

Recommendation Report for Planning Permission

REF NO:	AL/126/21/PL
LOCATION:	Ryefields Farmhouse Oak Tree Lane Woodgate PO20 3GU
PROPOSAL:	Demolition of existing building and erection of 5no. houses comprising 1no. 4-bed detached, 2no. 4-bed link detached & 2no. 3-bed detached houses with associated access & parking (resubmission of AL/81/21/PL). This site falls within Strategic Site SD5, CIL Zone 1 (Zero Rated).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Full permission is sought for erection of 5 houses comprising 1 no. 4-bed detached, 2 no. 4-bed link detached & 2 no. 3-bed detached houses. Access is from Oak Tree Lane and the proposal includes a length of pavement along the site frontage, west of the access point. All houses will be two storey and the 4 bed ones will have a single garage each. The drainage strategy proposes surface water drainage to an attenuation tank in the road and then with a controlled discharge into the drainage system of the proposed residential site on adjacent land to the south (subject of current application AL/107/21/PL). Similarly, foul water would be discharged into the same adjacent site.
SITE AREA	0.2 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	25 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	There is a mix of larger mature and semi-mature trees growing on and adjacent to the site boundaries some of which are subject to made Tree Preservation Orders. TPO/AL/1/19 protects a large Oak tree on the site frontage (T1) and a further one to the east (T2) which is outside of the site but has a canopy that touches the boundary. The more recent TPO/AL/3/20 protects a number of trees within the wider BEW area and it appears from the relevant plans that the T1 (Oak) on this TPO may be the same as T2 on the 2019 TPO. The proposal seeks to retain the two TPO trees albeit introducing hard surfacing within the Root Protection Areas (RPAs). It is proposed to remove 21 other trees (including two category B trees) and also two small groups of Cypress trees.
BOUNDARY TREATMENT	The site is bounded on all sides by a mixture of trees &

hedgerow of varying heights plus low (approx. 1m) fencing. The condition of the vegetation is sparse which allows clear visibility into the site.

SITE CHARACTERISTICS

The site forms part of garden associated with Ryefields Farmhouse. The site is predominantly amenity grass with ornamental planting and there is an existing small storage building. Access to the land is from an unmade private track which forms part of Oak Tree Lane.

CHARACTER OF LOCALITY

The character of the locality to the west and, beyond the railway line, north is built up and residential. The nearest dwelling to the west is two storey with some secondary windows in its flank elevation that look towards the site. To the east the character is rural. To the south of the site are open fields and to the southeast is a light industrial development.

Land to the south is subject to the Strategic Site Allocation known as Barnham, Eastergate and Westergate (or simply BEW) which has been comprehensively master planned. Once the land to the south is developed as part of the delivery of the BEW Masterplan, greater access to nearby facilities will be achieved.

RELEVANT SITE HISTORY

AL/81/21/PL	Demolition of existing building & erection of 5 No houses comprising 1 No 4-bed detached, 2 No 4-bed link detached & 2 No 3-bed detached houses with associated access & parking (resubmission following AL/72/19/PL). This site is in CIL Zone 1 & is Zero Rated.	Refused 06-10-21
AL/72/19/PL	Demolition of existing buildings & erection of 10 No. houses, comprising 1x three bedroom detached, 6x three bedroom semi detached & 3x four bedroom detached houses with associated access & parking (resubmission following AL/118/18/OUT).	Refused 24-12-19
		Appeal: Dismissed 02-04-20
AL/118/18/OUT	Outline application with some matters reserved for the demolition of existing buildings & the erection of 10 No. dwellings comprising 1 No. three bedroom detached, 2 No. three bedroom semi detached, 4 No. four bedroom semi detached & 3 No. four bedroom detached houses with associated access & parking.	Refused 23-07-19
AL/106/12/	Outline application for 2.85 hectares of residential	Refused

development (up to 60 open market dwellings, and up to 28-03-13
25 affordable dwellings (30 %), 2.9 hectares of public
open space, and 0.2 hectares for community service.

Appeal: Dismissed
30-10-13

AL/69/11/

Outline application with some matters reserved for the Refused
erection of up to 100 dwellings (including 30% (up to 30) 29-09-11
affordable) together with 7115 sq metres of landscaped
open space within the residential area and an additional
1.95 hectares of land to be laid out as publically
accessible amenity woodland. (Departure from the
Development Plan)

Appeal: Dismissed
20-06-12

AL/72/19/PL was refused for five reasons and this decision was appealed but dismissed. Refusal reasons 2, 3 & 4 were upheld. The appeal was accompanied by a planning obligation which set out a number of financial contributions to be made in line with the development. As the Inspector was dismissing the appeal, the obligation was not considered in any detail. The Inspector's concluding comments were:

"I have found that the proposed development would not be accessible to all users other than by vehicle and would not meet the needs of vulnerable users. Furthermore, the proposal fails to demonstrate that there would be satisfactory arrangements for the collection of refuse and capable of providing satisfactory foul and surface water drainage. I afford substantial weight to these matters as part of the determination of this appeal noting conflict with both development plan and Framework policies. Although, I have found that the proposed development would not prejudice the comprehensive delivery of development in respect of the BEW strategic allocation, this is a matter of neutral consequence in the overall planning balance".

AL/81/21/PL was refused by notice dated 06/10/21 for the following 7 reasons:

(1) The development fails to accord with the contents of the adopted Arun District Council Design Guide in reference to the layout, orientation and siting of the dwellings. The development results in an incongruous form of development in contrast to the existing defined character of the area. The development is contrary to Policies D SP1 and H SP2c of the Arun Local Plan, the endorsed BEW Framework Masterplan, adopted Arun District Council Design Guide and NPPF.

(2) The development fails to demonstrate how the site provides for sustainable, non-motorised forms of connections, to the future services contained on BEW. The development is contrary to the masterplan led approach required by Policies T SP1 and H SP2 of the Arun Local Plan, the endorsed BEW Framework Masterplan, adopted Arun District Council Design Guide and NPPF.

(3) The development results in the direct loss of protected trees without overriding justification having been demonstrated contrary to Policy ENV DM4 of the Arun Local Plan.

(4) The foul water arrangements seek to discharge directly to the foul sewer without following the necessary hierarchy of discharge. Such an approach is likely to impact on the Lidsey Waste Water Treatment plant. The development fails to provide a Drainage Impact Assessment that takes account of the individual and cumulative impact upon foul water disposal; flood storage capacity and surface water drainage within the Lidsey Wastewater Treatment Catchment Area; contrary to Policies W DM1 and W DM3 of the Arun Local Plan and WSCC SUDs Policy 1.

(5) The applicant has provided no information, nor any Shadow Habitat Regulations Assessment, in reference to the Singleton and Cocking Tunnels SAC. Therefore, the Local Planning Authority is unable to conclude that the development would not result in likely significant effects on the Singleton and Cocking Tunnels Special Area of Conservation (SAC), contrary to Policies ENV DM1 and ENV DM5 of the Arun Local Plan and the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations).

(6) The housing mix would result in a dominance of 4 bedroom properties in a District that has an identified and demonstrable need for 2 - 3 bedroom properties. The development fails to accord with Policy H DM1 of the Arun Local Plan and the 2016 Updated Housing Needs Evidence - Final Report (SHMA).

(7) The applicant has not provided a draft S106 Agreement, nor any indicative Heads of Terms, to enable the Local Planning Authority to enter into a S106 Agreement to secure the necessary infrastructure relating to the development; contrary to Policies H SP2, H SP2c and INF SP1 of the Arun Local Plan.

The resubmission is assessed against these reasons in the conclusions section.

REPRESENTATIONS

Aldingbourne Parish Council object on the grounds that the site lies outside the Built Up Area Boundary (BUAB), does not contribute to the infrastructure requirements, is contrary to the Arun Design Guide and also does not contribute to housing mix required in the village.

Two objections from the same person raising the following issues:

- the development affects Public Rights of Way (PRoW);
- the development affects a private road and no approach has been made to the residents/their management company;
- impossible to provide a linked up path between the site and Oak Tree Lane pavement due to third party land (unmade rough ground & prone to flooding) in between.

COMMENTS ON REPRESENTATIONS RECEIVED:

The Parish Council comments are noted but according to the Neighbourhood Plan, the site does lie within the BUAB.

Oak Tree Lane is a private road but not designated by WSCC as a PRoW and there are no proposals to amend the route of the road. Whilst it may be necessary to obtain agreement from the existing residents to intensify any existing access rights over it, land ownership is not a material planning consideration and permission could be granted despite it not being possible to agree the additional use of the road. It is agreed that a paved connection between the site and the existing pavement is not possible without third party agreement and this is not shown by the application.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

SOUTHERN WATER - State they cannot give consent to connect to a private sewer on the adjacent

development. Note the drawing does not demonstrate the final connection point into the public sewer (i.e. after it has been through the system on the adjacent development).

WSCC HIGHWAYS - no objection subject to conditions (access, visibility splays, parking spaces, electric vehicle charging, cycle storage, turning space & construction management plan). State that:

- The access is shown approximately 20m east of the end of the residential part of Oak Tree Lane. At this point, the road narrows with no footways and is more rural in nature;
- Given the low number of dwellings, traffic generation and associated impact on the local road network would be low;
- Swept-path diagrams demonstrate that both refuse and fire appliances can enter and leave the site and turn within it;
- As the site is served off a private road, the internal road layout would not be eligible for adoption under S38 of the Highways Act 1980;
- The site is accessible by a choice of non-motorised travel modes such as walking, cycling and public transport to local services & facilities including a shop, schools, some limited employment opportunities;
- Larger choice of shops/employment can be reached by public transport. The BEW strategic allocation will provide greater opportunities to travel sustainably over the course of its development;
- As the site is in the BEW strategic allocation, proportional financial contributions will be required to provide for the necessary infrastructure to deliver the overall allocation to be secured via a s106 agreement. In addition, the s106 will need to secure a Travel Plan and the associated monitoring fee.

ADC TREE OFFICER - advise objection on the grounds of potential impact on higher value TPO trees and local character. Considers that a lesser amount of development and access/parking focussed on the west side of the site would better respect & accommodates the higher quality trees and those of long-established landscape value. Comment that:

- This latest proposal appears more sympathetic to its predecessor in that it seeks to retain the mature oak (subject of a TPO) T20;
- Unfortunately, both T20 and its companion oak T39 (subject of the same TPO) will be impacted by the installation of a car parking area. A no-dig construction method is to be employed;
- The combined extent of ground protection and no-dig construction areas, as shown on the TRP plan is already extensive;
- Whilst they propose recognised engineering solutions for working in close proximity to retained trees, it must be noted that that element is very ambitious and carries a high risk of accidental damage;
- It is important to consider the greater volume of the oak trees' roots would likely be found within the development site and so any RPA incursion (irrespective of mitigation measures) may be more extensive than apparent on the plans;
- As previously, a relatively large number of trees would be removed to facilitate the development;
- While the majority of those are of low quality it would undoubtedly change the character of the lane;
- Any mitigation by way of landscape planting is unlikely to be sufficient to compensate for their loss;
- Roadside trees particularly, contribute to the character of the area and have public amenity value; and
- Several trees proposed for removal appear to be off-site and in 3rd party ownership.

ADC DRAINAGE ENGINEERS - no objection subject to conditions. State that:

- It is now recognised that surface water will be discharged to the proposed surface water drainage system on the adjoining development to the south;
- Discussions are in motion between the relevant developers but it is unclear as to how far this has progressed and this is essential to the master planning;
- It is critical that the adjoining developments drainage scheme is designed to accommodate the proposed flows from this development;

- A suitable condition (applicable to both developments) will need to be drawn up and agreed to cover this aspect;
- Equally, it is critical that the relevant sections of the adjoining developments surface water drainage system are constructed to provide a means of accepting flows from Ryfield's, and ultimately discharging to the watercourse (main river);
- A suitable condition will need to be drawn up and agreed to cover this aspect and must ensure that before any flows are received into Ryfield's surface water drainage system/impermeable areas created, that the relevant aspects of the downstream system on the adjoining development has been constructed and are fully operational;
- This is to ensure that there is no increase in flood risk as a result of differing timescales for the developments;
- The developer will be encouraged to incorporate permeable paving within the development to help provide attenuation and water treatment.

ADC LANDSCAPE OFFICER - Requests further information about how connectivity to the wider community will be addressed, how the development integrates with the location through landscaping and to demonstrate biodiversity net gain.

ADC ENVIRONMENTAL HEALTH - recommend conditions regarding unexpected contamination, electric vehicle charging points, construction hours, noise from the railway line and verification of internal & external noise levels prior to occupation.

COUNCILS ECOLOGIST - no objection and recommend conditions re the future lighting scheme, need for bird & bat boxes, retention, protection & enhancement of hedgerows, care during construction to protect Dormice/Badgers, removal of brush/compost/debris piles on the site outside of the hedgehog hibernation period, need for a Construction Environmental Management Plan & Landscape Management Plan, need for gaps in new fences and hedgehog nesting boxes.

COUNCILS ARCHAEOLOGIST - state that no specific archaeological structures or deposits are known to be contained by this site or to lie within its vicinity, and it is not of such a size that something of interest is likely to be present. Therefore, no archaeological intervention would be justified.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted except as set out below.

SOUTHERN WATER - This could be resolved through an appropriate planning condition.

ADC LANDSCAPE OFFICER - No new information has been provided in respect of connectivity to the wider community or landscape integration. Regarding biodiversity net gain, the application does include details of proposed wildlife enhancements and it noted that the Councils ecologist has not raised any concerns regarding biodiversity net gain. However, new tree planting will be required to offset the impact of those lost and contribute to biodiversity net gain.

POLICY CONTEXT

Designations applicable to site:

- Within the Built Up Area Boundary;
- Part of a Strategic Site Allocation (ref SD5 - BEW);
- Lidsey Treatment Catchment Area;
- Made Tree Preservation Orders;

- Archaeological Notification Area (HER DM6); and
- Within 12km of the Singleton and Cocking Tunnels Special Area of Conservation (SAC).

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

AHSP2	AH SP2 Affordable Housing
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HERDM6	HER DM6 Sites of Archaeological Interest
HDM1	H DM1 Housing mix
HSP1	HSP1 Housing allocation the housing requirement
HSP2	H SP2 Strategic Site Allocations
HSP2C	H SP2c Inland Arun
INFSP1	INF SP1 Infrastructure provision and implementation
LANDM1	LAN DM1 Protection of landscape character
QESP1	QE SP1 Quality of the Environment
SDSP2	SD SP2 Built-up Area Boundary
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

Aldingbourne Neighbourhood Plan 2019-31 Policy EH1

Aldingbourne Neighbourhood Plan 2019-31 Policy EH5	Built up area boundary
Aldingbourne Neighbourhood Plan 2019-31 Policy EH6	Surface water management
Aldingbourne Neighbourhood Plan 2019-31 Policy EH2 2019	Protection of trees and hedgerows
Aldingbourne Neighbourhood Plan 2019-31 Policy GA3	Protection of bat habitation
Aldingbourne Neighbourhood Plan 2019-31 Policy H2	Parking and new developments
Aldingbourne Neighbourhood Plan 2019-31 Policy H3	Housing Mix
Aldingbourne Neighbourhood Plan 2019-31 Policy	Housing Density
Aldingbourne Neighbourhood Plan 2019-31 Policy	Outdoor space

H8

Aldingbourne Neighbourhood Plan 2019-31 Policy Attention to detail

H9

Aldingbourne Neighbourhood Plan 2019-31 Policy Communications infrastructure

EE8

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The revised Aldingbourne Neighbourhood Development Plan was made on 14/07/21.

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 fails to comply with the relevant Development Plan policies in regard to impact upon trees, biodiversity net gain, impact on foul sewerage & drainage, lack of accessibility for non-motorised users to BEW and layout & design. In respect of each of these matters the NPPF supports the Development Plan's position on these.

The Council has published its Authority Monitoring Report (AMR) for 2020/21 and this will be presented at the Planning Policy Committee on 25/01/22. This shows that the Housing Land Supply (HLS) has decreased from the previous 3.3 year figure to 2.4 years. This reflects a more rigorous assessment of housing trajectories following recent appeals including the very recent appeal concerning Land South of Barnham Station (BN/142/20/OUT) which was issued on 05/01/22 and which stated that the HLS was approximately 2.63 years.

On the basis of the new AMR, the policies most important for the determination in the ALP (C SP1) have reduced weight as Arun cannot demonstrate an adequate supply of housing land. The revised ANDP has recently been made (14/07/21) and does have greater weight but due to the HLS being below 3 years does not benefit from the weight given to recently made plans from para 14 of the NPPF and so the presumption in favour of sustainable development would be unaffected by the Neighbourhood Plan.

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

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

(a) the provisions of the development plan, so far as material to the application,

(aza) a post examination draft neighbourhood development plan, so far as material to the application,

(b) any local finance considerations, so far as material to the application, and

(c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

ASSESSMENT VERSUS PREVIOUS REFUSAL

The following is a brief commentary on how the resubmission relates to the previous Reasons for Refusal (RfR) as set out in the Planning history section above.

(1) Notwithstanding that the site area is slightly larger than before, the layout, orientation and siting of the dwellings remains the same as before so RfR1 still applies.

(2) There remain no details as to how the site provides for sustainable & non-motorised forms of connection to the future services contained on the BEW site so this RfR still applies. The proposal includes a length of pavement along the site frontage but this was shown on the previous scheme and was not considered to be sufficient to overcome the stated concerns.

(3) The application area has been enlarged to relocate the 6 proposed visitor spaces from under the TPO tree and thus enable the tree to be retained. However, the proposal will still introduce hard surfacing within the RPAs of the two TPO trees and it is still proposed to remove 21 other trees (including two category B trees) and also two small groups of Cypress trees.

(4) The scheme proposes gravity fed foul & surface water drainage connections into a proposed BEW development to the south east. This is a more sustainable solution than pumping and means surface water does not go directly into a public foul sewer. The application does not provide a Drainage impact Assessment so there remains a policy conflict and the RfR still applies in part. The Design & Access Statement (DAS) states a drainage strategy will be submitted imminently but none has been provided.

(5) The application includes a Shadow Habitat Regulations Assessment which would enable the Local Planning Authority (LPA) to carry out an Appropriate Assessment to determine whether there would be any significant adverse effects upon the bat species associated with the Singleton and Cocking Tunnels Special Area of Conservation and its functionally linked habitats. This RfR no longer applies.

(6) The proposed housing mix is the same as before so this RfR still applies.

(7) The application does not include a draft s106 Agreement or any indicative Heads of Terms therefore this RfR still applies.

It is noted that there is no clear response in the application supporting documents (i.e. the DAS) to explain how this resubmission responds to the previous refusal. The DAS states the previous decision was made without ADC processing or consulting on various revised and additional information that was

submitted in support of the proposals in the later stages of the application's life. The DAS does not explain what these items are and it is assumed, following a review of the application documents, that they relate solely to RfR 3, 4 & 5.

PRINCIPLE

The site falls in the identified Built-Up Area Boundary (BUAB) as identified in the Aldingbourne Neighbourhood Development Plan (ANDP) and by the Arun Local Plan (ALP). ANDP policy EH1 and ALP policy SD SP2 supports development within these areas.

The ALP allocated the Barnham, Eastergate and Westergate (BEW) strategic development site upon adoption of the Plan. This site falls in the BEW red line. ALP policy H SP2 makes it clear that "development proposals within the Strategic Site Allocations must be comprehensively planned and should have regard to a masterplan endorsed by the Council for the respective areas which incorporates high quality imaginative design, giving a sense of place and permeable layout".

Whilst the site falls in the BEW red line, in accordance with the ALP, the area was not detailed as being central, nor integral, to the delivery of BEW. The intent behind this was to allow for this parcel to come forward at an appropriate time. However, the principles contained in the endorsed Framework Masterplan and the requirements of policy H SP2 (a sense of place and permeable layout) still remain equally applicable.

The principle of residential development coming forward on this site is deemed to be acceptable, subject to the development delivering the policy requirements as detailed in ALP policy H SP2.

DESIGN/LAYOUT

Since the appeal decisions detailed above were issued, there have been a number of changes in local and national policy that all implicate upon the assessment of the design of development. In summary, these policy shift changes which are now applicable to the determination of this application comprise:

1. Endorsement of the Barnham, Eastergate and Westergate Framework Masterplan (November 2020);
2. Adoption of the Arun District Council Design Guide (January 2021); and
3. Revision of the National Planning Policy Framework (July 2021).

The endorsed Framework Masterplan (FM) contains a number of High Level Development Principles (HLDP). In summary, HLDP SDP 7 requires development to exemplify high standards of urban design to create a distinctive and attractive place with legible character areas that maximise the potential for sustainable design and non-car based travel. Finally, HLDP SDP 8 makes a firm commitment that "the place-making objectives will be supported by the Arun Design Guide".

The Arun Design Guide was adopted as a formal supplementary planning document (SPD) in January 2021. Chapter P specifically details how infill development should be assessed, in the application of the ALP policies. Page 36 makes clear that "surrounding buildings and spaces must inform an appropriate infill design response in order to contribute to a sense of cohesion and unity". It makes clear that "new schemes should emulate the established pattern of building height, scale, plot width, boundary treatment and building line along the edge of the plot".

Oak Tree Lane is characterised by residential plots fronting onto the highway. There is an established set back of dwellings from their primary building line to the road of circa 10m. This gives the appearance of a suburban street with an established and coherent width and also creates a continuity in the sense of place. All properties accommodate their parking requirements in the form of off-street parking between

Oak Tree Lane and the primary elevation of the dwellings. In this area, there are no examples of either side elevations fronting Oak Tree Lane or continuous runs of bay parking.

Conversely, the application proposal seeks a different urban form of a cul-de-sac development where the side elevation of plot 1 would be situated some 2.5m from Oak Tree Lane and so would be readily visible from the highway. This would erode the established form, continuity and cohesion of the streetscape along Oak Tree Lane.

The design and layout of the site is further exacerbated through the inclusion of the visitor parking bays along the boundary of Oak Tree Lane, which comprises 6 no. spaces arranged in a bay parking formation. Such a parking arrangement directly conflicts with the established parking layout of residential buildings on Oak Tree Lane, where off-street parking is accommodated forward of the primary elevations of dwellings. These bays are also now sited further east of the actual dwellings (in order to preserve the TPO tree) and will be viewed as being detached from the layout.

This difference in character is symbiotic of development proposals which seek too much development on a site which simply cannot accommodate the proposed quantum of development. An appropriate quantum of development is normally indicated by the layout being harmonious and coherent with the established local character of the area. This is reiterated by page 128 of the Council's Design Guide that makes clear: "Intensification must not result in cramming. Design proposals should maintain the scale, alignment, building patterns and location character".

The provision and siting of the bay parking arrangements, combined with the absence of an established set back which defines the character and appearance of the area, is an erosion of a clear and consistent character and appearance of the area and is indicative of intensification of development resulting in cramming.

The purpose of the development plan policies and supporting Design Guidance and NPPF's focus on applying design guides in the assessment of development proposals, is to ensure development comes forward in a manner which sufficiently reflects the character and appearance of the area. In short, it seeks to prevent developments from coming forward which overdevelop a site.

Whilst sites should be used effectively and efficiently, the NPPF makes clear that regard should be given to adopted Design Guides to prevent the effective use of a site from eroding established characters of areas, avoiding long term harm to the character of an area.

The site could comfortably accommodate 3-4 dwellings in a manner which reflects the established character of the area; with the established set backs and parking provisions being accommodated. There is no overriding need for the District Council to give greater weight to the provision of one or two additional units, given the established and demonstrable conflicts with the adopted Design Guide.

On the basis of the above, the development would not reflect the established character and appearance of the area and therefore conflicts with ALP policies D SP1, H SP2 & H SP2c, ANDP policy H3, the endorsed BEW Framework Masterplan and the adopted Arun Design Guide.

ACCESSIBILITY AND CONNECTIVITY

ALP policy H SP2 requires development to give a sense of place and permeable layout. Criteria (a) of policy H SP2 requires development to integrate appropriately with surrounding communities through connectivity of transport modes including walking, cycling and public transport. ALP policy T DM1 requires that new development contribute to the improvement of non-car transport routes/facilities and contribute towards provision of a joined-up cycle network and Public Rights of Way network. ANDP

policy GA1 also requires that developments improve walking/cycling routes.

HLDP SDP 1 requires "the new community at BEW will have a permeable layout that integrates and maximises and prioritises sustainable patterns of movement." HLDP SDP 4 requires "a comprehensive local network of Green Infrastructure including secondary pedestrian and cycle links will be provided throughout the allocation linking the area to the wider community."

The remainder of the BEW site falls to the south of the site. Whilst the BEW site could be accessed by residents of the application site, this would be contingent upon users travelling along Oak Tree Lane, travelling south down Woodgate Road, then approaching the development along Woodgate Lane. There is no direct access proposed from the site.

The land to the south has been master planned as required by policy H SP2 and provides for direct connections to the local centre to BEW to the south. This will enable residents of Aldingbourne to access the new local centre being delivered at BEW through non-motorised forms of transport. However, such benefits to user's travel choices is contingent upon these connections to the wider area being provided.

The site falls in the BEW allocation and the applicants seek to rely upon its allocation for the establishing the principle of development. In all other regards, the development seeks to ignore the wider connectivity principles enshrined within both the ALP and supporting Design Guide.

The result of this selective approach is that the development would not be well connected to the surrounding area where the community facilities and services required for day to day living will be located.

Whilst it is acknowledged that the Inspector considered that when the BEW development comes online, the sustainability concerns would be overcome. The LPA is now in a position following the endorsement of the Framework Masterplan to know where these services are going to be located, and how individual parcels need to connect non-motorised forms of transport, to enable the sustainability of these sites.

The Council acknowledges that users will benefit from access along Oak Tree Lane into the adjacent parcels. However, the condition of this road is somewhat deteriorated, evidenced by the plethora of inadequate surfacing and potholes. As such, this route is not considered sufficient or adequate for the broad range of users who would use non-motorised forms of transport including the disabled, elderly and families pushing prams. The applicant has not provided for any scheme of works in order to upgrade this route to make it safe and accessible for non-motorised forms of transport. The proposed length of pavement along the site frontage is noted but it does not connect to the Oak Tree Lane pavement due to there being third party land between these two points.

As a result, the development seeks to rely on the fact that it has proximity to the BEW services and facilities, but does not actually provide for any meaningful or demonstrable non-motorised connections to these facilities.

Such an approach is entirely discordant and in conflict with the master planned led approach required by ALP policy H SP2. This approach is specifically required in the wording of the Local Plan to ensure that situations such as these do not arise, when piecemeal development is proposed.

On the basis of the above, in the absence of adequate connections for non-motorised forms of transport, the development would not be accessible to services required for day-to-day living and therefore in conflict with ALP policies T SP1, T DM1 and H SP2, policy GA1 of the ANDP, the endorsed BEW Framework Masterplan, adopted Arun District Council Design Guide and the NPPF.

TREES

Policy ENV DM4 (Protection of Trees) ALP requires development to demonstrate that trees protected by a Tree Preservation Order(s) (TPO) identified as Ancient Woodland, in a Conservation Area or contributing to local amenity, will not be damaged or destroyed now and as they reach maturity unless the three point criteria is adhered to. ANDP policy EH6 states the loss of trees contributing to amenity can be sanctioned where benefits outweigh the loss.

The application area has been enlarged to relocate the 6 visitor spaces from under the TPO tree and thus enable it to be retained. However, the proposal will still introduce hard surfacing within the RPAs of the two TPO trees and it is still proposed to remove 21 other trees (including two category B trees) and also two small groups of Cypress trees.

Para 2.3 of the Arboricultural Impact Assessment and Method Statement states that the development proposals have been designed around the trees where possible but that the proposals still have some limited potential to damage site vegetation and tree roots if mitigation is not considered and that a number of trees would require removal to accommodate the proposals.

The report identifies encroachment into RPAs and states that for the most part, this is minor (T15 (<0.5%), T38 (6%) & T39 (2%) - T39 is a TPO tree). However, encroachment within the RPA of the TPO Oak tree (T20) is greater at 19.9% and it is stated that approximately 50% of the roots are here. In response, it is proposed to use a mix of ground protection and no-dig construction.

There should be an overriding justification for RPA incursion, not a presumption that BS5837:2012 - (Trees in relation to Design, Demolition and Construction) promotes activity in the RPA. Instead the BS offers a range of mitigation measures that could be employed, where such incursion is unavoidable, or no reasonable alternative exists. A lesser number of dwellings on site could resolve the need for hardstanding in the area of the protected tree and reduce the amount of trees to be removed. The Tree Officer has raised an objection based on the potential for impact on the higher value TPO trees from the works within the RPA and also in respect of harm to local character from the extent of other tree loss.

The development would result in unnecessary and undue harm to protected trees, result in the removal of several other trees without proper justification and fails to appropriately mitigate for their loss (this point is discussed below under ecology). The proposal is therefore in conflict with ALP policy ENV DM4 and ANDP policy EH6.

FOUL SEWERAGE & SURFACE WATER

The site falls in the Lidsey Wastewater Treatment Catchment Area. ALP policy W DM1 states that all development within this area must also be accompanied by a Drainage Impact Assessment that takes account of both the individual and cumulative impact upon foul water disposal; flood storage capacity and surface water drainage or flood flows within the area.

ALP policy W DM3 seeks to ensure SUDS discharge water from developments to be at a lesser rate, as prior to construction. To achieve this, criteria (f) requires development to follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations and the SUDS manual produced by CIRIA. In addition, ANDP policy EH5 requires new development make appropriate provision for accommodating foul and surface water.

The applicant demonstrated on the previous application that groundwater monitoring and infiltration testing had shown that infiltration as a means of surface water disposal is not viable (due to high

groundwater levels). The same level of details has not been provided on this application (the submitted DAS states that a drainage strategy will be submitted imminently but has not so far been provided) but it is material that this position was accepted previously.

The hierarchy for sustainable drainage states that if infiltration is not viable then discharge to a watercourse should be investigated, followed by discharge to a surface water sewer, and then a combined sewer where there are absolutely no other options. The application previously showed a pumped surface and foul system to the existing public foul sewer on Oak Tree Lane.

This was considered unacceptable as WSCC SuDS policy 2 states that "surface water must not be discharged into the foul sewer system". In addition, in this particular location, the addition of surface water to the foul sewer is likely to increase sewer flood risk to properties/roads and increased pollution to watercourses within the Lidsey Treatment Catchment. Pumped solutions are also not considered to be sustainable (with reference to WSCC SuDS policy 3) due to the risk of failure and consequential increased risk of onsite surface water flooding as a result of such failure.

The applicant now proposes separate gravity fed surface & foul connections to the development on the adjacent land to the south east. This development has not yet been approved but is the subject of a current application and is also within the BEW area. Should the Ryfields application be approved then conditions could be imposed to prevent commencement until the design of the surface and foul drainage systems had been agreed and also installed. It is critical that the relevant sections of the adjoining developments surface water drainage system are constructed to provide a means of accepting flows from Ryfield's and ultimately discharging to the watercourse (main river). This is to ensure that there is no increase in flood risk as a result of differing timescales for the developments.

The proposal is now acceptable with regard to the surface water drainage policies but as no Drainage Impact Assessment has been submitted there remains a policy conflict with ALP policy W DM1.

ECOLOGY AND PROTECTED SPECIES

ALP policy ENV DM5 states development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. ANDP policy EH6 requires that developments retain hedgerows, incorporate biodiversity in layouts and demonstrate biodiversity net gain.

The site is in the 12km buffer zone for the Singleton and Cocking Tunnels Special Area of Conservation (SAC). Policy SD10 of the South Downs National Park Local Plan states development proposals on greenfield sites or in close proximity to woodlands and hedgerows should ensure key features (foraging habitat and commuting routes) are retained. ANDP policy EH12 2019 states proposals for development of greenfield sites must evaluate whether there is a potential for the loss of suitable foraging habitat and/or the severance of commuting flight lines, such as in the form of mature tree lines. Such features should be retained unless it is proven that they are not used by Barbastelle, Bechstein or other bats linked with nearby roosting sites.

The Ecological Impact Assessment Report concludes that six bat species were recorded in 2km of the site. The Appraisal confirms that "trees and hedges are likely used by bats as commuting and foraging feature" but that "the site is likely to be of site value for bats". No Phase 2 surveys have been undertaken, or recommended in the Appraisal. The Councils Ecologist has appraised the document and raises no objections nor requests any further surveys.

As per the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended), the LPA (acting as the Competent Authority) is required to undertake an Appropriate Assessment (AA) in order to conclude that the development works would not result in 'likely significant effects' on the foraging

of bats deriving from the Singleton and Cocking Tunnels SAC. Unlike with the previous application, the applicant has now provided a Shadow Habitat Regulation Assessment which would allow the LPA to prepare an AA for review by Natural England. This has not been done as the LPA is proposing to refuse for other reasons and it would instead be done at the point of approval (so on a resubmission or through an appeal). However, it is clear that the previous RfR5 has been overcome.

The proposal results in the loss of 21 trees (including two category B trees) and also two small groups of Cypress trees. The supporting DAS states that 13 new trees and 3 new hedges would be planted to compensate for this loss. Further enhancements are proposed in the Ecological Impact Assessment Report (and also requested by the Council's ecologist). Although the site plan does indicate new planting, it is material that it is not a landscape plan and actually only indicates the planting of 6 new trees (not 13 as stated elsewhere). It is also noted that the Arboricultural Impact Assessment and Method Statement refers to the planting of 6 new trees to mitigate the loss.

The Council would expect to see new trees planted at a ratio of 2 for every 1 lost to demonstrate biodiversity net gain and so the proposal for new tree planting is wholly inadequate. It is not considered there is sufficient space within the site area to allow for this level of new planting required. On this basis, it is not possible to determine that there would be a biodiversity net gain. The proposal fails to comply with ALP policy ENV DM5 and ANDP policy EH6. It is acknowledged this was not raised on the previous refusal but it is clearly a policy conflict and appropriate to raise as a new issue at this stage.

HOUSING MIX

ALP policy H DM1 requires the Council to seek a mix of dwelling types and sizes that adhere to the latest Homes England design guidance. ANDP policy H2 states proposals for housing must deliver a range of house types, sizes, tenures and demonstrate how the proposal will meet local needs.

The SHMA (Updated Housing Needs Evidence - Final Report) undertaken in September 2016 by GL Hearn, on behalf of Arun District Council, assessed the housing needs of the District. This included the broad mix of dwelling sizes anticipated on sites. The 2016 SHMA concluded that there was a need in the District for the following market housing needs:

1 Bedroom: 5 - 10 %
2 Bedrooms: 40 - 45%
3 Bedrooms: 35 - 40%
4+ Bedrooms: 10 - 15%

In contrast, the housing mix on the proposed site comprises;

1 Bedrooms: 0%
2 Bedrooms: 0%
3 Bedrooms: 40%
4+ Bedrooms: 60%

The provision of 3 bed units falls in the 35-40% band for the provision of 3 bedroom units. Therefore the quantum of 3 bedroom dwellings would accord with the 3 bedroom needs of the District.

The remainder of the housing units should be split between 2 and 4 bed houses, with a greater emphasis upon smaller units. The intent of this is to encourage first time home owners and downsizers; where there is a demonstrable need within the District as identified within the 2016 SHMA.

In contrast, the remainder of the housing units is solely taken up by 4+ beds. The SHMA recognises a

need for 15% of units on housing sites to comprise 4+ bed units; whereas the site provides for 60% housing units.

The effect of this overprovision of 4+ bed properties by 35% impacts upon the ability for first time home owners and down sizers to have their needs met in the housing market in the District. This is specifically what the conclusions of the 2016 SHMA and subsequent ALP policy H DM1 seeks to prevent.

On the basis of the above, the development would fail to provide for the recognised housing needs of the District as set out in the 2016 SHMA and ALP policy H DM1 of the Arun Local Plan. It is also unclear from the submission how the proposal complies with ANDP policy H2.

RESIDENTIAL AMENITY

ALP policy D DM1 requires there be minimal impact to users and occupiers of nearby property and land. ALP policy QE SP1 requires development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity. The Arun Design Guide sets out guidance on garden depths and interface distances between houses.

Ryefields Farmhouse is some 67m to the east of plot 5 and this distance is well in excess of the requirements of the Design Guide. The rear of plots 1&2 will be 23.5m from the flank of 24 Oak Tree Lane and this is also in excess of the requirements. There will only be 11m from the front of plot 2 to the flank of plot 4 and according to the Design Guide, this should be at least 14m. This is a further indicator of the proposal being overdevelopment. The proposal is not in accordance with the Design Guide in respect of the amenities of future occupiers.

INTERNAL & EXTERNAL SPACE STANDARDS

As per ALP policy D DM2, it is necessary to assess the proposal against the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if the buildings will be suitable for residential use.

The internal layouts of properties appear to accord with these standards and the use of a condition securing the development of these units to these specifications would be sufficient had all other matters been acceptable. The Arun Design Guide sets out standards for garden sizes as follows:

- Private Rear Garden: min. 10.5m depth;
- Private Front Garden: min. 2m depth;

The rear gardens all exceed the requirements but at the same time, all 5 plots have only very shallow front garden spaces (around 0.9m). A lesser amount of development in line with the comments made above in respect to Design/Layout might be able to achieve greater compliance however, the Design Guide is only guidance, so there is no policy conflict.

PARKING & HIGHWAY SAFETY

ALP policy T SP1 seeks to ensure development provides safe access on to the highway network; contributes to highway improvements (where appropriate) and promotes sustainable transport. Schemes should accommodate the efficient delivery of goods and supplies; give priority to pedestrian and cycle movements, be accessed by high quality public transport facilities and create safe and secure layouts for traffic, cyclists and pedestrians.

Both ALP policy T SP1 and ANDP policy GA3 require developments to incorporate appropriate levels of

parking in line with current parking standards. The Arun District Council Parking Standards SPD (January 2020) sets out the parking demands for residential developments for different parking behaviour zones.

For 3 bed houses in this location, 2 vehicular spaces are required per dwelling whilst for 4 bed houses, 3 spaces are required. Visitor parking is to be provided at 20% of the total number of dwellings. The Parking SPD states garages meeting a measurement of 3m by 6m are only to be treated as providing half a space. The parking requirement is 16 spaces which includes 1 visitor space requirement but the proposal provides for 16.5 spaces and is therefore acceptable.

West Sussex County Council have no concerns with the proposal in respect of access, safety or trip generation. The proposal therefore accords with the relevant development plan policies.

ARCHAEOLOGY

ALP Policy HER DM6 states where a site on which development is proposed has the potential to include heritage assets with archaeological interest, permission will only be granted where it can be demonstrated that development will not be harmful to the archaeological interest of these sites. The policy requires that a desk based archaeological assessment be submitted with the application.

The site falls in a designated Archaeological Notification Area. Whilst an Archaeology report has not been submitted, it is material that the Councils Archaeologist raises no objections and stated there are no known archaeological remains here and no archaeological intervention would be justified. Although there remains conflict with policy HER DM6, it would not be sustainable to include this as refusal reason.

CLIMATE CHANGE:

ALP policy ECC SP2 requires all new residential and commercial development be energy efficient and incorporate decentralised, renewable and low carbon energy supply systems. ECC SP1 requires that new development be designed to adapt to impacts arising from climate change.

The application includes a Sustainable Construction & Design Statement which proposes a number of methods to reduce energy consumption at the site. An appropriately worded planning condition would be required to secure the details of these. This together with a condition to secure electric vehicle charge points would demonstrate compliance with the relevant policies.

TELECOMMUNICATIONS:

ALP policy TEL SP1 and ANDP policy EE8 state that all proposals for new residential, employment and commercial development must be designed to be connected to high quality communications infrastructure. These policies would need to be adhered to by means of a condition to require evidence of such a connection before the homes are occupied.

TILTED BALANCE & OTHER MATERIAL CONSIDERATIONS

Paragraph 14 of the NPPF makes clear that "in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbouring plan is likely to significantly and demonstrably outweigh the benefits, provided all of the criteria applies. This criteria includes:

a) The neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;

b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;
c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 74); and
d) the local planning authority's housing delivery was at least 45% of that required over the previous three years"

In this instance, the LPA and Aldingbourne Parish Council do not fulfil all four criteria as according to a recent appeal decision (APP/C3810/W/21/3273087 issued 05/01/22), the current Housing Land Supply is only 2.63 years. Furthermore, the Council has published its Authority Monitoring Report (AMR) for 2020/21 and this shows that the Housing Land Supply (HLS) has decreased from the previous 3.3 year figure to 2.4 years. The presumption under paragraph 11(d) is unaffected by the Neighbourhood Plan.

Notwithstanding this position, the NPPF contains a number of material considerations. In its latest revision on 20 July 2021, the Government significantly strengthened its position on the use and application of design guides in the determination of planning applications. Specifically, para 128 now makes clear that "to provide maximum clarity about design expectations at an early stage, all local planning authorities should prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code, which reflect local character and design preferences." In this instance, the LPA has undertaken this extensive work which aligns with the requirements of the NPPF.

Para 129 of the NPPF details how such Design Guides should be applied at decision taking level: "Design guides and codes can be prepared at an area-wide, neighbourhood or site-specific scale, and to carry weight in decision-making should be produced either as part of a plan or as a supplementary planning documents". In this instance, the ADC Design Guide comprises a formally adopted SPD. Following para 129, it therefore carries weight in decision-making. To make this position abundantly clear, para 134 states:

"Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes."

Whilst the LPA acknowledges the applicants intention of using the site effectively, safeguards such as Design Guides are adopted by Local Planning Authorities to specifically ensure that sites are not overdeveloped. The way in which they work is that if too much development is proposed, then it simply cannot accord with the contents of the adopted Design Guides.

In this instance, whilst the LPA appreciates the aspiration to use the site effectively, this is not an absolute overriding requirement; particularly owing to the absence of the tilted balance. Further, the Government's introduction of assessing the design of development against adopted Design Guides is clear, highlighted through its specific introduction in the most recent iterations of the NPPF.

CONCLUSION

This report has assessed the development against policies contained within the Development Plan and against the material consideration that is the previous refusal. It has found demonstrable harm to arise from the design of the development, connectivity of development, harm to & loss of trees as a result of development, insufficient information relating to biodiversity net gain and an inadequate housing mix.

This report has balanced this harm against other material considerations, including that of the contents of the NPPF. It has found the contents of the NPPF supports the determination in accordance with the Development Plan. Whilst it is acknowledged that the NPPF does give some support to using sites

effectively, this material consideration is not of sufficient weight to demonstrably outweigh the areas of harm identified above. On the basis of the above, planning permission is therefore unable to be granted and should be refused for the reasons set out below.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

SECTION 106 DETAILS

The site falls in the BEW Strategic Development Site and as a result is not liable for CIL. The anticipation is for any funding for infrastructure to be sought through s106. ALP policy INF SP1 requires the LPA to support development proposals which provide or contribute towards the infrastructure and services needed to support development to meet the needs of occupiers/users of the development & the existing community.

The applicant did not provide any draft S106 Agreement as part of the previous submission and this then formed a refusal reason. On this basis, the applicant was wholly aware of the position of the LPA and their approach towards s106 Agreements on the BEW strategic development site. However, no such Agreement nor Heads of Terms have been provided.

The infrastructure requirements associated with BEW are set out in the "Updated County Mitigation requirements for Barnham, Eastergate and Westergate - November 2020" which relates to non-highways matters. All strategic wide highways matters are set out in the LPA's jointly prepared Apportionment Study.

Notwithstanding this absence, the LPA would have sought contributions towards the following items on the basis of the site contributing to 0.1% of the total infrastructure cost (0.1% comprising 5 units of a 4,300 units allocation):

- Primary Education
- Early Years Education
- SEND Education
- Secondary Education
- Sixth Form Education
- Off-Site Flood Risk & Drainage
- Libraries
- Fire & Rescue
- A29 Realignment
- East-West Link to Barnham Railway Station
- Travel Plan Measures
- Barnham Village Centre Enhancements
- B2233 Pedestrian Improvement Measures
- Bus Service Improvements
- Barnham - Bognor Regis Cycle Route
- Barnham - Tangmere Cycle Route
- A29/B2233 War Memorial Roundabout Junction Improvements
- Westergate Cycle Link Scheme
- A27/B2233 Nyton Road Junction Improvement
- A27/A29 Fontwell Eastern Roundabout
- Additional Cycle Parking at Barnham Railway Station
- Cycle Links between BEW and the South Downs National Park
- Dedicated NMU grade-separated Railway Crossing - Rife Valley Park
- Dedicated NMU grade-separated Railway Crossing - PROWs
- Dedicated NMU grade-separated crossing of the A29 link road for NMUs
- A259 Oyster Catcher junction
- A25 Corridor Improvement Bognor Regis to Littlehampton
- Additional Transport Improvement identified by Transport Assessment/Statements

Please note that the above list comprises a starting point and any s106 Agreement would require full accordance with regulation 122 of the CIL Regs.

RECOMMENDATION

REFUSE

- 1 The development fails to accord with the contents of the Arun District Council Design Guide in reference to the layout, orientation and siting of the dwellings. The development results in an incongruous form of development in contrast to the existing defined character of the area and will overdevelop the site. The development is contrary to policies D SP1 and H SP2c of the Arun Local Plan, policy H3 of the Aldingbourne Neighbourhood Development Plan, the endorsed BEW Framework Masterplan, adopted Arun District Council Design Guide and the NPPF.
- 2 The development fails to demonstrate how the site provides for sustainable, non-motorised forms of connections, to the future services contained on the BEW allocation. The development is contrary to the masterplan led approach required by policies T SP1, T DM1 and H SP2 of the Arun Local Plan, policy GA1 of the Aldingbourne Neighbourhood Development Plan, the endorsed BEW Framework Masterplan, adopted Arun District Council Design Guide and the NPPF.
- 3 The development results in unnecessary and undue harm to protected trees, the removal of several other trees without proper justification resulting in harm to character, fails to appropriately mitigate for their loss and is contrary to policy ENV DM4 of the Arun Local Plan

and policy EH6 of the Aldingbourne Neighbourhood Development Plan.

- 4 The proposal fails to provide a Drainage Impact Assessment that takes account of the individual and cumulative impact upon foul water disposal; flood storage capacity and surface water drainage within the Lidsey Wastewater Treatment Catchment Area contrary to policy W DM1 of the Arun Local Plan.
- 5 The housing mix would result in a dominance of 4 bedroom properties in a District that has an identified and demonstrable need for 2-3 bedroom properties. The development fails to accord with policy H DM1 of the Arun Local Plan, the 2016 "Updated Housing Needs Evidence - Arun District Council" report and it is also unclear how it complies with Aldingbourne Neighbourhood Development Plan policy H2.
- 6 The applicant has not provided a draft s106 Agreement, nor any indicative Heads of Terms, to enable the Local Planning Authority to enter into a s106 Agreement to secure the necessary infrastructure relating to the development; contrary to policies H SP2, H SP2c and INF SP1 of the Arun Local Plan.
- 7 The proposal fails to demonstrate biodiversity net gain with a wholly inadequate amount of replacement tree planting to compensate for that to be lost and therefore is in conflict with Arun Local Plan policy ENV DM5 and Aldingbourne Neighbourhood Development Plan policy EH6.
- 8 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.