

Recommendation Report for Outline Consent

REF NO:	AL/11/24/OUT
LOCATION:	Land East of Westergate Westergate
PROPOSAL:	Hybrid application consisting of: 1) Outline permission for all matters reserved (except access) for up to 400 No dwellings and associated works and 2) Full planning permission for alterations to site access off Westergate Street and through Pine Close and east-west link road including a bridge over the Lidsey Rife. This application also lies within the parish of Barnham, falls within Strategic Site SD5, CIL Zone 1 (Zero Rated), affects the setting of listed buildings, affects the character and appearance of the Eastergate Church Lane Conservation Area, affects public rights of way. This application is the subject of an Environmental Statement.

SITE AND SURROUNDINGS	
DESCRIPTION OF APPLICATION	The application is a hybrid and seeks: 1) Outline permission for all matters reserved (except access) for up to 400 dwellings and associated works and; 2) Full planning permission for alterations to site access off Westergate Street and through Pine Close and East-West Link Road including a bridge over the Lidsey Rife. The access road forms the first section of a future potential east-west link road that would connect to the re-aligned A29 (part of the proposed Barnham/Eastergate/Westergate (BEW) strategic allocation in the Arun District Local Plan (2018)).
SITE AREA	19.35ha.
RESIDENTIAL DEVELOPMENT DENSITY	Average gross density of 21dph. Higher density ranging from 31 to 50 dph is concentrated along the spine road and E-W Link Road. Development along the eastern edge of the site facing the Linear Park maintains a density of 20 to 30 dph.
TOPOGRAPHY	There is a general fall in the site from west to east from the eastern edge of Westergate towards the Lidsey Rife. The highest point on the site is at 10.4m AOD adjacent to properties in St Richards Road. The lowest point is approximately 1.6m AOD in the south east corner of the site. There is a slightly steeper fall within the eastern section of the southern part of the site, immediately west of the existing hedgerow.
TREES	The site is subject to multiple TPOs. TPO/AL/2/16 covering 87 on-site trees; TPO/AL/2/91 covering 6 on-site trees; TPO/AL/3/91 covering approximately 3 groups of trees; and TPO/BN/7/20 covering 2 on-site trees. 3 Veteran Trees have

been identified. The proposal will in total affect 20 individual trees; 15 groups (whole or in part); and 2 hedgerows (whole or in part).

BOUNDARY TREATMENT

The site abuts the eastern edge of Westergate and is enclosed by mature hedgerows and trees. The Lidsey Rife runs north-south along the eastern edge of the site. The railway line is adjacent to the southern boundary of the site and this edge is defined by embankments. The northern edge is defined by a public footpath linking Church Lane (east) and Ivy Lane (west).

SITE CHARACTERISTICS

The site comprises agricultural land (currently arable and grazing land).

There are no designated nature conservation sites within the site boundary. There are four Public Rights of Way which cross the site; ALD 317 (running north-south in the northern corner of the site), ALD 296 (running north-south from the middle of the site to the northern corner), ALD 297 (running south-east), ALD 298 (running east-west), and ALD 300 (also running east-west).

The Lidsey Rife has been identified as a Biodiversity Opportunity Area, other ditches are also present on the site including a small stream running east/west through the central part of the site.

CHARACTER OF LOCALITY

The site is located to the east of Westergate. The A29 runs north/south through the village and links with Bognor Regis to the south and with the A27 to the north. There are two conservation areas to the north of the site, one at Church Lane to the south of Eastergate and one along Church Lane to the south of Barnham. Part of the B2233 to the north is designated as an Area of Special Character; as is part of Westergate Street, just north of the junction at Pine Close. The land slopes gently from west to east towards the Rife.

The South Downs National Park is 2 miles to the north. The Brooks Local Nature Reserve is within 2km of the site to the south west. Fontwell Race Course Site of Nature Conservation Importance (SNCI) is approximately 0.8km to the north-west and Slindon Bottom SNCI 1.2km north.

Barnham, Westergate and Eastergate each have a primary school. There are two secondary schools in the area, the Westergate Community School and the St Philip Howard Catholic High School. The Croft Surgery provides local healthcare provision in Eastergate and Chantry House Dental Care is located in Barnham.

The train station at Barnham is over 1km from the site. The area is served by the Compass 66 bus between Bognor and Walberton via Barnham and Yapton, and the Compass 85A

between Arundel and Chichester. Both provide a minimal service.

RELEVANT SITE HISTORY

AL/98/22/EIS	Scoping request for full application for 400 dwellings with associated open space, access, surface water drainage and landscaping.	Scoping Issued 21-11-22
AL/97/22/ESO	Environmental screening request for full application for 400 dwellings with associated open space, access, surface water drainage and landscaping.	ES Required 19-07-22
AL/15/17/PL	Hybrid Application 1) Full Planning Application for 101 No. dwellings with new access & associated works on 3.34 ha land; 2) Outline Planning Application with all matters reserved for 249 No. dwellings with access & associated works on 15.06 ha of land. This application affects the character & appearance of the Eastergate (Church Lane) Conservation Area, the setting of Listed Buildings, Public Rights of Way & is a Departure from the Development Plan.	Refused Hybrid 26-03-20

The previous planning application AL/15/17/PL was refused for the following reasons:

- 1) Insufficient information provided on delivery of key infrastructure (specifically the East/West link bridge) contrary to Policy H SP2c(h).
- 2) Insufficient information on whether the application accorded with minerals safeguarding
- 3) Application failed to demonstrate compliance with regards to adaptable dwellings
- 4) Insufficient information whether kerbside collection is possible
- 5) Insufficient information regarding ecology and trees (out of date surveys)

There are also a number of pending planning applications adjacent to the site, and which form the wider strategic site allocation. These are:

- BN/11/22/OUT (BEW Parcel SC1 - permission for the realigned A29 road, and outline permission for up to 1,250 dwellings, care home, flexible retail and community floorspace, primary school, plus associated works)
- BN/85/25/OUT (Land North of Barnham Road and East of Fontwell Avenue - outline permission for up to 525 dwellings, care home, public open space, and associated works)

The following applications also form part of the wider strategic allocation, and have been recently approved:

- AL/57/23/PL (Sussex Recovery Company, Fontwell Avenue - permission for 80 dwellings, co-working hub, public open space, landscaping and associated works) Approved 15/04/25
- AL/70/23/OUT (Land West of Lidsey Road - outline permission for up to 155 dwellings, public open space and associated works) Approved 25/10/23

- AL/107/21/PL (Woodgate Centre, Oak Tree Lane - permission for 180 dwellings with associated works)
Approved 09/10/23

REPRESENTATIONS

Walberton Parish Council - Objection

- Current issues on the site significantly outweigh that it is an allocation.
- Development on this site would have a significant impact on existing wildlife with the development near a biodiversity corridor.
- Permission cannot be granted until a flood risk assessment is undertaken demonstrating there will be no adverse impact on the site but also up and downstream to other settlements.
- Extra traffic will worsen the degree of air pollution.
- 400 dwellings will provide an increased burden on the current road infrastructure.
- Adverse impacts upon footpaths 296,297,298,300 and 317.
- The proposal does not comply with AH SP2 providing only 10% affordable housing.
- West Sussex has school capacity issues.
- The impact on medical facilities will be significant.
- Features such as the community hub are not evident in this proposal and a holistic approach to consider the site and impacts as a whole should be taken.

Barnham and Eastergate Parish Council - Objection

- Concerned with the capacity of the sewerage network to accommodate 400 dwellings. There are concerns that Lidsey WWTW is at capacity, and enhancement should be completed prior to consideration of supporting this application,
- Standing objection to the Highways Capacity as the A29 will not have been built.
- More pedestrian and cycle links westward to Westergate Road should be included within the design as per the plan which states "Development of the strategic site should include the upgrading to cycle path standard of the paths from St Philip Howard School to Eastergate."

Aldingbourne Parish Council - Objection

- Advised that residents do not feel they have enough time to comment on this complex application. The Parish Council would like to make consultees aware of surrounding developments too and their construction could be at the same time.
- Essential information is missing, and is required to fully determine the potential impacts upon the species within the Singleton and Cocking SAC. Without this, the LPA cannot undertake an HRA.
- Object on transport and highways, biodiversity, education, flooding / sewerage, connectivity / access, conflict with the Neighbourhood Plan, and the wider significance of this application.

The Council have received 307 objections on the application, in addition to signed petitions amounting 602 signatures. The objections and comments are summarised as follows:

Infrastructure

- Concern over capacity of nursery, primary and secondary school. Existing places not sufficient for existing demand.
- Capacity issues of local GP's and dentists.
- Delays at Woodgate level crossing result in long queues for traffic which will only get worse.
- The public transport is not adequate - very few bus routes to support existing population.
- The A29 should be realigned before any development takes place.
- Lack of capacity in local Hospitals.
- There are no spaces in the local nurseries - where will new residents go.
- The infrastructure cannot cope with more people.

Highways

- Concern over Highway capacity, leading to additional traffic and delays. Existing highways capacity results in frequent delays.
- The access road through Pine Close is completely impractical.
- The A29 relief road should be built prior to any house construction.
- The access is far too dangerous and was not built to provide a through road.
- The frequent queues from the railway line will only get worse.
- The new access proposed for pine close is not suitable.
- The road is too narrow.
- The development will compound the massive increase in traffic within the village.
- The development will remove existing parking from those who live in Pine Close, where are these residents expected to park?
- A survey from two years ago is not an accurate representation of traffic levels.

Flooding and Foul

- A number of roads have been closed in the last 6 months due to flooding.
- There are too many floods in the area.
- Flooding is currently a significant problem in the district. A number of roads have been closed in the last 6 months due to flooding.
- The existing treatment system has no additional capacity.
- Southern water comments should be listened to when they strongly advise against additional homes.
- Existing sewers can not cope.
- Existing surface water problems should be dealt with before any more building.
- The development should not commence until Lidsey WwTc and related sewage infrastructure has been upgraded.

Design / Layout

- The five villages have now changed to an urban sprawl.
- The scale of the development is disproportionate to the existing character of the area.
- The development doesn't align with the character and aesthetics of the community.
- Overdevelopment
- Development does not align with the existing architectural style of the local area

Environment

- The natural environment would drastically change.
- The area acts as a biodiversity corridor.
- Loss of valuable agricultural land
- The light, air and noise impacts from this development can never be mitigated.
- The biodiversity assessments were undertaken at a sub optimal times and water voles have been found on site.
- Details in the ecology report are incorrect relating to the species and their conservation status.
- Details relating to species surveys and highways are yet to be submitted.
- The application does not prioritise important European protected bat species.
- We are in a climate crisis - new buildings should be net zero / carbon negative.
- The development should be delayed until infrastructure works to protect the Rife have been completed.
- The development will result in irreversible harm to the biodiversity.
- It is one of the last remaining green sites and should not be built over.
- Extra traffic will further worsen the air pollution levels.
- The plans do not promote outdoor space for mental health and wellbeing.
- The removal of the recreation area will result further trips having to be made for access to open space.
- Concern over the loss or harm of the Chalk Stream, of which there are few habitats of this type.
- Street and car parking will have a significant effect upon bat corridors.

- Slow worms and common lizards are present on site which are included within the UK Biodiversity Action Plan.

Conservation and Heritage

- The development will affect the setting of listed buildings.
- WW2 Air raid shelter is not shown on the plans and should be retained not demolished.

Miscellaneous

- There is no information to prove the development will result in public benefit.
- How is the village going to accommodate for at least 400 new residents.
- The development will adversely affect public rights of way.
- Where are existing residents on Pine Close expected to park.
- Grampian conditions should be added to prevent any work until infrastructure is in place.
- Current issues need to be addressed before any further development goes ahead.
- Only 10% of affordable housing is offered when policy requires 30%.
- The neighbourhood plan has policies which should protect the area.
- There are very few employment opportunities in the area.
- Brownfield sites should be prioritised first for building new homes.
- The applicant has no authority to cross or build on a part of the field that belongs to Pine Close.

Summary of representation comments which are not material planning considerations

- The houses are not selling and are sitting empty.
- The development is not wanted.
- It will cause depreciation of value of homes.
- The application will set a precedent for development on adjacent fields.
- Pine Close has a community spirit which will be lost if development occurs.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. All material planning considerations are addressed below.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

SUSSEX POLICE DESIGNING OUT CRIME - Outline permission - advice received on designing out crime through the Secured By Design initiative. No comments on the Full permission, however noted that comments may be made in relation to how the future growth of the area impacts resources.

SDNP - No objection, following updates to the LVIA.

LEISURE OFFICER - S106 contributions are required for sport facility provision.

ADC ENVIRONMENTAL HEALTH - No objection subject to conditions.

HOUSING - Advice received - Application will need to secure 30% affordable housing (67% affordable rented; 25% First Homes and 8% other intermediate ownership) and a range of dwellings to meet policy requirements. Clustering of affordable housing should be considered.

PROW - Objection - some PROWs are not shown on definitive lines and it is unclear what is being affected. Appear to be some diversions, but no mention is made of this and there are contradictions across different plans and documents. Details of diversion, extension, upgrades, type of PROW and

whether they will be offered up for adoption are missing.

SOUTHERN WATER - Comments received.

- The 675mm public surface water sewer needs a clearance of 3.5m on either side for maintenance
- No development or tree planting should be carried out within 3.5m of the external edge of the public gravity foul sewer without consent
- 375mm, 300mm and 150mm public foul sewer requires 3m clearance on either side
- No soakaways, swales, pond, watercourses located within 5metre of gravity foul and surface water sewers
- Request a condition to require details of measures that it will undertake to divert public sewers
- Current capacity to connect to an existing manhole is at 50 dwellings without reinforcement work being provided. Southern Water will provide reinforcement works within 24 months of planning consent, and require a phasing condition to align occupations with capacity. Alternatively, the applicant can apply to secure a direct connection to the Lidsey Waste Water Treatment which can accommodate the entire development.

WEST SUSSEX FIRE AND RESCUE SERVICE - No Objection subject to conditions to provide fire hydrants via planning condition.

ACTIVE TRAVEL ENGLAND - Supported the strong levels of permeability accross the site, however Further Information Required - Cannot support the application, and requests further assessment, revision.

- Unambitious Framework Travel Plan
- Applicant needs to refer to LTN 1/20
- Further details on cycle parking required to help incorporate this into future layouts - more space should be provided within in-curtilage parking provision (as per LTN 1/20)

ENVIRONMENT AGENCY (EA) - Objection:

- The FRA does not comply with the requirements for site-specific flood risk assessments, and does not adequately assess the flood risks posed by the development.
- The FRA fails to provide details of the required floodplain compensation, of which it has been evidenced there is a need.

Reconsultation response received 6 May 2026 - Objection maintained. The updated FRA still does not comply with the requirements for site-specific flood risk assessments, nor adequately assess whether the development will increase flood risk elsewhere. The FRA fails to provide sufficient information on the proposed flood compensation area. A level for level compensation is expected included detailed maps and design drawings.

WSCC Education - Objection - The allocation requires the delivery of a primary school, however this application does not provide for land for this. The pupils arising from the development would need schooling provision ahead of the primary school being delivered as part fo the wider BEW allocation, and the existing provision is insufficient. Existing Secondary School provision is also inadequate, and therefore WSCC maintain an objection on this front. However, an approach which is sub-optimal would be to secure a financial contribution to provide temporary transportation costs to other schools until a Secondary School in the area has been delivered.

ARCHAEOLOGY - No Objection subject to securing a condition to secure a programme of archaeological works.

NATURAL ENGLAND - No Objection. Based on plans, NE considered the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Standing advice provided.

WSCC MINERALS AND WASTE - No objection. Northern part of site is in mineral safeguarding area for sharp sand and gravel. The applicants Mineral Resource Assessment (MRA) concludes relatively small abundance of working minerals and unviable in commercial sense, which is broadly agreed. The LPA will need to deal with Policy M9 (b) (iii) of the JMLP to weight the need of the development against safeguarding the resource. Where full prior extraction is not feasible, the MWPA would encourage consideration of incidental extraction for use within the site or export, and the use of a condition would be supported if the LPA deems it necessary.

NATIONAL HIGHWAYS - No objection, subject to conditions requiring a Construction Traffic Management Plan.

WSCC Section 106 - No objection, subject to securing adequate contributions. Likely financial contributions are to be as follows:

- Secondary School Transport contributions on a formula basis.
- £576,744 towards early years (based on 4,300 dwellings providing £6,2m) and a pro-rate proportion of 2 x 0.2 ha / 2,000 land.
- £2,790,698 towards a new primary school (based on 4,300 dwelling providing £30m) and a pro-rata proposition of 2 / 2.8ha / 28,000sqm of land.
- £223,256 towards a new SSC Facility (based on 4,300 dwellings providing £2.4m) and a pro-rata proportion of 2 x 0.03 ha / 300 sqm land.
- £37,549 per Additional Child Product towards Secondary School Education.
- £33,608 (subject to indexation) per Additional Child Product (discounted for social rented dwellings) towards Further Secondary provision.
- £13,333 towards enhanced Library Infrastructure (based upon 400 dwellings out of 3,000 dwelling providing £100,000).
- £18 per dwelling (subject to indexation) towards Fire and Rescue Services (based upon average occupation rates, and discounts applied for social rented dwelling only).

ECOLOGY - Original response raised no objection subject to securing BNG through a S106, and conditions. An Appropriate Assessment was identified as being required to assess impacts on the Singleton and Cocking Tunnel.

Re-consultation received on 29 April 2026 following submission of a Ecology Update (dated 8 April 2026)
 - An Objection is now raised, due to the submitted ecological surveys now being out of date.

GREENSPACE - No objection in principle, however had the following comments:

- The quantum of Public Open Space should be 28,160sqm
- The quantum of Play Space should be 4,840sqm consisting of LAPs, LEAPs and NEAPs.
- The masterplan shows 1no. LEAP and 3no LAPS which would be an underprovision. However, details of the location and sizes would be secured through a Reserved Matters application.
- Offsite allotment contributions and maintenance sums would be triggered for this development
- Riparian corridors require careful consideration of planting and location
- Chalk Stream should have a plan to detail how it should be repopulated and managed to improve it through a LEMP
- The design should promote high quality design which seeks to respect, maintain and enhance local landscape character.
- Inclusion of shared use pedestrian / cycle routes would be expected.
- Any PROW realignment purely for dwelling gain would not be supported. Footpath routes should be provided within open accessible routes, and not diverted behind fences forming unsafe and unusable corridors.

- Management and maintenance of the landscape planting and amenity areas should be secured, along with maintenance sums should this become the responsibility of the LPA.
- SuDS must not impact on the level of Public Open Space required, and any areas used for basins should not form part for the useable open space calculations
- The development would require adequate planting to help provide softening of the built form in this location.
- Views into and out of the development to the SDNP should be carefully considered and integrated into any future layouts.
- Careful consideration of how land underneath tree canopies (existing and future growth) to reduce residential pressure to prune.
- Trees which deploy considerable landscape and or ecological value should be retained and incorporates
- A net gain in biodiversity should be secured

SPORT ENGLAND - No objection subject to securing contributions towards outdoor and indoor sports facilities through the Section 106 agreement.

NETWORK RAIL - Holding objection. Network Rail primary concern is the cumulative impacts from this application and others on Woodgate Level Crossing. The transport assessment by the developer does not take into account the timetable changes affecting West Coastway Line from 3rd June 2024. The changes will result in an increase in the number of stopping and non-stopping services along this route to and from Barnham Stations which will subsequently increase the downtime of the barriers at the Woodgate Level Crossing. In addition, Network Rail does not believe that the impact of usage on the level crossing has been fully considered, especially around use by pedestrians. The creation of new pedestrian links within the BEW allocation will likely see a rise in footfall, particularly given the proximity of the existing Aldingbourne Primary School.

WSCC LLFA - Original response (16 December 2024) provided no objection to the application subject to conditions.

Updated response as of 25 February 2026 - Further information required to address updates to drainage standards and requirements. 10% urban creep is now required, and as such further storage on site will be needed. The FRA is also out of date, as it does not use the updated EA Risk of Flooding from Surface Water mapping.

Updated re-consultation response (6 May 2026) following submission of a Drainage Strategy Addendum - Objection is raised. The application is not in accordance with NPPF paragraphs 181 and 182, PPG Flood risk and coastal change or Policy W SP1 Water, W DM2 Flood Risk and W DM3 Sustainable Urban Drainage Systems in Arun LP. The addendum fails to address Standards 1 and 3 of the National Standards for SuDS.

HERITAGE OFFICER - No objection. The acceptability of the development is contingent on the delivery of enhanced landscaping along the eastern side of the site. With this in place, the proposal would have neutral impact on the setting of listed buildings.

NHS SUSSEX - No objection subject to securing appropriate contribution to local health infrastructure to manage the additional load on services directly incurred as a consequence of the development.

WSCC HIGHWAYS - Objection. Further information is required to address:

- Baseline and future scenarios of the junction locations modelled;
- Incorrect and missing data surrounding neighbouring BEW sites;

- Queries as to the methodology and reasoning behind certain aspects of the modelling;
- Result assumptions;
- Consideration of cycle facilities;
- Queue lengths;
- Turning capacity of the junction and phasing lengths;
- Whether in-principle approval has been obtained from Sussex Police for the yellow box;
- Audit fails to consider the E-W link road running eastwards including the bridge;
- Bridge design to be amended, and include a segregated cycle route on both sides;
- Details required of discussions with emergency services and refuse providers;
- Swept-path analysis of site access junction.

Updated response (2 April 2026) following submission of a Technical Note to address previous comments (24/05/26):

- The Road Safety Audit requires presentation to the Audit team for comment. The findings of this need to be captured in the final Decision Log.
- Details of the delivery of the bridge are required.
- A Grampian style condition it needed to restrict the number of homes to come forward until Phase 1 of the new A29 is complete and open to traffic.
- Further consideration of cycle access and infrastructure is needed.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and addressed in Conclusion. Requested conditions would have been applied were permission being granted.

POLICY CONTEXT

Designation applicable to site:
Strategic Housing Allocation SD5 Barnham Eastergate Westergate
Sharp Sand and Gravel Mineral Safeguarding Area (MSA).
Biodiversity Corridor
Flood Zones 1, 2 and 3

DEVELOPMENT PLAN POLICIES

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

ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCDM1	ECC DM1 Renewable Energy
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitagation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
GISP1	GI SP1 Green Infrastructure and Development

HDM1	H DM1 Housing mix
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment
HSP2	H SP2 Strategic Site Allocations
HSP2C	H SP2c Inland Arun
HWBSP1	HWB SP1 Health and Wellbeing
INFSP1	INF SP1 Infrastructure provision and implementation
INFSP2	INF SP2 New Secondary School
LANDM1	LAN DM1 Protection of landscape character
OSRSP1	OSR SP1 Allotments
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
SDSP2	SD SP2 Built-up Area Boundary
SKILLSSP1	SKILLS SP1 Employment and Skills
SODM1	SO DM1 Soils
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water

Joint Minerals Local Plan 2018:

	Joint West Sussex M9 Safeguarding Minerals
<u>Aldingbourne Neighbourhood Plan 2016 POLICY EH1</u>	Resist development outside
Aldingbourne Neighbourhood Plan 2019-31 Policy EH12	Protection of bat habitats
Aldingbourne Neighbourhood Plan 2019-31 Policy EH12	Protection of bat habitats
Aldingbourne Neighbourhood Plan 2019-31 Policy EH12	Protection of bat habitats
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 EH4	Development on Agricultural Land Supports river catchment management, wildlife conservation and flood risk
Aldingbourne Neighbourhood Plan 2016 POLICY EH5	Protection of Watercourses 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 EH7	Renewable and Low Carbon Energy
Aldingbourne Neighbourhood Plan 2016 POLICY EH8	Buildings and Structures of character
Aldingbourne Neighbourhood Plan 2016 POLICY EH9	Conservation Area
Aldingbourne Neighbourhood Plan 2016 POLICY GA1	Promoting Sustainable movement
Aldingbourne Neighbourhood Plan 2016 POLICY GA2	Footpath and cycle network
Aldingbourne Neighbourhood Plan 2016 POLICY GA3	Parking and new development
Aldingbourne Neighbourhood Plan 2016 POLICY H1	New housing or altering dwellings
Aldingbourne Neighbourhood Plan 2016 POLICY H2	Quality of Design 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.
Aldingbourne Neighbourhood Plan 2016 POLICY H9	Outdoor space Items to consider e.g. - bin stores
Aldingbourne Neighbourhood Plan 2016 POLICY LC4	Attention to detail Provision of allotments

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

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

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, and the South Inshore & South Offshore Marine Plan.

The Development Plan also consists of the Aldingbourne Neighbourhood Plan 2019 - 2031, which was made 9th March 2022.

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 conflicts with relevant Development Plan policies in that it does not provide sufficient information to demonstrate there would not be unacceptable harm to highways, flood risk and drainage, biodiversity and ecology. It would also pose an overdevelopment of the site.

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

(2) in dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS**PREAMBLE**

A hybrid application for 350 No. dwellings (AL/15/17/PL) was previously submitted for this site,

REPORT_1011(ODB)

comprising:

- 1) Full Planning Application for 101 No. dwellings with new access & associated works on 3.34 ha land;
- 2) Outline Planning Application with all matters reserved for 249 No. dwellings with access & associated works on 15.06 ha of land.

This was refused on 26/03/20 as a result of insufficient information regarding a number of material considerations. This application (AL/11/24/OUT) proposes an amended scheme with an increase in the number of dwellings to up to 400. This hybrid application has sought to overcome the previous reasons for refusal, securing full permission for the access and highways infrastructure; and outline permission for the dwellings.

PRINCIPLE

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

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

The proposed development is broadly consistent with the High-Level Development Principles and the endorsed Framework Masterplan. The development proposals, therefore, aim to comply with the objectives of strategic Site Allocation Policy H SP2 and the sub-policy H SP2c (SD5).

The strategic allocation also requires delivery of transport infrastructure including a realigned A29 route through the allocation to provide all necessary linkages and routing between the A259 (Bognor Regis Relief Road) to the south and A27 to the north. This application does not form part of the realigned A29 route, and therefore there is no requirement for this provision as part of this site. However, Policy H SP2c also requires provision of an east-west link, north of the railway line, which will link the existing A29 route and Barnham railway station. This is included as part of this application. New pedestrian and cycle links are a major element of the transport requirements to support sustainable travel.

The development proposed will deliver part of the east-west link from the existing A29 route (Westergate Street). This will include the bridge which will cross the Lidsey Rife and connect into the adjoining land (BN/11/22/OUT). The proposed bridge is designed to accommodate public transport, alongside foot and cycle traffic. Therefore, this provision addresses the requirements of H SP2c H(ii) of the ALP.

The proposed 400 homes ('up to') would make a significant contribution towards the minimum 2,300 homes to be delivered by the allocation, in accordance with Policy H SP2c (SD5). The delivery of up to 400 dwellings on the site will also help to meet the identified housing need within Arun generally; and as such the proposed housing delivery is considered a significant benefit in the assessment of the Planning

Balance.

With respect to the Aldingbourne Neighbourhood Development Plan (ANDP), the site is within the 'Built Up Area Boundary' which reflects the Arun Local Plan (ALP).

The proposed residential, open space uses, and delivery of part of the east-west route on the site would contribute to the objectives detailed in Policy H SP2 and sub policy H SP2c, and make a positive contribution towards Arun's defined housing need. Additionally, it would deliver the required development and infrastructure as set out in the Framework Masterplan for this parcel. As such, subject to compliance with other material considerations, the principle of development would be acceptable.

AGRICULTURAL LAND

The application has been accompanied by an Agricultural Land Classification and Considerations Report (Kernon - September 2023). This land classification ranges from Grade 2 (32%), 3a (9%), 3b (46%), and non-agricultural / not surveyed (13%). The Development Site therefore consists of variable quality agricultural land, being primarily very good (Grade 2) to moderate (Grade 3b) quality. Policy SO DM1 in the Arun Local Plan is clear that any form of development not associated with agriculture, horticulture or forestry will not be permitted on Grade 1, 2 and 3a land 'Unless designated by this Plan or a Neighbourhood Development Plan'. Given this site is allocated within the Local Plan as a strategic housing allocation, the loss of this agricultural land for residential purposes is acceptable in principle and permissible in accordance with policy SO DM1. The proposal also meets Policy EH3 of the ANDP as the allocation of the site in the ALP demonstrates that there is an overriding need for the development.

Policy SO DM1 also requires consideration of the soil resource and potential for mitigation measures. The application has also been accompanied by a Soil Resources Plan (Kernon - September 2023). The Soil Resources Plan would meet the requirement in Policy SO DM1 (g) and demonstrates that the soil resource can be preserved for use in the green infrastructure on site. Therefore, subject to the soil resources plan being secured through condition the loss of agricultural land would be in accordance with policy SO DM1 of the ALP and policy EH3 of the ANDP.

FULL PLANNING APPLICATION - SITE ACCESS AND LINK BRIDGE

As this is a hybrid application, the following matters are assessed separately from the Outline proposal, as they are the only material planning considerations relating directly to the proposed access and highways works.

This element of the application seeks full permission for alteration to the site access off Westergate Street and through Pine Close; east-west link road, including a bridge over the Lidsey Rife, and drainage, landscaping and associated works. Drainage will also be discussed as part of the wider site within the Outline section, as this is interlinked with the drainage scheme for the whole development.

HIGHWAYS

A Transport Assessment (TA) and Framework Travel Plan have been submitted in support of the application along with full details of the transport proposals for the development. During the preparation of the TA the applicants engaged with WSCC Highways Authority (HA) and National Highways (NH). The TA assesses the accessibility of the site within the surrounding transport infrastructure, examines the predicted trips generated and the sustainability of the scheme. Various scenarios have been tested in the modelling. Through the consideration of this application consultation responses have been provided by WSCC HA and NH who have requested clarification on several matters to support the conclusions of the TA and modelling.

ALP Policy T SP1 requires that development contributes to highway improvements and promotes sustainable transport, including public transport improvements and the cycle, pedestrian and bridleway network. The proposals would facilitate the delivery of the E-W Link Road which is an identified route under policy H SP2c. In addition the development would make financial contributions towards the delivery of the proposed realigned A29.

Network Rail (NR) were consulted on the proposals due to the proximity of the railway line and potential for impacts on the level crossing (Woodgate Level Crossing) to the south of the site. Impacts on the level crossing were considered within the transport modelling. It has been assumed within the supporting transport information that train times would remain the same, and therefore impacts have been based upon observations at the time only, rather than considering potential changes to train times. Timetable changes could potentially result in increased downtime of the barriers which would have significant implications on the conclusions of the modelling work undertaken by the applicants. Network Rail identified this within their consultation response; and have raised concerns that the impact on the level crossing has not been adequately assessed, especially in respect of increased use by pedestrians. A holding objection was submitted by Network Rail until they were satisfied that the impact had been fully assessed and mitigated if this was necessary. To date no response has been provided by the applicants in response to this holding objection, with the issue remaining unresolved.

Following discussions with National Highways, the applicants have revised the Transport Assessment and drawings, and these have been updated within the application. The most recent revisions relate to:

- Collision Analysis.
- Trip distribution / assignment.
- Assessment scenarios.
- Junction Capacity Assessments.
- Traffic Flow Diagrams.

National Highways had previously found that the trip distribution methodology lacked sufficient detail to allow verification of the validity of its assumptions. However, the updated Technical Notes have been deemed sufficient, and the concerns previously raised by National Highways have been addressed. Therefore, National Highways have confirmed that they have no objection to the proposed development, and no mitigation would be required at the A27 Fontwell East Roundabout and the A27 Nyton Road Junction, subject to conditions relating to construction traffic management.

Whilst the National Highway objections (concerning the Strategic Road Network (SRN)) have been resolved, there remain outstanding objections from WSCC Highway Authority. Several matters were raised by WSCC Highways in their original consultation which required further information and clarity, on the following matters:

- Baseline and future scenarios of the junction locations modelled.
- Incorrect and missing data surrounding neighbouring BEW sites.
- Queries as to the methodology and reasoning behind certain aspects of the modelling.
- Result assumptions.
- Consideration of cycle facilities.
- Queue lengths.
- Turning capacity of the junction and phasing lengths.
- Whether in-principle approval has been obtained from Sussex Police for the yellow box.
- Audit fails to consider the E-W link road running eastwards including the bridge.
- Bridge design to be amended, and include a segregated cycle route on both sides.
- Details of the design of the link road bridge and interface with the Church Commissioners site to the

east.

- Details required of discussions with emergency services and refuse providers.
- Swept-path analysis of site access junction.

WSCC Highways have confirmed that following submission of their last formal consultation response dated March 2024, meetings were held with the applicants transport consultants in attempts to address the points raised above. A Transport Addendum (dated June 2024) was submitted by the applicant to address the concerns of WSCC Highway Authority. However, correspondence between the parties ceased in October 2024.

In November 2025 WSCC Highway Authority advised that a number of the issues previously identified remained outstanding including the design of the link road bridge, and its interface with the Church Commissioners site to the east (BN/11/22/OUT). An additional Transport Note was submitted in March 2026 and reviewed by WSCC.

WSCC Highway Authority in their response dated 2 April 2026 advised that they still required clarification as to what, if any tie-in arrangements had been agreed with the neighbouring landowner, and plans showing how the east-west link between the two schemes would interface. In addition, WSCC require that the consultant revisit the Road Safety Audit. This outstanding information has not been provided, and as such issues regarding Highways remain unresolved.

Given the nature of the outstanding information, it has not been possible for the Council to conclude that the development would not result in an unacceptable impact on the operation of the highway network, or prejudice delivery of the east-west link as required under policy H SP2c of the Arun Local Plan.

ACCESS

ALP Policy T SP1 includes requirements that development be designed to reduce the need to travel by car. Policy T DM1 concerns Sustainable Travel and Public Rights of Way, requiring that new development prioritises safe pedestrian and cycle access to the green infrastructure network and access to public transport and community transport services where a need has been identified. ANDP Policy GA1 and GA2 both seek to support active travel, through promotion of sustainable movement, and improvement and extension of existing footpath and cycle path networks.

The proposed access to the site will require the closure of the existing access from Pine Close onto Westergate Street. Bollards will be utilised to prevent vehicular access, with a new access created which follows the existing route of the Public Right of Way which connects to Westergate Street, forward of Nos. 7-9 Pine Close. This will be the main vehicular and pedestrian access into the site, and comprise a new signalised junction. The new road will travel through the site crossing the Lidsey Rife (via a new bridge) and will form part of the east-west link required through policy H SP2c. The east-west link will provide a direct connection between Westergate Street and Barnham Station to the east.

The E-W Link Road proposed as part of this application is shown as measuring between 6-7.3m. A pedestrian footpath measuring between 1.5m-2m will be created to the south of the proposed access, providing a pedestrian connection between Westergate Street and the proposed development. Where the spine road passes through the main development site a segregated pedestrian and cycle path will be included along the southern edge of the road. A 2m pedestrian footpath will be present along the northern edge of the road. These routes will continue through the site and over the proposed bridge (which crosses the Rife) and provide connection in the wider site/PRoW network. The provision of a segregated cycle lane and its connection with wider routes around and through the site, would ensure that the proposed development accords with the objectives of LTN 1/20. The proposed cycle lane would not connect with Westergate Street and cyclists would be required to join the highway to continue their

journeys further to the west (along Westergate Street).

WSCC Highways have not raised any objection to the principle of the access and active travel provisions. However, they have commented that a cycle route should be provided on both sides of the proposed bridge and spine road, rather than just one. It has been confirmed by the applicants that such provision (pedestrian or cycle) to the north of the proposed access would not be possible. Therefore, the proposed cycle provision is considered reasonable and justified.

Active Travel England (ATE) have highlighted the need for details of how the proposed cycle and footways will connect with the neighbouring development site. ATE have also advised that crossings / amenities at the main access point, should be ensured to be appropriate for all active travel users, and also adhere to the Junction Assessment Tool included in LTN 1/20. Details of how this site can contribute to improving the provision for Active Travel on Westergate Street, including provision of a shared use foot/cycle way to provide a link with amenities and schools to the North, was also requested.

A Transport Assessment Addendum has been provided in response to the comments from ATE explaining that, although desirable, this is not deemed necessary as a network of quieter pedestrian and cycle routes can be facilitated via Ivy Lane and St Richard's Road. However, beyond identifying this as a potential solution/connection no details have been provided around design or delivery of these elements. Such connections would need to be secured through a Section 106 Agreement to ensure the sustainability of the development. ATE have not provided an updated response to this Addendum.

The proposed access (onto Westergate Street via Pine Close) is acceptable in principle and broadly consistent with the endorsed BEW Framework Masterplan, which identifies that an access point would be provided in this location.

The proposed access road would align with the Framework Masterplan and, in principle, respond to the requirements of Policy H SP2c by facilitating part of the east-west link for vehicular, pedestrian and cycle movement between Westergate Street and Barnham Station. As proposed, the link road could support a bus route, improving public transport connectivity for existing and future residents. It would also include a segregated cycle route, promoting safe and active travel connectivity to the wider network. The proposed pedestrian and shared-use footpaths would connect to the existing PRow network, including footpaths 296 and 297.

However, notwithstanding the above, insufficient information has been provided to demonstrate that the proposed access and associated infrastructure would operate safely and effectively, or that all required connections and mitigation can be delivered in practice. As such, the development does not comply with Policies H SP2c, T DM1 and T SP1 of the Arun Local Plan, and Policies GA1 and GA2 of the Aldingbourne Neighbourhood Development Plan.

DESIGN AND AMENITY

The design of the E-W Link Road includes green verges and embankments on the southern side of the highway. The indicative site layout shows that further green landscaping would be located to the north of the E-W Link Road. The inclusion of soft landscaping would be beneficial to the overall appearance and character of this road, and soften the dominance of hard landscaping. Trees are also proposed along the southern side of the road, which would help to separate and screen the residential building line. Though not fully according with the ADG in respect of guidance on the composition of Primary Roads, the proposed design and landscaping scheme would be appropriate for the extent of the highway which falls within the Full Application, and could be further enhanced through the determination of the Reserved Matters, associated with the outline application, by widening the separation between the building line and highway / footway north of the full application.

DRAINAGE

Policy W DM2 of the Arun Local Plan requires that development is not at unacceptable risk of flooding and does not increase flood risk elsewhere. Policy W DM3 requires that all development incorporates Sustainable Drainage Systems (SuDS) appropriate to the scale and nature of the proposal. These objectives are supported by Policy EH5 of the Aldingbourne Neighbourhood Development Plan and the provisions of the NPPF.

The full application element includes the formation of the east-west link road, associated access works, and the proposed bridge crossing the Lidsey Rife. These works form part of the wider drainage strategy for the development and therefore must be considered in the context of both site-wide drainage and their specific localised impacts.

A Flood Risk Assessment (FRA) and drainage strategy have been submitted in support of the application. However, as identified in the wider assessment of the outline proposals, the submitted FRA has been subject to objection from the Environment Agency, who have raised concerns that it does not meet the requirements for a site-specific flood risk assessment. In particular, the FRA does not adequately address floodplain compensation, despite evidence from modelling demonstrating this would be required. Further supporting information (Updated FRA and Modelling Report - both dated March 2026) was provided to address EA's comments. However, in their reconsultation response on 6 May 2026, the EA maintain their objection, and confirm that the updated information still fails to provide an adequate flood risk assessment, and sufficient information on the proposed flood compensation area.

The east-west link road and bridge are located in close proximity to the Lidsey Rife and associated floodplain. The introduction of built form, embankments, and infrastructure within this area has the potential to displace floodwater and alter existing flow regimes. In the absence of sufficient evidence demonstrating how floodplain compensation would be delivered, and how flows would be maintained without increasing flood risk elsewhere, it cannot be concluded that the proposed works would be acceptable in flood risk terms.

In addition, the drainage strategy previously accepted by the Lead Local Flood Authority (LLFA) was based on guidance and standards that have subsequently been superseded, including the introduction of the National Standards for SuDS (2025) and updated local and national requirements. An Outline Drainage Strategy Addendum (07.04.26) was submitted to address these changes. The LLFA has reviewed this document, and confirmed that the application is not in accordance with current policies. They have identified failures with Standard 1 (Run-off destinations) and Standard 3 (Management of extreme rainfall and flooding) of the NSfS. As such, they have revoked their previous position, and now raise an objection due to the inadequacy of the Drainage Strategy in responding to updated policies.

The LLFA has identified in their re-consultation that additional on-site storage may be required, including allowance for urban creep, which further constrains the capacity of the site to accommodate necessary drainage infrastructure. This is particularly relevant to the full application element, where the design of the carriageway, bridge, and associated embankments must integrate with any drainage features. At present, it has not been demonstrated that sufficient space is available to accommodate both the road infrastructure and the necessary drainage features, without compromising either.

Furthermore, whilst it is anticipated that surface water from the highway would be managed through SuDS features such as swales, attenuation basins, or other measures, detailed design of these systems has not been provided. As such, there is insufficient information to confirm that runoff from the access and link road could be appropriately managed in accordance with the drainage hierarchy, or that water quality treatment requirements would be met prior to discharge.

Given these factors, it cannot be concluded that the proposed access, east-west link road and associated infrastructure can be delivered in a manner which appropriately manages flood risk and surface water drainage, or that it would not lead to an increased risk of flooding either on-site or elsewhere.

It is acknowledged that drainage is often addressed through suitably worded conditions. However, in this instance, the fundamental uncertainties regarding floodplain compensation, the adequacy of the drainage strategy in light of updated standards, and the spatial constraints of the site mean that this matter cannot reasonably be deferred to a later stage. This is confirmed by the LLFA, who state that they cannot recommend drainage related conditions. There is insufficient evidence at this stage to demonstrate that a compliant and deliverable drainage solution could be achieved alongside the proposed infrastructure.

Accordingly, the proposed development conflicts with Policies W DM2 and W DM3 of the Arun Local Plan, Policy EH5 of the Aldingbourne Neighbourhood Development Plan, the National Standards for SuDS and the requirements of the NPPF.

ECOLOGY

Policy ENV DM5 of the Arun Local Plan and Policy EH2 of the Aldingbourne Neighbourhood Development Plan require that development avoids harm to biodiversity, protects ecological networks, and demonstrates that impacts can be adequately mitigated. These objectives are supported by the NPPF.

The statutory required for mandatory 10% BNG came into force shortly after this application was received in February 2024; and as such a 10% net gain on this site is not required. However, policies ENV SP1 and ENV DM5, and objectives of the NPPF require that a biodiversity net gain (BNG) is achieved on-site. A Biodiversity Net Gain Assessment (Ecosupport Ltd - May 2024) and accompanying BNG Metric were provided as part of the application. This identifies that the proposal would result in a net percentage change in Habitat Units of -18.81%. This would include the loss of 0.9BU of wet woodland.

An additional updated Ecology document (dated 8 April 2026) has been submitted, and reviewed by the ADC Ecology Officer. This confirms that the net change of Low distinctiveness area habitats is -37.25BU, the total area of created habitat was found to be 18.64ha (total lost is 18.63ha), and that offsite units could mitigate for this loss. As a Biodiversity Net Gain cannot be achieved on site, policy ENV DM5 seeks to achieve a net gain in biodiversity on site in the first instance. However, further opportunities for habitat enhancement and ecological mitigation measures could have been explored and conditioned, where appropriate, were permission being granted.

The ecological information submitted in support of the application, including survey data, are now out of date as per the CIEEM guidelines. In accordance with best practice guidance, such data cannot be relied upon to accurately assess existing site conditions or the potential impacts of the proposed development. As a result, there is insufficient information to determine whether the construction and operation of the access, link road and bridge infrastructure would avoid harm to protected species, habitats, or identified biodiversity corridors.

The proposed works have the potential to result in habitat loss, fragmentation of ecological corridors, and disturbance to protected species. In the absence of up-to-date surveys and robust mitigation proposals, it cannot be concluded that these impacts could be appropriately avoided, mitigated or compensated.

Given the fundamental reliance on current ecological data to inform both design and mitigation, it is not considered that this matter could be adequately addressed through condition. The lack of sufficient and

up-to-date ecological information represents a fundamental constraint to the determination of the application.

Accordingly, the proposal conflicts with Policies ENV SP1 and ENV DM5 of the Arun Local Plan, Policy EH2 of the Aldingbourne Neighbourhood Development Plan, and the requirements of the NPPF.

PLANNING BALANCE

The proposed development is allocated under Policy H SP2c (SD5) of the Arun Local Plan. The principle of residential development, together with supporting infrastructure, is therefore established and attracts significant positive weight. In addition, the proposal would deliver up to 400 dwellings, contributing meaningfully towards both the delivery of the strategic allocation and the Council's wider housing requirement at a time when a five-year housing land supply cannot be demonstrated. Therefore, this is afforded substantial weight in favour of the proposal.

Further weight is given to the delivery of part of the required strategic infrastructure, including a section of the east-west link corridor and associated pedestrian and cycle connections. These elements form part of the comprehensive delivery of the wider allocation and support improved connectivity and sustainable movement in accordance with the endorsed Framework Masterplan. This is afforded moderate weight in the planning balance.

The loss of agricultural land, including areas of Best and Most Versatile land, would ordinarily weigh against the proposal. However, as the site is specifically allocated for development within the Local Plan, and appropriate soil management measures have been demonstrated, this matter is considered acceptable in principle and attracts neutral weight in the planning balance.

Against these benefits, there are several adverse considerations.

The most significant issue relates to highways and transport impacts. The Local Highway Authority and Network Rail maintain objections, and the information submitted fails to satisfactorily demonstrate that the development would not have an unacceptable impact on the operation and safety of the local highway network. In particular, the effects on the Woodgate Level Crossing have not been robustly assessed, and key elements of the modelling, assumptions and design remain unresolved. The absence of clear, agreed technical evidence creates fundamental uncertainty as to whether the development could be accommodated without severe impacts. This is a matter that goes to the heart of the acceptability of the development and is afforded significant weight against the proposal.

In addition, whilst the principle of providing access and supporting sustainable transport aligns with policy objectives, there remains insufficient certainty regarding the delivery and effectiveness of the wider active travel network. The lack of detailed, secured connections beyond the site boundary reduces confidence that the development would fully achieve the required level of integration with existing and planned routes. This is afforded moderate weight against the proposal.

Adverse impacts arise from the inadequacy of the flood risk and drainage strategy submitted in support of the application. The Environment Agency maintains an objection, and the evidence provided fails to demonstrate that the development would be safe from flooding for its lifetime or that it would not increase flood risk elsewhere. In addition, the absence of an updated drainage strategy reflecting current national standards and local requirements creates significant uncertainty as to whether a compliant surface water management solution could be delivered on site. These are fundamental policy requirements and go to the core deliverability and safety of the development. This conflict is therefore afforded significant weight against the proposal.

The proposal also fails to provide sufficient and up-to-date ecological evidence to demonstrate that the development would not result in unacceptable impacts on protected species, habitats, and identified biodiversity corridors. The submitted surveys are no longer valid, and the extent of potential harm cannot be adequately assessed. In the absence of robust and current survey data, it cannot be concluded that impacts could be appropriately avoided or mitigated. This results in a clear conflict with policy and is afforded moderate weight against the proposal.

Drawing these matters together, the proposal delivers substantial benefits through the provision of housing within an allocated and sustainable location, and moderate benefits through the partial delivery of strategic infrastructure. However, these benefits must be weighed against the identified harms.

The unresolved highways and transport impacts, together with the fundamental deficiencies in the flood risk and drainage evidence, represent critical constraints, each carrying significant weight and undermining confidence in the deliverability, safety and acceptability of the development. When combined with the additional concerns regarding ecology, sustainable connectivity and localised amenity impacts, the adverse effects cumulatively and demonstrably outweigh the benefits of the scheme.

Accordingly, it is concluded that the adverse impacts of the development would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF as a whole.

SUMMARY AND RECOMMENDATION

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

By virtue of its allocation, the Council accepts that the site is located in a sustainable location and that the development would make a significant contribution towards housing delivery, thereby assisting in addressing the Council's identified housing shortfall.

However, as identified above, the proposed development would give rise to significant conflicts with the development plan. In particular, insufficient information has been provided to demonstrate that the development would not result in unacceptable impacts on the operation and safety of the highway network. In addition, the application fails to demonstrate that the development would be safe from flood risk or that an appropriate and deliverable drainage strategy can be secured. Furthermore, the ecological information submitted is out of date, and the Council cannot be satisfied that the proposal would avoid harm to protected species, habitats, or biodiversity corridors.

These conflicts with the development plan, when considered cumulatively, significantly and demonstrably outweigh the benefits of the proposed development.

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

OUTLINE PLANNING APPLICATION - RESIDENTIAL DEVELOPMENT

Outline permission for up to 400 dwellings and associated works (including infrastructure, drainage, and open space). The only matter not reserved is access. This will be considered in full below.

DESIGN AND LAYOUT

Appearance, landscaping, layout and scale of the proposed residential development all remain reserved matters, and therefore are not provided in detail within this application. The application is however accompanied by parameter plans and indicative layout which show how the site could be delivered given identified constraints. Notwithstanding this being indicative, it is important to consider how the Council can ensure that the development achieves high quality design standards at detailed design (RM stage).

It is pertinent to note that the previous application AL/15/17/PL for 350 dwellings was not refused on design and layout reasons, and was considered to be an appropriate density and scale. However, this development is an uplift to 400 dwellings, and as such the impact of scale and density are intensified by the increase in number of dwellings.

The NPPF states that good design should contribute positively to making places better for people and indicates that creating places, streets and spaces which meet the needs of people, are visually attractive, safe, accessible, functional, inclusive, have their own distinctive identity and maintain and improve local character. Policy D DM1 of the Local Plan sets out the aspects of form and design quality that will be considered.

Policy H SP2c sets out site specific design and layout requirements for the strategic allocation at Barnham/Eastergate/Westergate (SD5). In terms of design and layout the development is required to:

- a. Preserve the separate identities and avoid any further physical coalescence of the three villages of Barnham, Eastergate and Westergate through the delivery of green infrastructure. Eastergate and Barnham should be protected from a continuous urban form / coalescence along the north and south aspects of the B2233;
- b. The design of development and landscaping shall ensure that there is continuity between the existing landscape setting and villages;
- c. The design and layout of the development shall take account of the location of the railway line crossing the site;
- d. Housing shall be designed around a Linear Park which follows along the Lidsey Rife;
- f. Significant views to and from the South Downs shall be incorporated within the site.

The proposed development would extend from Pine Close, with residential properties indicated to continue east from the established building line. Rather than including a gap between this site and the existing built up area of Westergate (abutting properties in St Richards Road, Pine Close, Oaks Close, Old School Place and Elmcroft Place), the indicative layout demonstrates that this development would read as an extension of the existing residential developments east of Westergate Street. This is in accordance with the BEW Illustrative Framework Masterplan, which plans this site as an urban extension, rather than a new settlement.

The proposal would be bounded to the east by the Lidsey Rife. The Rife forms a clear and permanent natural boundary to the proposed site and the new dwellings would be part of Westergate as opposed to any development east of the Rife which would form a new settlement. The layout proposed would provide a new built-up edge to Westergate which would be softened by the open space (which would form the western part of the Linear Park required by Policy H SP2c (d) and Framework Principle SDP 17 (one of the High Level Development Principles identified through the endorsed Framework Masterplan). When combined with the remainder of the Linear Park to the east of the Rife, this area of open space will protect this area of Westergate from continuous urban form and maintain separation from Eastergate and Barnham. It would also provide a large area with uninterrupted views to and from the South Downs, in compliance with H SP2c (f).

Density and layout

Part G of the Arun Design Guide (ADG) provides indicative density ranges according to building typologies. The proposed development falls within the Villages / Suburban Centres category, where the following density ranges are considered appropriate:

- Detached and semi-detached dwellings at 10-25 dph;
- Terraced dwellings at 15-30 dph; and
- Flats at 20-50 dph.

Policy H3 of the Aldingbourne Neighbourhood Development Plan (ANDP) further requires density to be appropriate to its location, having regard to the site's size, siting, and relationship with surrounding development.

The surrounding area is characterised by relatively modest densities. Development along Westergate Street averages approximately 22 dph, with nearby roads such as St Richards Road (18 dph), Pine Close (29 dph), Oaks Close (30 dph), and Old School Place (29 dph) broadly reflecting a suburban pattern of development.

The BEW Framework Masterplan identifies the application site as suitable for medium-density residential development, with an indicative range of approximately 20-40 dph across the wider allocation. Higher densities, potentially up to 60 dph, are anticipated to be focused within mixed-use. Woodgate Centre (AL/107/21/PL) to the south was approved at a density of 24.8dph. This application proposes an average density of approximately 21 dph, which falls within both the Masterplan range and the prevailing densities of the surrounding area. As such, the overall quantum of development is considered acceptable in principle.

However, concern arises not from the headline density, but from the way density is distributed across the site.

The submitted Development Parcels and Density Parameter Plan identifies three density bands: low (20-30 dph), medium (31-45 dph), and mid-high (46-50 dph). In particular, the perimeter of the site is proposed to accommodate densities of 20-30 dph, predominantly comprising detached dwellings. This approach conflicts with the ADG, which advises that development at the edge of a settlement should provide a softer transition to the surrounding countryside, typically in the order of 10-15 dph and should not exceed 25 dph.

Accordingly, the proposed edge densities exceed the preferred transition range and, in parts, approach or exceed the upper limit identified in the ADG. This results in a limited gradation of density across the site, with insufficient distinction between lower-density edges and higher-density central areas. As a consequence, the development would appear relatively uniform in form and would fail to provide a sensitive transition between the built environment and the adjoining open landscape. This would diminish the effectiveness of the green infrastructure and weaken the intended sense of separation.

Further concerns arise from the indicative layout, which demonstrates potential conflicts with the requirements of Part H of the ADG in respect of residential amenity. The ADG identifies minimum separation distances as follows:

- Back-to-back: 21m;
- Front-to-front: 16m;
- Back/front to side: 14m; and
- Back to boundary (with landscaping): 12m.

Several plots appear unable to achieve these separation distances, in addition to the minimum recommended garden depth of 10.5m. Whilst the layout is indicative, these shortcomings raise concerns as to whether a policy-compliant scheme can be accommodated within the parameters set.

Similar concerns arise in relation to the proposed street hierarchy. The indicative plans show primary routes of approximately 5.5m in width, with narrower secondary streets. The ADG advises that primary streets should comprise a carriageway of at least 6m, together with green verges (approximately 2.5m), footways of 2-3m, and defensible space of 3-5m to the building line. The absence of green verges and the limited overall corridor width would not accord with this guidance and would result in streets that appear cramped (especially in conjunction with the proposed scale of development), with limited opportunity for tree planting and landscape integration.

While areas of greenspace are indicated adjacent to the highway (in the indicative layout plans), much of this is defensible space which would fall within private ownership and could not be relied upon to deliver consistent long-term landscaping. The absence of verges between the highway and footpath would further erode the visual amenity of the street scene. These constraints suggest that the proposed density and block structure may not be capable of delivering the street typologies envisaged by the ADG.

In terms of scale, the surrounding area is characterised predominantly by 1-2 storey development, with only limited examples of development approaching 2.5 storeys. The proposal includes a mix of 2 and 3 storey development, with a more extensive distribution of three-storey buildings than previously considered under application AL/15/17/PL, where such development was more limited in extent and focused along key routes and central areas.

Whilst the parameter plans allow for flexibility through the use of maximum height limits, the current distribution of building heights, particularly the extent of three-storey development, risks appearing incongruous with the established character of the area. Control over the location and extent of taller buildings, through any subsequent reserved matters application, would be necessary to ensure an appropriate response to local context in accordance with Policy D DM1 and Part J of the ADG.

Overall, the assessment indicates that, whilst the proposed density is acceptable in principle, the current parameter framework does not provide sufficient confidence that a policy-compliant layout can be achieved. In particular, the use of defined density bands with minimum thresholds constrains the ability to reduce development intensity in sensitive areas, including at the site edges.

An amendment to the parameter plans to remove minimum density requirements, particularly within edge parcels, would provide increased flexibility to achieve a more appropriate distribution of development. This would enable lower densities to be delivered where necessary to provide a softer edge, improve separation distances, and accommodate compliant street typologies.

Subject to such amendments, the proposal could be capable of complying with Policies D DM1, D SP1 and H SP2c of the Arun Local Plan, Policies H3 and H8 of the ANDP, the Arun Design Guide, and the NPPF. However, as currently presented, there remains insufficient certainty that these requirements can be met at the Reserved Matters stage.

RESIDENTIAL AMENITY

Arun Local Plan policy D DM1 requires there be minimal impact to users and occupiers of nearby property and land. Policy QE SP1 requires development to contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity.

The Council's Arun Design Guide sets out guidance on interface distances between houses to ensure amenity of residents is protected. Whilst layout is a 'Reserved Matter' (RM), it has been identified above that the density as proposed is inappropriate and contrary to policy. Subsequently, the indicative layout demonstrates a number of conflicts in respect of separation distances and garden depths, which would have negative implications to residential amenity and privacy; such as the creation of unacceptable overlooking between properties, and overbearing and overshadowing of amenity spaces. These implications create concern for the council, as were scheme to be progressed to RM stage, it could not be guaranteed that sufficient residential amenity provisions could be delivered.

Whilst the layout would be subject to change at RM stage, the indicative layout does not identify any significant conflicts where unacceptable impact would occur to existing residents abutting the development. Sufficient separation and interface distances would be deliverable between the developments, in order to preserve existing amenity and privacy. As such, the impact to existing residents from overbearing, overlooking and overshadowing would be acceptable.

Based on the information provided, the applicant has failed to adequately demonstrate that the development could be accommodated on site without giving rise to adverse impacts to the residential amenity of future occupiers. This is in conflict with ALP policies D DM1 and QE SP1, and the Arun Design Guide.

LANDSCAPE CHARACTER

ALP policies D SP1, H SP2 and D DM1 require that development makes the best possible use of land by reflecting or improving on the character of the site/surrounding area and providing effective and convenient connections to public transport services. Policy LAN DM1 states development should respect the characteristics & natural features of the relevant landscape character areas and seek, wherever possible, to reinforce or repair the character of those areas. The adopted Policies are aligned with the intentions of the NPPF which places great emphasis on character, natural features and landscape character.

A Landscape and Visual Impact Assessment (LVIA) (David Jarvis Associates - 24/03/24) has been submitted. This has been amended during the lifetime of the development, with this version being the latest version.

The site falls within National Character Area (NCA) 126 'South Coast Plain', and Local Landscape Character Area (LCA) SC9 'Chichester to Yapton Coastal Plain'; however is not subject to any statutory / non-statutory landscape designations. The LVIA identifies the site as medium - high landscape value, with medium susceptibility, resulting in a medium - high sensitivity. The study area is considered to have medium value, susceptibility and sensitivity.

The South Downs National Park (SDNP) were consulted on this application. Following amendments to the LVIA to address SDNP comments that the report was absent of any assessment in regard to how the setting of the NP would be affected, SDNP have submitted a 'no comment' response to the latest version. Given the distance, character, low lying topography and surrounding local development which encloses the site, the proposal would not have an adverse effect on the setting of the South Downs. Rather, it would integrate with the existing built environment, which already forms part of the wider urban setting to the south of the SDNP. This accords with ALP policy LAN DM1.

ENVIRONMENTAL CONSIDERATIONS

Noise and Vibration:

Policy QE DM1 states that new sensitive generating development should be supported by an appropriate noise assessment (Noise Exposure Category) detailing the existing noise environment and consider the likely level of exposure and any reasonably expected increase to that level. New development should not be permitted where noise generation is likely to continue throughout the night, and there is a likelihood of complaints about industrial development.

A 'Noise and Vibration Preliminary Assessment' has been submitted with this application. The preliminary noise assessment and outline mitigation found that noise from current road traffic was not significant, and standard thermal glazing and trickle ventilators would likely be acceptable for the majority of the development. This was with the exception of the properties overlooking the new E-W Link road, who would require enhanced glazing and acoustically rated or mechanical ventilation. Noise levels to the south were also found to be primarily influenced by train pass-bys; and as such a noise barrier should be considered to minimise rail noise levels. Facades of the closest dwellings would also require enhanced glazing and acoustically rated or mechanical ventilation.

In respect of the preliminary vibration assessment, it was found that vibration from train pass-bys was not perceptible throughout the majority of the site, with levels close to the rail line low. This however will not be the same when experienced from inside buildings, as vibration levels can be amplified. It was therefore recommended that once the site layout was finalised, the requirement for any further vibration survey work should be reviewed. As such, the report concluded that subject to appropriate mitigation, an appropriate acoustic environment can be provided, and vibration from rail line sources would be low.

This report has been reviewed by the ADC Environmental Health Officer, and they have raised no objection to the proposal. This is subject to conditions, which would ensure compliance with ALP Policy QE DM1.

Lighting:

Policy QE DM2 concerns light pollution and states that planning permission for proposals which involve outdoor lighting must be accompanied by an acceptable lighting scheme. The proposal is close to the South Downs National Park, which was designated as an International Dark Night Skies reserve in May 2016. Whilst the proposal is outside the boundary, development on rural areas close to the SDNP should minimise the light glare and spillage from the development. Policy EH10 'Unlit Village Status' of the NP seeks to reduce light pollution in the area in order to maintain dark night skies.

A Lighting Strategy Report (DFL - 20/09/23) and Indicative Light Spill Diagram (DFL - 08/09/23) has been submitted in support of the application. This assessment sets out the light impacts of the indicative layout; demonstrating the light levels, extent of spill and potential effects on the local and surrounding area. The light spill diagram has modelled the highest potential light levels; and shows that lighting would be contained within the built areas of the development. This is with minor incursions into the ecological features of the site. It is clarified within the Lighting Report that these levels would comply with obtrusive light guidance set out in ILP GN01 at sensitive receptors. As this is in part an Outline application, it is standard practice to impose a condition requiring the submission of full lighting details at the reserved matters stage or at condition discharge stage for the detailed application. Environmental Health have also been consulted and have raised no objections. Therefore, subject to the imposition of a suitably worded condition the proposals would accord with ALP policy QE DM2.

Air Quality:

Policy QE DM3 concerns air pollution and requires that all major development proposals assess the likely impacts of the development on air quality and mitigate any negative impacts.

The ES included consideration of Air Quality and Dust, undertaking an air quality assessment to determine the potential effect of the Scheme on local air quality during both the construction and operational phases. This found that the baseline air quality for the area is good overall; however during the construction phase there is a high risk of dust soiling impacts and a low risk to human health due to increases in particulate matter concentrations. This risk and impact of dust and PM10 releases could be significantly reduced through good site practice and implementation of suitable mitigation measures. It was therefore concluded that the residual effects of dust and PM10 generated by construction activities would be negligible and not significant. It was also found that the impacts of the operational phase would have negligible and not significant residual effects; and the cumulative effects of the scheme and locally committed developments would also be negligible for both the construction and operational phases.

This assessment has been subject to review by the ADC Environmental Health Officer, who has raised no objection subject to conditions. This would accord with ALP policy QE DM3.

Ground Contamination:

Policy QE DM4 concerns contaminated land, and requires that prior to development, the Council will require evidence to show that unacceptable risk from contamination will be successfully addressed through remediation without undue environmental impact during and following the development.

The application has been supported by multiple documents addressing ground risk assessments, including gas and geophysical surveys. The 'Westergate Preliminary Investigation Report' (PIR) and 'Westergate Main Investigation Report' (MIR) are those of most pertinence, and required by QE DM4. The PIR was undertaken to advise on the risk pertaining to the site, including assessment of the impact on current and future sensitive receptors. This included assessment of the condition of the site, and any potential contaminants which may be present. This report found that no potentially significant sources were identified or confirmed, and as such further intrusive investigation would not be necessary. However it was recommended that further geotechnical surveys be undertaken.

The MIR was carried out to undertake intrusive ground investigation to assist in preparing a foundation scheme appropriate for the development setting. This did not identify any significant risks.

The ADC Environmental Health Officer has no objection, following review of the submitted evidence in respect of ground contamination. As such, subject to compliance with conditions, the development would accord with ALP policy QE DM4.

Minerals and Waste:

The site falls within a mineral safeguarding area for Sharp sand and gravel. It is therefore subject to consideration under the Joint Minerals Local Plan 2018, and as such a Minerals Resource Assessment (MRA) has been submitted. This has been reviewed by the WSCC Minerals and Waste Planning Authority (MWPA).

The MRA has concluded that the relatively small abundance of workable mineral, when combined with environmental groundwater constraints, planning processing and haulage costs, would not yield any significant or meaningful quantities of mineral useable for its safeguarded use. The evidence also shows that the anticipated available resource on site is of low quality, and subsequently it would not be economically practicable to extract. The WSCC MWPA has therefore raised no objection, but has encouraged a suitably worded condition, that incidental extraction of the mineral where appropriate for use within the site or for local operators should be considered.

The application has been supported by sufficient evidence to demonstrate that the development would not result in any significant impacts to environmental considerations, and would accord with ALP policies QE DM1, QE DM2, QE DM3, QE DM4 and QE SP1, the Joint Minerals Local Plan 2018, West Sussex Waste Local Plan 2014, and the NPPF. This is subject to compliance with the conditions as requested by the ADC Environmental Health Officer, and WSCC MWPA.

PUBLIC OPEN SPACE AND PLAY

ALP policy OSR DM1 requires housing developments to provide sufficient public open space, playing pitch provision and indoor sport & leisure provision. In addition, policy HWB SP1 seeks to ensure that new development is designed to maximise the impact it can have on promoting healthy communities and reducing health inequalities.

The Council's Supplementary Planning Document (SPD) "Open Space, Playing Pitches, Indoor and Built Sports Facilities" (January 2020) sets out requirements for on-site provisions. This is calculated on the estimated population based upon the number of dwellings. For 400 dwellings, this would attract a minimum on-site provision of 28,160sqm of Public Open Space (POS) and 4,840sqm of Play Space (comprising LAP, LEAP and NEAP delivery). Off-site allotment contributions and maintenance sums would also be triggered by this development.

This outline is accompanied by a Green and Blue Infrastructure Parameter Plan. This sets out an indicated 7.69ha (76,900sqm) of Open Space, including both SuDS and Play. SuDS would be set to contribute to approximately 1.07ha (10,700sqm) of this, and play facilities 0.11ha (1,100sqm). Whilst there is an over-provision of POS, the potential usability of this space must be taken into consideration. Therefore accounting for how much space remains when other conflicting features and constraints, such as SuDS, planting and flood risk zones (both current and future) are removed from this total figure. Using GIS mapping against the indicative sketch layout and Parameter Plans, it is calculated that 26,900sqm of the POS would be lost when accounting for SuDS features and incidental green spaces which would be too small to be used as POS. This is further reduced by approximately 32,000sqm when considering the areas subject to flood risk (FZ2 / FZ3a). In accounting for this loss from the total proposed POS (76,900sqm), only 18,000sqm would be realistically useable. This provision would subsequently fall 10,160sqm short of the required minimum for this site (28,160sqm).

In turn, only 1,100sqm of play is proposed, comprising 2 LAPs and 1 LEAP. This falls short of the required 4,840sqm for play, which would equate to the delivery thresholds for LAPs (100sqm minimum), LEAP(s) (400sqm minimum) and NEAP(s) (998.56sqm minimum). Whilst the lack of a NEAP is in conflict with the SPD, consideration must be had that this site would tie in to the wider BEW delivery, of which the BEW Framework Masterplan seeks to create a Rife Valley Park, with pocket parks, play areas and sports hubs to be delivered throughout the allocation. Therefore, whilst in isolation this is a conflict, the lack of a NEAP on this site is acceptable, and allows for higher quality NEAPs to be provided across the allocation where appropriate. The provision of 2 LAPs and a LEAP is unacceptable despite the context that larger and higher quality play areas will be delivered elsewhere within BEW. The site should deliver a minimum of 3,500sqm of play space as well as a financial contribution towards wider NEAP provision elsewhere within the BEW allocation.

The lack of usable POS when accounting for site features and constraints (including SuDS) and insufficient play provision on site indicates further that a development of 400 dwellings would present an overdevelopment of the site. It has also not been demonstrated that the site could accommodate sufficient POS for the proposed quantum of housing; therefore conflicting the requirements of ALP policies OSR DM1, HWB SP1 and the Council's Open space, playing pitches, indoor and built sports facilities supplementary planning document (SPD) January 2020.

TREES AND HEDGEROWS

ALP policy ENV DM4 states TPO protected trees, Ancient Woodland or trees that contribute to local amenity are not damaged or felled unless the development meets certain criteria, including where benefits outweigh the loss of trees or woodland, and appropriate mitigation can be secured. Policy EH6 of the ANDP echoes this LP policy, and requires that where development requires impact on or loss of existing trees, it should be accompanied by a survey and management plan to show how retained trees will be maintained, be designed to incorporate biodiversity and enhance ecological networks, and must be outweighed by the benefits of that development.

The site is covered by multiple TPOs: TPO/AL/2/16 covering 87 on-site trees; TPO/AL/2/91 covering 6 on-site trees; TPO/AL/3/91 covering approximately 3 groups of trees; and TPO/BN/7/20 covering 2 on-site trees.

This application has been supported with an Arboricultural Impact Appraisal (AIA) and Method Statement (Barrell - 21/09/23), and Tree Protection Plan (TPP) (Ref 16285-2). In addition to the TPOs on site, this AIA identifies three Veteran trees (VT21, VT24 and VT43) which have been proposed to be retained, and afforded appropriate buffer zones. The proposal will in total affect 20 individual trees; 15 groups (whole or in part); and 2 hedgerows (whole or in part). Of those proposed to be removed, 2 trees (T88 and T90) and part of 1 group (G85) have been classified as Category B (Moderate Quality); 7 trees, 13 groups, and 2 hedgerows are Category C (Low Quality); and 4 trees and 1 group are Category U. No Category A trees are proposed for removal, with 7 Cat A and B trees proposed for protection using special precautions. This includes VT21, 24 and 43.

The supporting documentation evidences that the development has sought to retain and maintain a large majority of trees on site, with those of the highest quality and value to be protected and maintained. Only a small number of moderate quality are to be felled, with all others proposed for removal of low quality and little amenity value to the site. ENV DM4 (c) and EH6 both state that development will be permitted where it is demonstrated the benefits of the proposed development in a particular location outweigh the loss of these trees. The loss of these trees will therefore be accounted for in the planning balance below, and attributed an appropriate weight to determine whether this is outweighed by the benefits of the proposal.

The replacement of trees and hedgerow within the site to mitigate the loss of those to be removed can be sought within a Reserved Matters application, and also conditioned. Were this application being approved, the development would be subject to strict compliance with the AIA, Method Statement and TPP, to ensure that all retained trees are sufficiently maintained and protected with appropriate buffer zones. Subject to compliance with that condition, and the proposal of sufficient replacement trees and hedgerows within the landscaping for the scheme, the development would accord with ALP Policy ENV DM4, and ANDP Policy EH6.

ECOLOGY, HABITATS AND BIODIVERSITY

ALP Policy ENV DM5 states development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. The statutory required for mandatory 10% BNG came into force shortly after this application was received in February 2024; and as such a 10% net gain on this site is not required. As such, the Council revert to the requirements of ALP policies ENV SP1 and ENV DM5, and objectives of the NPPF for seeking a biodiversity net gain (BNG) on site.

A Biodiversity Net Gain Assessment (Ecosupport Ltd - May 2024) and accompanying BNG Metric has been provided. This identifies that the proposal would result in a net % change in Habitat Units of -18.81%, but gain of 84.71% and 26.53% in hedgerow units and watercourse units respectively. This

would include the loss of 0.9BU of wet woodland. An additional updated Ecology document (dated 8 April 2026) has been submitted, and reviewed by the ADC Ecology Officer. This confirms that the net change of Low distinctiveness area habitats is -37.25BU, and that offsite units could mitigate for this loss. As 10% Biodiversity Net Gain cannot be achieved on site, this is a conflict with ALP policy ENV DM5. However, as further opportunities for habitat enhancement and ecological mitigation measures could have been explored and conditioned where appropriate were permission being granted, the conflict with ENV DM5 in respect of the failure to meet 10% does not form a reason for refusal.

This application has been submitted with an Ecological Impact Assessment (EclA) (Ecosupport Ltd - August 2023). This includes the undertaking and results of the following ecological surveys:

- Preliminary Roost Assessment.
- Reptile.
- Bat.
- Dormouse.
- Breeding Bird.
- Water Vole.

This EclA includes a caveat on page 6 that 'if the works do not take place within 18 months of this report then the findings of this survey will no longer be considered valid'. This survey lifetime has been confirmed as correct by the ADC Ecologist. 18 months from August 2023 would result in this EclA having lapsed in March 2025. Therefore, these surveys are now out of date, and to date no updated surveys have been provided. As such, the supporting information regarding the current biodiversity and ecological use of the site is now not sufficient for Officers to determine that the development would not have an adverse impact on existing species and habitats. This caveat is also provided within the BNG Assessment, and as such this supporting information is also out of date. An advice note reiterating this is provided by the CIEEM at <https://cieem.net/wp-content/uploads/2019/04/Advice-Note.pdf> which requires data aged between 18 months - 3 years to be reviewed by an Ecologist.

The site falls within the 12km HRA Buffer for Singleton and Cocking Tunnels Special Area of Conservation (SAC). This buffer requires that proposals on greenfield sites that support or are in close proximity to suitable commuting and foraging habitat for bats must consider the significant impacts or severance to flightlines. The application has been supported by a Shadow HRA and Appropriate Assessment, which has been submitted to aid the Council in assessing the impact to the SAC under an Habitat Regulations Assessment / Appropriate Assessment (HRA / AA). Were this application being recommended for approval, the Council would have undertaken this HRA to conclude on the potential impacts and mitigation measures, and re-consulted Natural England with the findings. However, the Appropriate Assessment has not been undertaken at this time as a result of the application being refused, and the Preliminary Roost Assessment and Bat Surveys being out of date. Officers would therefore be unable to conclude the HRA, as this assessment would be based upon invalid data.

Policy EH2 of the ANDP requires that 'new development within, or immediately adjacent to Biodiversity Corridors will only be supported where it can be clearly demonstrated that proposals will not give rise to any significant harm to the integrity or function of the corridors'. Map A(1) identifies that the site encompasses a number of biodiversity corridors, running across the proposed development area. The 'Green and Blue Infrastructure Parameter Plan' shows that these identified corridors will be safeguarded where possible; being captured within the open space provision on site. However, a number of the central corridors will be lost for the provision of dwellings and associated infrastructure. The East-West link road also results in the corridors running south-north being split by a gap of approximately 17m, creating a disruption in the continuity and connectivity of this green link across the site.

Therefore, whilst some biodiversity corridors are being retained and enhanced, it has not been

sufficiently demonstrated that the development would not give rise to significant harm to their integrity and function. Both the construction and operational phases of the development would result in harm, with the development disrupting the quality of these linear features, and significantly impacting the connectivity of the site. It could not be subsequently guaranteed that the works proposed would not result in significant loss of habitats and species, due to a decrease in suitable foraging, commuting and living habitat, reduction in quality, and recreational disturbance from human activity.

The development fails to provide sufficient evidence to demonstrate that the proposal would not result in adverse harm to biodiversity and ecology. The information supporting this scheme is out of date, and as such the Council cannot conclude that the findings of the submitted reports reflect the current ecological value and use of the site. Consequentially, it cannot be determined that the development would not result in harm to protected habitats or species, nor would it be appropriate for this to be resolved via conditions. This is in direct conflict with ALP policies ENV SP1 and ENV DM5, ANDP policy EH2 and the NPPF.

HERITAGE

Policies HER SP1 and HER DM3 set out that in considering whether to grant planning permission with respect to any buildings or other land in a Conservation Area, the Council shall pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Policy EH9 'Conservation Areas' of the ANDP seeks to ensure that new development preserves and enhances their character, setting and appearance. Policy HER DM1 requires consideration of the impact on Listed Buildings and their settings.

The application is supported by a Heritage Statement (Smith Jenkins - June 2024). This identifies 8 Listed Buildings with the potential to be affected by the application proposals; and a Conservation Area (Eastergate Church Lane CA). The Statement includes an assessment of the impacts on each of these designated heritage assets. For Milliards Manor Farmhouse, Timbers and the Old Manor House (all Grade II) it is found that these will be affected by the increased traffic along Westergate Street. However, as this road is already busy and their setting has already been substantially eroded, it is concluded that the proposal would have no further impact, and would preserve their significance.

The Parish Church of St George (Grade II*) lies 250m from the site. At present, the open space to the south and east of the Church contributes to the significance of this asset by affording a continuation of the tranquil nature of the Churchyard, and connecting the site to the Manor Farm Complex and surrounding Historic setting around Church Lane. This openness allows also for important views of the Church to be visible from the surrounding area, and from within the Manor Farm Complex. The proposed development will ensure the continued use of the green buffer along the eastern boundary, which will aid the screening of the proposed dwellings within the important views of the Church, and limit their visibility from within the setting of the Heritage Asset. As such, these important views will not be altered, nor negatively harmed by the proposal, and subsequently the significance of the Church will be preserved. In turn, through the use of hedging as a buffer along the Eastern boundary to limit inter-visibility, the significance of the Church Lane CA, Manor Farmhouse (and complex) and Eastergate House will also be preserved.

The proposed development would also have limited inter-visibility between the Wilkes Head Inn and The Old House (Grade II), and would not disturb their connection to the historic setting within Church Lane. This is therefore concluded to preserve their significance.

The application has been reviewed by the ADC Conservation Officer, who has raised no objection. This is however under the acknowledgement that the impact on many of the surrounding heritage assets is primarily acceptable as a result of the proposed and retained buffering along the eastern edge. With its delivery, the development would have neutral impact on the settings of designated heritage assets, and

would preserve their special interest, ensuring that their significance continues to be experienced and understood.

Paragraph 215 of the NPPF requires that where a development will lead to less than substantial harm, this should be weighed against the public benefits of the scheme. In this case, the supporting Heritage Statement and consultation response from the ADC Conservation Officer concludes that the proposed development would have neutral impact, and would preserve the significance and setting of heritage assets. However, in the case that the development would have been found to have less than substantial harm, it would have been concluded that the development, when weighed against the public benefits of the proposal (particularly in relation to meeting housing need), would be outweighed by the public benefits.

Overall, the proposal accords with the NPPF, Policies HER SP1, HER DM3, HER DM1 of the Arun Local Plan and EH9 of the ANDP.

ARCHAEOLOGY

ALP Policy HER DM6 states that where a site has the potential to include heritage assets with archaeological interest, permission will only be granted where it can be demonstrated development will not be harmful to the archaeological interest of the sites. To assess the impact of development proposals at the Site and in accordance with policy HER DM6, an Archaeological Desk-Based Assessment (Development Archaeology Services Ltd - August 2023) has been submitted. This assessed the archaeological potential of the site and concluded that the impact of development on low archaeological potential is considered to be low and the potential impact of development on the identified moderate and high archaeological potential will be high. It was also considered that there may be a potential impact at the northern end of the site on the setting of the Grade II* Listed Parish Church of St George, however this is considered to be low. The substantial site buffer areas were also considered as low to medium risk from any development works.

Suggested Mitigation Proposals are given within the assessment, and it is advised that a program of investigation, following determination and in advance of development, at each phase should be implemented. The suggestion of any phased investigations incorporating an element of local community involvement is also made.

This has been reviewed by the ADC Archaeology Advisor, who has confirmed agreement with the conclusions and recommendations made, in that there are no archaeological grounds for refusal. However it is reiterated that there is potential for the site to contain deposits of interest, and as such a condition to secure an evaluation (scheme of investigation) prior to development has been requested to ensure that the significance of anything important that is found may be preserved.

Overall, the proposal accords with Policy HER DM6 of the ALP 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.

TRAFFIC, HIGHWAYS AND PARKING

Policy T SP1 of the ALP supports development that incorporates appropriate levels of parking in line with the WSCC guidance on parking provision. Policy T DM1 requires that new development be located within easy access of established non-car transport modes/routes. Arun District Council adopted its Parking Standards SPD in January 2020.

Access:

The 'Access, Movement & Street Hierarchy Parameter Plan' sets out the route hierarchy for the site, and sets out a layout for pedestrian, vehicular and cycle infrastructure within the site. The development would be delivered utilising a network of primary and secondary streets which branch off the proposed E-W Link road.

ALP policy D DM1 includes consideration of access in respect of layout movement and legibility. This policy requires that development utilise existing networks or improve access via a delivery of integrated networks, and consider walking and cycling as an integral part of the overall design concept. Layout should also deliver or contribute to the ease of navigation within new and existing developments.

ANDP policy GA1 concerns the promotion of sustainable movement. GA2 concerns the footpath and cycle path network, and that support will be given to proposals that improve or extend the existing footpath and cycle network.

The parameter plan shows that access to residential properties will be predominantly from two primary streets spanning from the E-W Link Road which will act as a linear N-S spine road through the development. Only two other vehicle access points will be provided along the E-W road; these will be secondary streets and primarily serve a small number of properties that would not be accessed off the spine road. A number of secondary streets will span from the spine road, with both primary roads changing at either end to a small number of no-through secondary streets. The spine road will act as a clear legible access point, making navigation and wayfinding of the access throughout the site logical and uncomplex. The Spine road will also include cycle and pedestrian routes, which would connect to a network of routes spanning the site. These routes will also connect to existing PRowS to the north and west of the site, providing easy connection to the wider area.

It is noted that Active Travel England and WSCC PRow have raised some issues in respect of the existing PRowS, in respect of their location and how these connections will work. As this aspect is something that could be addressed at reserved matters stage when considering layout, it is determined that these issues are not a reason for refusing the proposed access for the site. The proposed parameter plan demonstrates that the development will be able to connect to the wider transport network, both via vehicle or non-car routes. It will additionally provide transport connections to the wider BEW site to the east (BN/11/22/OUT), providing access to the facilities and amenities which would be delivered as part of that site.

It is additionally noted that the E-W Link Road will only be open for use by pedestrians / cyclists and public transport until the A29 has been delivered. Future occupiers would therefore have easy accessibility to future public transport routes, including improved connections to Barnham Station, and those currently available along Westergate Street. In respect of existing public transport routes, the proposed pedestrian and cycle route which would adjoin the PRow at the west (through Elmcroft Place), and would connect Westergate Street within 30m of the nearest bus stop. This stop provides connections to Bognor Regis, Barnham, Walberton and Yapton. The proposed pedestrian and cycle route to the PRow in the north would provide connection to bus stops in Nyton Road which also serve those locations, and Chichester.

The proposed access as shown on the parameter plan demonstrates that a network of vehicle and no-car routes could be accommodated onsite with easy legibility and wayfinding. These routes would provide connections to the highway network, public transport routes, and PRowS; allowing for accessibility for all from within the site, to the wider area. This therefore demonstrates compliance with ALP policies D DM1, T DM1 and T SP1, ANDP policies GA1 and GA2, and the NPPF, in respect of the residential aspect of the development.

Parking:

Parking is a matter for consideration at reserved matters stage through the assessment of the layout. Whilst it is not a matter for determination at this time it is appropriate to consider this to ascertain if the site is capable of accommodating the level of development proposed.

ANDP Policy GA3 requires that proposed developments must provide adequate parking in accordance with standards adopted at the time. Proposals that would result in a loss of parking spaces either on or off street will be resisted.

The Planning Statement provides an initial estimate of 860 car parking spaces to be provided in line with WSCC Guidance (40 - 1 bed; 160 - 2 bed; 141 - 3 bed; 59 - 4+ bed). The Arun Parking Standards SPD requires the following break down (for developments within Zone 2):

- 1 bed - 2 spaces
- 2 bed - 2 spaces
- 3 bed - 2 spaces
- 4+ bed - 3 spaces

Visitor parking is additionally expected at a provision of 20% of the total number of residential units. In this case, this would be 80 spaces. Therefore, in order to accord with ADC Parking standards at the current housing mix proposed, 939 spaces would need to be provided on site (80 - 1 bed; 320 - 2 bed; 282 - 3 bed; 177 - 4 bed; and 80 visitor). The current proposal for 860 spaces would be a significant shortfall of that required. The APS does however allow for a 10% variation below the target, where appropriate travel option provision is provided (including travel plans, public transport contributions and other sustainable transport initiatives). Where this is proposed, the provision of 939 would be reduced to 845.1 spaces. The provision of 860 spaces would subsequently be acceptable. The Planning Statement confirms that this development would have a Full Travel Plan, subject to negotiation with the Council and WSCC. As such, the 10% variation would be considered appropriate in this instance, and would accord with the ADC Parking standards, and ANDP policy GA3.

FLOOD RISK AND DRAINAGE

ALP policy W DM2 refers to the sequential and exceptions tests, need for a Flood Risk Assessment (FRA) and mitigation. Policy ECC SP1 states development must be located & appropriately designed to adapt to impacts arising from climate change such as the increased probability of tidal and fluvial flooding. These objectives are further supported by the NPPF.

Policy EH5 of the ANDP requires that new development at risk from flooding will not be permitted unless supported by a site-specific FRA which provides clear evidence that the development would not give rise to additional risk of flooding, and would make appropriate provision for accommodating the surface and foul water from the development.

The site is in Flood Zones 1, 2 and 3a (present day to 2111); and is also subject to high probability of groundwater flooding. There are also small areas of surface water within the site, with extents of surface water flooding, ranging from 0.2m to 1.2m (low to very low risk bands) on Westergate Street within the red line boundary for the access to the site. This extent crosses the junction between Westergate Street and Pine Close, and covers the location for the proposed access works (1 in 100 and 1 in 1000 AEP).

This application is accompanied by a Flood Risk Assessment (WSP - September 2023), which includes assessment of flood risk from Fluvial, Surface Water, Groundwater, and Residual Foul. This also accounts for climate change allowance, and correlates with the flood risk extents identified above. This

FRA has been updated during the lifetime of the application, with an updated FRA (dated March 2026) being provided in April 2026. These documents identify that flooding on site would most likely occur from flood zone extents of the Lidsey Rife and the other on-site watercourse (referred to as 'Westergate Stream'). The indicative site layout shows that some properties located along the Westergate Stream would be located within Flood Zones 2 and 3a; however mitigation measures supported by the Environment Agency (EA) would ensure that all properties are outside the design flood event, and raised by 0.15m.

This application has been subject to multiple consultations with the EA. The most recent consultation response on the 6 May 2026 maintains an objection to the development, as a result of the current FRA not complying with the requirements for site-specific flood risk assessments, and therefore does not adequately assess the flood risks posed by the development. In particular, the FRA fails to provide sufficient details of the required flood plain compensation, as it is expected that level for level compensation be provided. The FRA is expected to include detailed maps highlighting areas of loss and compensation, design drawings of the compensation area, and slices through the compensation area showing that the compensation is provided at the same elevation as the lost storage. This has not been submitted, and as such the information provided therefore does not demonstrate that adequate flood plain compensation can be accommodated on site, nor that all flood risks posed by the development have been sufficiently assessed.

Though relevant primarily to the drainage design as discussed in the section below, most recent consultation response from the LLFA on 6 May 2026 corroborates that extra storage is needed on site as a result of 10% urban creep needing to be accounted for. This was identified as already being a constraint for the site, prior to updated standards being published in 2025. Therefore an increased need as a result of updated standards further highlights that flood risk and drainage for this site is a significant issue. The Council cannot be confident that both sufficient flood plain compensation and storage for drainage can be accommodated for the proposed development; and as a result it cannot be concluded that lives and property can be kept safe from flooding for the lifetime of the development, nor that flooding will not occur elsewhere as a result of the proposal. This directly conflicts Policy W DM2, EH5 and the NPPF.

The FRA provides information on Safe Emergency Access / Egress to and from the site in a flood event. This identifies that in addition to the East-West Link road bridge, there is also the potential for emergency access to the north via St Richard's Road. This would allow access for emergency services onto the site, in the event that the Pine Close junction via Westergate Street becomes impassable. However Surface Water flood mapping held by the Council identifies that the alternative access road from the north in St Richard's Road would also be subject to the same 1 in 100 and 1 in 1000 AEP (ranging from 0.2m to 1.2m with low to very low risk bands) as found at the Pine Close / Westergate Street junction. Therefore, in an extreme rainfall event, it is likely that emergency access will also not be possible from this northern point; especially as emergency vehicles would still be reliant on Westergate Street being passable via the Ivy Lane Junction. Access along Westergate Street is shown to be limited from both directions in a 1 in 100 event; meaning that both junctions would likely be effected under the same event.

In the event that occupations occur before the A29 is built on the site to the east (currently being considered under BN/11/22/OUT), it cannot also be guaranteed that emergency services could utilise the proposed link road bridge over the Rife to access the site in an extreme event. This would result in an 'island' effect, with occupiers being stranded without emergency service access or egress. Safety for future occupiers is subsequently reliant on the access on site, including the east-west link road and bridge, and A29 realignment, being completed and in use before occupations occur to eradicate the risk of this situation. It would not be reasonable to condition occupations to only occur once the A29 realignment and the link road is complete, as this realignment and connection to the wider highway network is located on a neighbouring site, and not within the control of the developer. Both ALP policy W

DM2(e) and Para 181(e) of the NPPF require that safe and appropriate access, escape route and and evacuation plans are in place. Whilst emergency access/egress plans have been suggested within the FRA, it has been identified that these emergency plans have significant flaws which would result in lives being at risk in extreme rainfall events, as it could not be guaranteed that emergency vehicles could access the site in a 1 in 100 or 1 in 1000 event.

Para 180 of the NPPF states that where applications come forward on sites allocated in the development plan through the sequential test, the sequential test does not need to be applied again. However, the exception test may need to be reapplied if relevant aspects of the proposal had not been considered, or if more recent information about existing or potential flood risk should be taken into account.

This site was scoped into the ADC Level 1 and Level 2 SFRA undertaken in 2016 as part of the wider BEW site allocation. The Level 2 Detailed Site Summary Table for BEW states the Exception Test will only be required where:

- Highly vulnerable development is proposed to be located in FZ2;
- Essential infrastructure and More vulnerable development is proposed to be located in FZ3a; or
- Essential infrastructure is proposed to be located in FZ3b.

Development will not be permitted if:

- Highly vulnerable development is proposed to be located in FZ3a; or
- Highly vulnerable, More vulnerable and/or Less vulnerable development is proposed to be located in FZ3b.

Review of the indicative site layout against the Council Flood Mapping data identifies that some residential properties (more vulnerable development) would potentially be located within FZ3a. However, as identified previously, the EA have accepted that sufficient measures are in place to ensure that all properties are located outside of the design flood event. As such, it is considered that the exception test is not required in this instance.

Insufficient information and evidence has been provided to support this application. It has not been adequately demonstrated that lives and property can be kept safe from flooding; nor that the development would not increase the risk of flooding elsewhere. As such, the Council cannot conclude that flood risk is not adverse, and could not appropriately resolve this matter via a condition. As such, the development is in conflict with ALP Policy W SP1, W DM2, ANDP Policy EH5 and the NPPF.

SURFACE WATER DRAINAGE

ALP policy W DM3 states all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SuDS) as appropriate to the size of development.

The National Standards for SuDS was published on 19 June 2025, with the latest update being on 30 July 2025. These standards were brought in by DEFRA during the lifetime of this application.

WSCC as the Lead Local Flood Authority (LLFA) were consulted on this application, initially raising an objection to the scheme. Following the submission of an FRA, Addendum and Drainage Strategy, it was confirmed that the details submitted as of 16 December 2024 were acceptable and in accordance with the NPPF, Policy W DM2 and W DM3, subject of the imposition of conditions, including pre-commencement to secure an appropriate drainage scheme. However, as a result of the lifetime of this application exceeding 2 years, the details submitted and considered acceptable as of 2024 do not account for recent updates to flood risk and drainage requirements; including the adoption of the National Standards for SuDS, Updated EA Flood Map for Planning, and ADC drainage requirements. The LLFA

have provided further comment in respect of this application, and have recommended that an addendum to the drainage strategy addressing updates to standards and requirements be submitted. This is especially so in respect of the need for extra storage of site, as a result of 10% urban creep being needed. Storage was previously identified as a constraint for the site, and so the need for provision of increased storage on site is likely to be a significant issue.

An Outline Drainage Strategy Addendum (dated 7 April 2026) was submitted following this advice from the LLFA, and has been subject to another consultation. The LLFA have reviewed this document and confirmed that the application is not in accordance with current policies. They have identified failures with Standard 1 (Run-off destinations) and Standard 3 (Management of extreme rainfall and flooding) of the NSfS. As such, they have revoked their previous position, and now raise an objection due to the inadequacy of the Drainage Strategy in responding to updated policies.

As it has been confirmed by the LLFA that the drainage strategy fails to meet the current standards for SuDS, it has not been sufficiently demonstrated that a suitable scheme could be accommodated on the site, nor that it would be appropriate for this issue to be resolved via a condition. Insufficient information has therefore been provided to evidence compliance with ALP policies H SP2c (e), W SP1, W DM2 and W DM3, ANDP policy EH5, the National Standards for SuDS, and the NPPF, and it has not been demonstrated that the site can sustainably drain surface water without increasing flood risk elsewhere.

FOUL DRAINAGE

ALP policy W DM1 states that all major developments must demonstrate that adequate drainage capacity exists or can be provided as part of the development. Where adequate capacity does not exist, there will be a requirement that facilities are adequately upgraded prior to the completion and occupation of development. Policy W DM1 also states that a drainage impact assessment is required for all major development.

The foul drainage strategy proposes three options for connections to on-site foul sewers; option one being new connections to existing sewers, including installation of shallower drainage, and diversion of two of the on-site sewers. Option two and three proposes to retain a completely separate on-site system of new foul sewers, with potential for a new off-site sewer connection.

Concern has been raised in respect of sewage overflows to the south of the site, and the impacts this development would have on the existing sewer system. The applicant has advised that overflows can be linked to flows in excess of the hydraulic capacity, but can also be caused by blockages or sediment build up which reduces capacity. The latter is the responsibility of Southern Water; and they have advised within this application that no more than 50 new homes can be connected to the existing sewer in advance of infrastructure upgrades.

Southern Water (SW) have provided no objection to the application, and instead have requested that if permission is granted, that conditions being imposed requiring the developer to advise of the measures which will be undertaken to divert the public sewers; and that occupation be phased and implemented to align with the delivery by SW of any sewerage network reinforcement required to ensure adequate wastewater network capacity is available.

As appropriate conditions could be imposed to require sewerage network capacity upgrades to ensure that the development does not increase flood risks off site as a result of foul drainage, the development is in accord with ALP policy W DM1, and ANDP policy EH5 (part b in respect of foul).

AFFORDABLE HOUSING / HOUSING MIX

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

The most up to date recommendations are contained in a report published in September 2016. The suggested mix of housing by size and tenure is as follows:

	1 bedroom	2 bedrooms	3 bedrooms	4+ bedrooms
Market	5-10%	40-45%	35-40%	10-15%
Intermediate/Starter Homes	15-20%	50-55%	25-30%	0-5%
Affordable Rented	35-40%	35-40%	15-20%	5-10%

The application will provide a mix of dwelling types, sizes and tenures. The exact mix will be determined at reserved matters stage; though it is indicated within the planning statement an illustrative mix of new homes with the following breakdown:

Dwelling Size	Number	Percentage
1 Bed	40	10%
2 Bed	160	40%
3 Bed	141	35.25%
4 Bed	59	14.75%
Total:	400	100%

A minimum provision of 30% affordable housing will be required on site in accordance with ALP policy AH SP2 . The policy states affordable housing should be visually indistinguishable from market housing with large groupings of single tenure dwellings or property types avoided. Affordable housing units shall be permitted in small clusters throughout development schemes. The provision of affordable housing on a site at less than 30% will only normally be allowed in very exceptional circumstances if supported by robust evidence including, where appropriate, viability evidence. ANDP Policy H4 echoes this, requiring 30% affordable for 10 or more new dwellings.

This application has been accompanied by a Viability Report (dated 31st January 2024), the findings of which indicate and conclude that the maximum percentage for the scheme would be 10% affordable. This would equate to the provision of up to 40 affordable units.

Given that this viability assessment was undertaken over two years ago, it is now expected that the findings are out of date. As such, the provision for 10% is now unlikely to be viable. Further assessments of the affordable housing provision, and updates to the Infrastructure Development Plan (IDP) are required, in order to better understand the financial viability of the scheme two years on given changes to the economic climate. The affordable provision and S106 contributions are interlinked; and as such both of these aspects need to be revisited. Were planning permission being granted, these aspects would have been further reviewed and negotiated.

HOMES FOR OLDER PEOPLE

Arun has an agreed internal policy on the provision of housing accommodation to provide for an ageing generation ("Accommodation for Older People and People with Disabilities", 2020). This is not an adopted policy or a supplementary planning document but is considered to be a material consideration. The document provides more detail on the standards to be implemented in the ALP, in particular Policies D DM1 'Aspects of form and design quality' and D DM2 'Internal Space Standards' with particular provision for meeting the needs of older people and people with disabilities. The intention is to ensure

that people can access housing that will allow them to carry on living independently in their own homes through appropriate adaptation and flexible design for their changing needs.

The adopted guidance note identifies that for schemes exceeding 51 units 50% of the total houses should meet m4(2) standard, whilst in this case an additional 52 units should be designed to m4(3) standards. The use of an appropriately worded condition to ensure that these standards are met would be appropriate and would ensure that the proposed development secured an acceptable number of m4(2) and m4(3) dwellings through the detailed design at Reserved Matters stage.

The NPPF, and Policy H DM2 of the Arun Local Plan (ALP) support the provision of homes that meet varying tenure needs, household make-ups and changing lifestyle requirements and specialist accommodation - including older people where accommodation close to existing centres and good transport networks is encouraged.

Given the outline nature of the proposal these dwellings could be secured through condition.

SUPPORTING INFRASTRUCTURE

ALP policy INF SP1 requires development proposals to provide or contribute towards the infrastructure & services needed to support development to meet the needs of future occupiers and noting that this strategic allocation is Zero Rated for the purposes of CIL. The Applicants are required to enter into a S106 Planning Legal Agreement as well as an S278 agreement to secure relevant, appropriate and necessary mitigations and financial contributions.

As the application is being refused, no Heads of Terms have been agreed, however one has been prepared in draft form. This draft identifies the mitigations and financial contributions to be covered within the S106 and S278 Agreements. A final version would have been agreed were the application being approved.

TELECOMMUNICATIONS

ALP policy TEL SP1 states that all proposals for new residential, employment and commercial development must be designed to be connected to high-quality communications infrastructure. Compliance with policy TEL SP1 of the ALP can be adequately secured through condition.

CLIMATE CHANGE

ALP policy ECC SP1 requires that new development be designed to adapt to impacts arising from climate change and that all major developments must produce 10% of total predicted energy requirements from renewables unless unviable. ECC SP2 requires new residential and commercial development be energy efficient and incorporate decentralised, renewable, and low carbon energy supply systems. Conditions can be imposed to ensure that the policy requirements are incorporated into the reserved matters application and the final build. This would ensure compliance with the relevant policies.

ENVIRONMENTAL IMPACT STATEMENT

Given the size of the Site and the quantum of development proposed, the development constitutes Environmental Impact Assessment (EIA) development as defined within Schedule 2 of the EIA Regulations. Specifically, part 10 (b) 'Urban Development Projects' threshold.

An environmental screening request was submitted to ADC on 28 June 2022 for 400 dwellings In

accordance with associated open space, access, surface water drainage and landscaping. A Screening Opinion was issued by ADC on 19 July 2022 confirming that there was potential to cause significant environmental effects, and that the development constitutes EIA development under EIA Regulations. As such a Scoping Opinion would be required. In accordance with Regulation 15 of the EIA Regulations, a Scoping Opinion was requested from ADC on 5 July 2022, and was issued by the Council on 21 November 2022. This set out the requirements for the form of the Environmental Statement submission (ES).

This application has been accompanied by an Environmental Statement, reports and parameter plans. Assessments covering Transport, Landscape and Visual, Ecology, Air Quality, Noise and Vibration, Built and Heritage, Water Environment, Flood Risk and Drainage, Socio-Economics and Human Health Impact, Ground Conditions and Contamination, Minerals, and Climate Change and Resilience have all been submitted; with the development designed to build environmental improvements and mitigation into its design. This is in attempts to reduce adverse effects as far as possible, in response to the findings of the above reports. The ES concludes that 'with the mitigation the proposals are unlikely to have any significant environmental impacts either alone or in combination with other development proposals'.

As found in respective sections above, the details submitted to satisfy the matters of flood risk, drainage and ecology have been found to be insufficient. This is primarily as a result of the documents now being out of date, and not accounting for changes to policy and legislation, or changes to the site due to the age of the application. In addition, in respect of flood risk and drainage, the information that has been submitted has been found to be inadequate, as it does not meet the requirements for a site-specific FRA, nor account for flood plain compensation or 10% urban creep. Therefore, the conclusions of the EIA are not accepted, as this is based upon data which is now out of date and has been found to be unacceptable.

PLANNING BALANCE

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

By virtue of its allocation, the Council accepts that the site is in a sustainable location, with good connections to public transport services. It is further acknowledged that the delivery of up to 400 dwellings would make a significant contribution towards the Council's Housing Land Supply. This is afforded substantial weight.

The creation of jobs during construction, new income to the Council, and increased spending by future residents on local shops and services are afforded moderate weight.

In respect of the paragraph 11(d)(ii) test, the report identifies that the proposal conflicts with policies relating to design, layout, residential amenity, public open space, ecology and biodiversity, flood risk and drainage, and affordable housing provision.

The information submitted in respect of flood risk and drainage contains fundamental deficiencies, and fails to provide sufficient evidence to demonstrate that the development would be acceptable in these regards. The application has failed to adequately demonstrate that lives and property can be kept safe from flooding, nor that the development would not increase flood risk elsewhere.

Furthermore, the submitted drainage strategy does not reflect current standards for SuDS, and it has not been evidenced that a suitable and deliverable scheme can be accommodated on the site. Given the scale of these deficiencies, it would not be appropriate for this matter to be resolved through condition. As such, the proposal conflicts with ALP Policies H SP2c (e), W SP1, W DM2 and W DM3, ANDP Policy EH5 and the NPPF, and is afforded significant weight.

The indicative layout and parameter plans demonstrate that the proposal would represent an overdevelopment of the site, with an inappropriate density resulting in a cramped form of development. In addition, the lack of sufficient usable public open space when accounting for site constraints, including SuDS and flood risk areas, further supports this conclusion. The proposal is therefore in conflict with ALP Policies D DM1, D SP1, OSR DM1, HWB SP1 and H SP2c, ANDP Policies H3 and H8, the Arun Design Guide and the NPPF. However, given the outline nature of the application this is afforded limited weight given that these matters could be refined at Reserved Matters stage.

The proposal fails to provide sufficient and up-to-date ecological evidence. The submitted surveys are no longer valid, and it has not been demonstrated that the development would not result in unacceptable harm to protected species, habitats or biodiversity corridors. In the absence of robust evidence, it is not possible to conclude that impacts could be appropriately avoided or mitigated. This is in direct conflict with ALP Policies ENV SP1 and ENV DM5, ANDP Policy EH2 and the NPPF, and is afforded moderate weight.

The loss of trees and hedgerows is afforded only limited weight, as this could be considered through the determination of any subsequent Reserved Matters application and would be acceptable subject to appropriate mitigation and replacement planting.

The submitted Viability Assessment is now out of date, and the proposed 10% provision of affordable housing is not justified or secured. This conflicts with ALP Policy AH SP2 and ANDP Policy H4. However, as this matter could be addressed through the provision of updated viability work, this is afforded limited weight.

Drawing these matters together, whilst substantial weight is attributed to the delivery of housing given the Council's lack of a five-year housing land supply, and moderate weight to the associated economic benefits, the proposal gives rise to significant and unresolved conflicts with the development plan. In particular, the deficiencies in respect of flood risk and drainage, together with the lack of up-to-date ecological information, represent fundamental constraints on the acceptability and deliverability of the scheme.

Accordingly, it is concluded that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF as a whole.

RECOMMENDATION

The recommendation is that this Hybrid planning application be refused 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), Article 1 of

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

SECTION 106 DETAILS

A draft Heads of Terms has been produced. This document includes the headline obligations, trigger points, contributions, recipient, and destination. Please see the published draft Heads of Terms within the application documents.

RECOMMENDATION

REFUSE

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

The Reasons below refer to the 'FULL' matters within the planning application
- 2 Insufficient evidence has been provided to demonstrate that the design of the bridge, including its interface with the neighbouring site, is acceptable. In addition, an updated Road Safety Audit has not been submitted. As such, it has not been demonstrated that the bridge is deliverable or that the proposed east-west link road would operate safely without causing unacceptable impacts on highway safety. The proposal would therefore result in harm to the highway and transport network, and to the safety of existing and future users, contrary to Policies T SP1, H SP2 and H SP2c of the Arun Local Plan and the National Planning Policy Framework.
- 3 Insufficient information has been provided to demonstrate that the site will not be unacceptably impacted as a result of flood risk, nor increase flood risk elsewhere, and that an acceptable SuDS scheme can be implemented on site. This is in conflict with Arun Local Plan policies H SP2c, W SP1, W DM2 and W DM3, Aldingbourne Neighbourhood Development Plan Policy EH5, and the National Planning Policy Framework.
- 4 Insufficient ecological information has been submitted to enable a full assessment of the proposal. The submitted surveys are out of date and therefore cannot be relied upon to determine that the development would not result in adverse impacts on the ecological value of the site, including protected species and habitats. The proposal is therefore contrary to Policies ENV SP1 and ENV DM5 of the Arun Local Plan, Policy EH2 of the Aldingbourne Neighbourhood Development Plan, and the National Planning Policy Framework.

- 5 Insufficient evidence has been provided to demonstrate that the development would not result in adverse harm to the function and integrity of biodiversity corridors on site. This is in conflict with Aldingbourne Neighbourhood Development Plan Policy EH2.
- 6 In the absence of a signed Section 106 agreement, the development fails to secure the necessary mitigation and infrastructure required to support the proposal, including contributions towards highway improvements, education provision, secondary school transport, healthcare, sport and play provision, public open space, community facilities, and biodiversity net gain and its future monitoring. Furthermore, the development fails to secure an appropriate level of affordable housing in accordance with policy requirements. As such, the proposal is contrary to the aims and objectives of the National Planning Policy Framework, Arun Local Plan Policies INF SP1, AH SP2, T SP1, T DM1 and OSR DM1 and Policy H4 of the Aldingbourne Neighbourhood Development Plan.
- 7 In pursuance of their powers under this Act and related Orders and Regulations the Council REFUSE to approve the development as described in the application and plans for the reasons stated.

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

- 8 Insufficient information has been provided to demonstrate that the site will not be unacceptably impacted as a result of flood risk, nor increase flood risk elsewhere, and that an acceptable SuDS scheme can be implemented on site. This is in conflict with Arun Local Plan Policies H SP2c, W SP1, W DM2 and W DM3, Aldingbourne Neighbourhood Development Plan Policy EH5, and the National Planning Policy Framework.
- 9 Insufficient ecological information has been submitted to enable a full assessment of the proposal. The submitted surveys are out of date and therefore cannot be relied upon to determine that the development would not result in adverse impacts on the ecological value of the site, including protected species and habitats. The proposal is therefore contrary to Arun Local Plan Policies ENV SP1 and ENV DM5, Policy EH2 of the Aldingbourne Neighbourhood Development Plan, and the National Planning Policy Framework.
- 10 The proposed development would present an overdevelopment of the site, resulting in an unacceptable density to the detriment of the character and appearance of the area, and limited provision of usable Public Open Space, in conflict with Arun Local Plan Policies D SP1, D DM1, OSR DM1, HWB SP1 and H SP2c, Aldingbourne Neighbourhood Development Plan Policies H3 and H8, the Arun Design Guide and the National Planning Policy Framework.
- 11 Insufficient evidence has been provided to demonstrate that the development would not result in adverse harm to the function and integrity of biodiversity corridors on site. This is in conflict with Aldingbourne Neighbourhood Development Plan Policy EH2.
- 12 In the absence of a signed Section 106 agreement, the development will not provide the contributions required to mitigate impacts to local infrastructure contrary to Arun Local Plan Policy INF SP1 and the National Planning Policy Framework.
- 13 In the absence of a signed Section 106 agreement and up-to-date Financial Viability Assessment, the development does not provide a justified quantity of Affordable Housing, contrary to Arun Local Plan Policy AH SP2, Aldingbourne Neighbourhood Development Plan Policy H4, and the National Planning Policy Framework.
- 14 In the absence of a signed Section 106 agreement, the development fails to secure the necessary mitigation and infrastructure required to support the proposal, including contributions towards highway improvements, education provision, secondary school transport, healthcare, sport and play provision, public open space, community facilities, and biodiversity net gain and its future monitoring. As such, the proposal is contrary to the aims and objectives of the National Planning Policy Framework, and Policies INF SP1, T SP1, T

DM1 and OSR DM1 of the Arun Local Plan, and Policy H4 of the Aldingbourne Neighbourhood Development Plan.