accordance with policy D DM1 of the ALP 2011 -

2031, policies H1 and H3 of the ANP and the guidance on design in the National Planning Policy Framework.

RESIDENTIAL AMENITY:

Arun District Local Plan Policy D DM1 (3) indicates that development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. None of the ANDP policies specifically refer to residential amenity issues. However, one of the 'core planning principles' of the NPPF is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17).

It is not possible to properly assess the residential amenity implications of the proposed layout due to the lack of elevation or floor plan drawings. Such an assessment would take place at the reserved matters application stage. It would appear that the dwellings on the illustrative layout would not result in adverse amenity issues.

It is therefore considered that the proposal would be in accordance with policy D DM1 of the ALP 2011 - 2031 and the guidance on residential amenity within the National Planning Policy Framework.

HIGHWAY SAFETY, CONVENIENCE & PARKING

Policy T SP1 of the Arun Local Plan 2011 - 2031 discusses transport issues including safe highway access.

Policy GA1 of the ANDP requires that where new development increases traffic demand, this is directed to places accessible by public transport and that walking routes are improved. Policy GA2 gives support to proposals which improve or extend existing footpaths.

Policy GA3 of the ANP states that: "Proposals must provide adequate parking in accordance with the standards adopted at the time." Arun Local Plan policy GEN12 refers to the need to provide sufficient off-street parking. However, the standards within the appendices to the Local Plan which it refers to have been superseded by the West Sussex (Residential) Parking Demand Calculator or in this case the advice of West Sussex County Highways.

Regard should be had to paragraph 32 of the National Planning Policy Framework which states that: "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".

The application has been assessed by WSCC Highways. Despite initial objections highways do not have any objections to the use of the accesses and do not consider that the impact of the proposals on the operation of the highway network will be severe. The application is therefore considered to comply with paragraph 32 of the NPPF.

In terms of car parking, WSCC comment that the layout as presented is likely to provide an acceptable level of car parking.

It is not therefore considered that there is any conflict with the adopted development plan policies or with the NPPF subject to the infrastructure works being provided.

FLOODING & SURFACE WATER DRAINAGE:

Arun Local Plan 2011 - 2031 policy W DM2 seeks to limit development in areas at risk of flooding and W

DM 3 discusses the need for sustainable urban drainage systems.

In addition, policy EH5 of the ANDP states that:

"New development, within areas at risk from flooding, will not be permitted unless it is supported by a site-specific Flood Risk Assessment which provides clear evidence to demonstrate that the proposal:

- a). Would not give rise to additional risk of flooding, either to the development site or to other land, arising from the carrying out or use of the development; and
- b). Would make appropriate provision for accommodating the surface water and foul water arising from the development."

Furthermore, Arun District Council Drainage Engineers do not raise any objection to the scheme and instead recommend that conditions will be appropriate and will ensure that the site is satisfactorily drained.

On this basis, the application is considered to comply with the relevant development plan policies.

ECOLOGY:

This site borders open countryside. Policy ENV DM5 of the ALP 2011 - 2031 applies. The proposal has been assessed by our ecologists and have not raised any objection subject to conditions.

LIGHT POLLUTION:

Policy QE DM2 of the ALP 2011-2031 seeks a lighting for all development with outdoor lighting and imposes criteria against which the application must be considered.

ANDP Policy EH10 states that:

"Development proposals which detract from the unlit environments of the Parish will not be supported. New lighting will be required to conform to the highest standard of light pollution restrictions in force at the time. Security and other outside lighting on private and public premises will be restricted or regulated to be neighbourly in its use including floodlighting at equine establishments and on sports fields or sports grounds."

It is not considered that the proposed development will adversely harm the existing environment at night (or after 4pm in winter). This is because, the site is located on the approach to the village on a street with road lighting and with residential development further to the south. Whilst no lighting scheme has been submitted the application is in outline and were the application to be approved these details could be covered by a condition.

It is therefore considered that the application complies with the development plan in this respect.

PLAY SPACE:

Policy OSR DM1 requires open space and playing pitch and indoor sports facilities to be provided within new developments

The Council's Supplementary Planning Guidance "Open Space and Recreational Standards" (October 2000) sets out advice on the provision of open space and play equipment within new residential developments.

A request for Section 106 legal agreement relating to contribution towards off-site play (possible MUGA) contribution the location and the amount of the payment is to be agreed) has been requested by Greenspaces. On site play equipment is also to be provided. Subject to the completion of a s106 agreement this policy would be met.

Affordable housing:-

Policy AH 2 of the ALP 2011 - 2031 seeks 30% affordable housing. This is more up-to-date than the ANDP policy which seeks 40%.

SUMMARY:

The application site is outside the defined built-up area boundaries of Aldingbourne and is therefore contrary to policies C SP1 of the Arun Local Plan (ALP) 2011 - 2031 of the ADLP and policy EH1 & H6 of the ANDP which seek to protect the countryside.

The Council can now demonstrate a 5-year supply of housing land through the recently adopted Local Plan 2011 - 2031 and NPPF paras 11 and 12 support refusal of such applications where there is an up-to-date plan.

The proposed development is recommended for refusal for the following reasons.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

SECTION 106 DETAILS

WSCC

Widened footway on western side of the A29 from the main (southern) site access up-to the southern edge of the car park serving the Prince of Wales Public House

- Footway on eastern side of road taken from junction of Willows Caravan Park access road to Lee's Yard
- Strategic Infrastructure Contribution of £390,500
- Bus stops, shelters and real-time passenger information contribution (and/or works)
- Travel Plan
- Contributions towards other non-highways infrastructure (education, libraries etc.)
- Cycle stands adjacent to nearby convenience store

Infrastructure in the s106 required for schools, libraries and fire and rescue services.

NHS - £54,557 for The Croft GP surgery" for the infrastructure needs of managing "on the day demand".

18 units (33%) to be provided with 75% affordable and 25% intermediate as required by AHSP2 of the emerging plan.

On site play provision and off-site MUGA contribution

RECOMMENDATION

REFUSE

- 1 The site lies outside the built up area boundary as defined in the Arun Local Plan 2011 - 2031 and Aldingbourne Neighbourhood Development Plan and would represent a significant encroachment of built form into the countryside to the detriment of the character of the area. The proposal would be contrary to policies C SP1 and SO DM1 of the Arun Local Plan 2011 - 2031 and EH1 and H6 of the Aldingbourne Neighbourhood Development Plan.
- 2 The proposed development fails to make an adequate contribution towards affordable housing provision and other essential infrastructure requirements contrary to policies AH SP2, OSR DM1, T DM1 and INF SP1 of the Arun Local Plan 2011 - 2031.
- 3 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal.