

REPORT UPDATE

Application No: AL/20/18/OUT

Reason for the Update / Changes

Reason for Update/Changes:

APPLICANT:

The applicant has submitted three revised plans:

- * an Illustrative Site Layout Plan,
- * a new Block Plan, and
- * a Highways and Site Layout Plan).

- With regard to prematurity, the applicant refers to the NPPF and that this should only be used as a reason for refusal where an application is submitted when a Local Plan is still emerging and prior to its formal adoption; and the NPPF encourages the sub-division of large sites where this could help to speed up the delivery of homes.

- The existing footway connections will enable those residents that wish to access facilities on foot to be able to do so.

- The revised Highways and Site Layout Plan shows the latest access information and a possible arrangement which avoids the trees that are proposed to be protected by a Tree Preservation Order and trees T01 and T02.

- The fourth reason regarding trees could be addressed at the reserved matters stage.

- The ecological surveys could be conditioned and be carried out at the reserved matters stage.

Officer's Comment:

The applicant's response and the three revised are noted. The applicant's response to the first reason for refusal regarding prematurity is taken from the NPPF and is focussed solely on a situation where an application is submitted when a Local Plan is still emerging and prior to its formal adoption by the Council. The situation that the LPA is faced with here is an application that has been submitted on part of a much larger site that makes up a strategic allocation in an adopted Local Plan; and the application has been submitted prior to the submission of a detailed masterplan and phasing plans which would show how each parcel of land within the strategic allocation would fit into the wider jigsaw of development across the strategic allocation and when the specific parcels of land would be brought forward for development. The first reason for refusal stands.

ALDINGBOURNE PARISH COUNCIL:

The Parish Council continues to object to this application. Having reviewed the amended plans the Parish Council supports the Officers recommendation to refuse. The amendments do not address the concerns already raised.

Officer's Comment:

The response is noted and the recommendation in the committee report stands.

LOCAL HIGHWAY AUTHORITY:

The Local Highway Authority claims it is not demonstrated that the Stopping Sight Distance (SSD)/forward visibility splays are achieved in both directions. It is still not demonstrated that the

proposed changes to the alignment and lane widths would be acceptable. Consequently, the Local Highway Authority considers the two objections (i.e. reasons 2 and 3) still stand.

Officer's Comment:

The response is noted and the recommendation in the committee report stands.

ADC ARBORICULTURAL OFFICER:

The ADC Arboricultural Officer confirmed by email on 12th December 2018 supporting the fourth draft reason for refusal based on the adverse impact on trees.

Officer's Comment:

The response is noted and the recommendation in the committee report stands.

ADC ECOLOGICAL ADVISOR:

The ADC Ecological Advisor upholds the objection. It is clear from the preliminary ecological appraisal (January 2018) which was done for the site that further survey work for bats and reptiles is required and due to the protection these species hold and following guidance from Natural England, the NPPF and the Biodiversity and Geological Conservation Circular 06, the ADC Ecological Advisor requires that these surveys are undertaken prior to determination of the application.

Officer's Comment:

The response is noted and the recommendation in the committee report stands.

ENVIRONMENT AGENCY:

The Environment Agency would wish to seek a developer contribution for this development to the Aldingbourne Rife Integrated Flood Risk Management project with the aim to appraise and recommend options to address fluvial flooding in the Aldingbourne Rife and its tributaries whilst considering the complex interactions with other sources of flooding.

Officer's Comment:

The developer contribution requested by the Environment Agency towards the Aldingbourne Rife Integrated Flood Risk Management project is considered to be acceptable and CIL compliant.

ADC NEIGHBOURHOOD SERVICES:

A sports pitch contribution of £6,458 based on 27 units at 2.2 persons per unit should be provided to go towards the changing facilities within the BEW strategic allocation.

Officer's Comment:

The developer contribution requested by ADC Neighbourhood Services is considered to be acceptable and CIL compliant.

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

Recommendation Report for Outline Consent

REF NO: AL/20/18/OUT

LOCATION: Land at Bridge Cottage & The Old Cottage
Lidsey Road
Lidsey
PO22 9PH

PROPOSAL: Outline application for the demolition of 2 No. dwellings & associated outbuildings & the erection of up to 27 No. dwellings, of which 30% will be affordable, with associated open space & access. This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This outline application is for the erection of up to 27 dwellings on land currently occupied by Bridge Cottage and the Old Cottage off Lidsey Road, in Lidsey. The two existing cottages would need to be demolished to accommodate the 27 dwellings. The application is for access to the site as part of this outline planning application. Details regarding the appearance, scale, layout and landscaping of the proposed residential development would be submitted for consideration as part of a reserved matters application. The applicant has submitted an indicative layout plan which demonstrates that the site could accommodate 27 dwellings (30% of which would be affordable). The applicant is proposing to provide a new upgraded access in the position of the existing access which currently serves Bridge Cottage, on the crown of the bend; and to permanently close the existing accesses onto the A29 which serve The Cottage, and to re-instate the land as landscaped verge. The applicant is proposing to widen the A29 so that the forward visibility afforded to vehicles turning right into the site is improved. Provision of 67 car parking spaces is included on the indicative layout plan, comprising 56 parking bays and 11 garages/car ports. The indicative layout plan includes the provision of two areas of public open space, the first comprising 1,700 square metres
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of land accommodating a LEAP (locally equipped area of play); and the second comprising 403 square metres of land accommodating a LAP (a local area of play).

SITE AREA	1.12 Hectares
RESIDENTIAL DEVELOPMENT DENSITY	24 dwellings per hectare.
TOPOGRAPHY	Predominantly flat
TREES	There are a large number of trees on the site, three of which are of significance which would be affected by the proposed development - an oak, a maidenhair and a beech tree.
BOUNDARY TREATMENT	The site boundaries have hedgerows interspersed with trees, together with a 2.0 metre high earth bund along part of the western boundary with the A29 (Lidsey Road).
SITE CHARACTERISTICS	The site forms part of what has been identified in the Local Plan as "Barnham, Eastergate, Westergate" strategic residential allocation for 2,300 new homes.
	The site is currently occupied by two large detached dwellings, Bridge Cottage and The Old Cottage, associated outbuildings, areas of hard-standing and residential gardens. The site is located on the east side of Lidsey Road (the A29) and currently has three access points onto the A29; two serving The Old Cottage and one serving Bridge House.
CHARACTER OF LOCALITY	There is an industrial building known as Mission Hall to the north west of the application site. To the south, the site is bounded by a farm building which has recently been converted for residential use (AL/44/17/PD), together with industrial units; to the west by the A29 (Lidsey Road) and beyond by Lidsey Caravan Park; and to the east by farmland.

RELEVANT SITE HISTORY

AL/89/02/	Outline application for the construction of new residential unit. Two storey with pitched roof. (Departure from the Development Plan)	Refused 15-11-02 Appeal: Dismissed 16-05-03
AL/53/01/	Creation of new access,close existing access,construct earth embankment	ApproveConditionally 17-08-01

Planning application (AL/89/02), dated 16 September 2002 was refused by Arun District Council on 15th November 2002 and the appeal (APP/C3810/A/02/1106010) was dismissed on 16th May 2003. The Inspector concluded that "the proposed development would have a seriously detrimental impact on highway safety and the free flow of traffic". The scheme that was refused planning permission (AL/89/02) proposed two accesses from the site onto the A29.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldingbourne Parish Council

Aldingbourne Parish Council

Object.

- No Section 106 Agreement is in place.
- There is no capacity for foul water drainage.
- Access via the A29 is dangerous.
- The proposal is not sustainable.
- The proposed development is contrary to the Aldingbourne Neighbourhood Plan (NP).
- The Parish Council will formulate a fuller objection but reserves its position until the Section 106 agreement is discussed in detail.

Three letters of representation have been received from Lichfields acting on behalf of The Church Commissioners for England, CEG and Hanbury Properties who own / control the majority of land in the proposed BEW strategic allocation raising the following issues:

- It is disappointing that the applicant did not make contact with the BEW Consortium prior to the submission of the outline planning application; and there was no pre-application engagement with either the LPA or the local community.
- The access road should be made 5.5 metres wide; in addition, the provision of 2.2 metre wide footways on both sides of the road should be included to promote pedestrian linkages between the application site and the majority part of the BEW strategic allocation to the east.
- The internal access road appears to stop short of the site boundary to the east leaving a small strip between the road and the wider BEW site. It is essential that the road is taken to the boundary to facilitate connections to the wider BEW site at the appropriate time and as required by Policy H SP2c SD5.
- Although only shown indicatively, the internal road layout is not suitable for connection to the wider BEW site.
- The proposed footways remain inadequate both within the site and to nearby bus stops existing footways.
- The applicant's Heads of Terms in the Section 106 Agreement should include a developer contribution towards the Westergate Link cycle scheme.
- The proposed Heads of Terms within the Planning Statement fail to acknowledge the wider infrastructure that is required in connection with developments coming forward within the BEW strategic allocation, including proportionate contributions towards healthcare, education, library, recreation and transport improvements - notably the delivery of the re-aligned A29, a major benefit of the BEW allocation.

A letter and associated Land Registry details have been received from the owner of the land adjoining and immediately east of the application site objecting claiming the applicant nor agent have approached the owner of the adjacent land regarding the current planning application or any future vehicular or pedestrian access to the east or any pedestrian access adjacent to the A29 to the south of the application site.

12 letters of representation have been received from local residents objecting to the proposed development on the following grounds:

- Bridge Cottage is on a very dangerous bend with another bend to the north (i.e. the Lidsey South bends). Accessing this site would be extremely dangerous as there is very limited visibility in both directions onto the A29, which is a very busy road.
- There is no public transport and no pavements so access to the site would have to be by car, which means that a further 60 or so cars would use the A29 every day.
- Taking children to school, either northwards or southwards during the morning rush hour traffic would be very hazardous
- There would be a great deal of site construction traffic which would travel along the Lidsey bends.
- This is a rural area and the application site has not been allocated in the Local Plan as an area for development.
- There is no mains drainage for the application site so it will require SuDS.
- The construction of 27 new houses on the application site would have a negative impact on surface water drainage in an already overloaded area.
- The properties that are proposed to be demolished are buildings which are currently in keeping with the rural character of the area. The buildings are not Listed, but such buildings should be preserved. as part of Lidsey's history and heritage.
- The proposed development would increase the current number of dwellings in Lidsey by approximately 50%, which is a disproportionate increase and is not part of the Local Plan.
- There are no amenities in Lidsey.
- The proposed development would affect the bats, newts and woodpeckers on the site and the ancient trees.

COMMENTS ON REPRESENTATIONS RECEIVED:

In response to the two letters from Lichfields, the agents acting on behalf of The Church Commissioners for England, CEG and Hanbury Properties who own / control the majority of land in the proposed BEW strategic allocation met with the applicant in May 2018, and amongst other issues the S106 obligations associated with the strategic allocation were discussed. The applicant is agreeable to making a fair proportionate contribution towards the infrastructure costs for the BEW strategic allocation.

CONSULTATIONS

WSCC Strategic Planning
Arboriculturist
Parks and Landscapes
Engineering Services Manager
Engineers (Drainage)
NHS Coastal West Sussex CCG
Sussex Police-Community Safety
Southern Water Planning
Environment Agency
Environmental Health
Ecology Advisor
Environment Agency

CONSULTATION RESPONSES RECEIVED:

LOCAL HIGHWAY AUTHORITY:

Object to the proposal on the grounds of sub-standard access design and associated road safety implications; and lack of safe and suitable access for non-motorised users.

- Access by non-motorised modes is not adequately demonstrated at the site access. The proposed indicative layout shows a combination of footways and shared-surface arrangements. The closest footway is that opposite the Robin Hood Public House found 500-600 metres south of the application site. Other Public Rights of Way are generally indirect and predominantly serve as leisure routes. A proposed connection to Public Footpath 200_1 is shown on the indicative layout plan between Plot 25 and Plots 26-27 inclusive. If the planning application is granted, then further details of this connection (width, surfacing, visibility splays etc.) would have to be provided.

- No bespoke off-road routes are available for cyclists, requiring them to use the A29 providing access for those likely to be confident and / or experienced riders only.

- Bus stops are located within verges approximately at and opposite the entrance to Lidsey Caravan Park. However, there are currently no footways or footpaths providing access to the bus stops.

- The nearest railway stations are Bognor Regis and Barnham. Given the suitability of the route and distance of both stations from the site and lack of other walking and cycling routes, access to both would likely be by car.

- The amended illustrative site plan (Drawing 1749-02H) shows the lane widths on the bend adjacent to the site access appear to vary in width. With regard to what is shown, approximately 10 metres south of the proposed centreline of the new access, the southbound lane width appears to be 2.5 metres wide. Given that the A29 in this location carries a high proportion of heavy goods vehicles, vehicles might over-sail the centreline when travelling south.

- With regard to bellmouth radii, it is unclear what is proposed because the dimensions, kerb-lines shown do not correspond with one-another and are generally unclear on the drawing.

- In an attempt to add to the sustainable package offered by the applicants so far, they have said that they would be agreeable to offering a package of measures to residents of the scheme to promote the use of alternative methods of transport. The Local Highway Authority considers that these would be welcomed and would be expected as part of any Travel Plan. However, it does not change the fact that the site still provides only limited opportunities for sustainable travel to-and-from it, particularly walking and access to services, facilities and public transport etc. and as such, does not alter the Local Highway Authority's view of the proposed development from a sustainability viewpoint.

- The proposed development (AL/20/18/OUT) does not appear to prejudice the current indicative alignment of the proposed southern connection of the new A29.

- The majority of the site lies within the Barnham-Eastergate-Westergate (BEW) strategic allocation. A fuller package of transport infrastructure is likely to follow as part of the wider BEW site. However, that is something that is not available yet, nor is it offered by this outline planning application. As such, prospective residents will remain disadvantaged with the current poor offer for an unknown period of time.

- If outline planning permission is granted, a developer contribution towards transport infrastructure to assist with the delivery of the BEW Strategic Allocation would be required in a S106 Agreement (i.e. the re-alignment of the A29 and associated highway infrastructure).

ADC HOUSING:

Eight of the 27 dwellings on the site are proposed to be affordable homes in compliance with the Council's policy requirements for 30% affordable housing. The proposed tenure split for affordable housing should ideally comprise of 75% (6) for rent and 25% (2) for intermediate housing, but this split could be agreed for inclusion in the S106 Agreement.

WSCC FLOOD RISK MANAGEMENT:

No objection but requested the imposition of conditions regarding surface water drainage.

The submitted Flood Risk Assessment proposes that permeable paving / infiltration would be used to control surface water run-off from the site. Due to the historic highway flooding at this location, any widening of the carriageway at this location would need to be carefully considered and future designs to

show as how any additional surface water will be managed.

SOUTHERN WATER:

Where development has been identified and allocated for future development by the LPA, Southern Water will attempt to ensure capacity is available to serve these developments. The LPA is awaiting a further consultation response from Southern Water bearing in mind the site is located within the BEW strategic allocation.

ENVIRONMENT AGENCY:

An interim response has been received from the Environment Agency raising no objection.

The Environment Agency will be submitting a formal consultation response letter to the LPA during the week commencing Monday 26th November 2018.

On the basis that the site would be providing just over 1% of the total BEW allocation of 2,300 homes the Environment Agency would be seeking a financial contribution in the order of £5,770 to the delivery of the Aldingbourne Rife Integrated Flood Risk Management plan and works.

ADC DRAINAGE:

No objection.

Soakaways must be investigated for surface water disposal. Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter and at the location and depth of the proposed structures. The percolation tests must cater for the 1 in 10 year storm; and it must have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Any SuDs or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. ADC Drainage has requested the imposition of surface water and foul water drainage conditions, if planning permission is granted.

ADC ENVIRONMENTAL HEALTH:

No objection.

Environmental Health have requested noise conditions to minimise the potential of noise and protect the amenity of the residents; together with a condition requiring a Construction Management Plan; a condition requiring that each new home should have an Electric Vehicle charging point; and a condition regarding the reporting of unexpected contamination.

ADC ECOLOGY:

A further bat emergence survey is required to determine if bats are roosting on-site; and this survey needs to be undertaken during the active breeding period (May - September). Trees T01 and T02 will need to be retained due to the bat roosting potential they hold. If Trees T01 and T02 do need to be removed further bat surveys will be required on them. The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. Due to the current condition of the site and the information provided with the Ecological Appraisal there is potential for reptiles to be on-site. Due to the protection reptiles hold the applicant will need to have reptile activity surveys undertaken by a suitably qualified and submitted with the planning application prior to determination.

ADC GREENSPACE:

ADC Greenspace withdrew its objection following the submission of an amended indicative layout plan which showed 2,100 square metres of on-site open space arranged over two areas, in accordance with the new Fields in Trust (FIT) guidelines. The amended indicative layout plan identified the provision of a LEAP in addition to a LAP; and the applicant has agreed to a developer contribution of £18,125 (i.e. 725.00/dwelling x 25 units = £18,125) towards off-site new MUGA provision, to come forward within the

BEW strategic allocation (the monies would go towards tarmac base for MUGA provision).

ADC ARBORICULTURE:

Object. The proposed development seeks to fully exploit the available space but without sufficient regard for the existing trees and hedges of high/moderate quality; a significant quantity of which could be harmonious with and provide instant value to a more sympathetic design. The number and position of dwellings proposed is such that very few trees of current and/or long-term value would be retained. The extent of proposed tree removal at this site would be unacceptable.

WSSC INFRASTRUCTURE:

WSSC is requesting developer contributions towards:

- Formula based contribution into S106 Agreement so that the education contribution may be calculated at a later date. The contributions generated by this proposal shall be spent on the provision of 110 nursery places; the provision of two 2FE primary schools and a new 10FE secondary school to serve Arun District, as set out in the Infrastructure Delivery Plan (IDP, February 2018). The contributions generated by the proposed development shall be spent on additional facilities at St Phillip Howard Catholic High School Sixth Form.
- Library: The contributions generated by this proposal shall go towards the development of a new Tier 7 facility at BEW, based on the provision of 27 dwellings.
- Fire and Rescue: Formula based contribution into S106 Agreement so that the fire service contribution may be calculated at a later date.

NHS COASTAL WEST SUSSEX CLINICAL COMMISSIONING GROUP (CCG):

Objection to the application in the absence of developer contributions towards the provision of health infrastructure. The CCG requests a funding contribution of £31,154 for the infrastructure needs of managing "access and waiting area" at The Croft (preferred option) or alternative site (linked to where patients register/receive services).

SUSSEX POLICE:

No objection.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and issues addressed in the Conclusions section.

POLICY CONTEXT

Designation applicable to site:

Strategic Allocation in the Local Plan

DEVELOPMENT PLAN POLICES

INFSP1	INF SP1 Infrastructure provision and implementation
AHSP2	AH SP2 Affordable Housing
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity

ENVSP1	ENV SP1 Natural Environment
HDM1	H DM1 Housing mix
HSP2	H SP2 Strategic Site Allocations
HSP2C	H SP2c Inland Arun
OSRDM1	Protection of open space,outdoor sport,comm& rec facilities
LANDM1	LAN DM1 Protection of landscape character
SDSP1	SD SP1 Sustainable Development
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
QEDM3	QE DM3 Air Pollution
QESP1	QE SP1 Quality of the Environment
SODM1	SO DM1 Soils
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

[Aldingbourne Neighbourhood Plan 2016 POLICY EH1](#)

Resist development outside

Aldingbourne Neighbourhood Plan 2016 POLICY EH10

Unlit village status

Aldingbourne Neighbourhood Plan 2016 POLICY EH6

Protection of trees and hedgerows

Aldingbourne Neighbourhood Plan 2016 POLICY GA1

Promoting Sustainable movement

Aldingbourne Neighbourhood Plan 2016 POLICY H2

Range of house types

Housing Mix

Aldingbourne Neighbourhood Plan 2016 POLICY H3

Housing density

Aldingbourne Neighbourhood Plan 2016 POLICY H4

10 or more to include 40% unless unviable

Affordable Housing

Aldingbourne Neighbourhood Plan 2016 POLICY H7

No support development near noisy business

Development in the vicinity of business

Aldingbourne Neighbourhood Plan 2016 POLICY H8

Dwellings must have adequate private or shared amenity.

Outdoor space

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework

POLICY COMMENTARY

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

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

The Neighbourhood Development Plan:

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan.

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

Aldingbourne Neighbourhood Plan (NP) was made (adopted) on 9th November 2016, and the relevant NP policies have been taken account of and are addressed in the Conclusions section of this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

There are negative impacts regarding the site access and lack of footpaths and cycleways from the site to the existing services in Barnham, Eastergate and Westergate; the negative impact on the existing trees on the site; the lack of ecological surveys; and the site has not been comprehensively masterplanned as part of the BEW strategic allocation, contrary to the policies in the Local Plan.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE:

The development plan for Arun District currently comprises the Arun District Local Plan (2011-2031), which was adopted by the Full Council on 18th July 2018 and the Aldingbourne Neighbourhood Plan (2014-2029).

Policy H SP1 of the Local Plan sets out the overall provision of 20,000 new homes through the Local Plan phased over the plan period to 2031. This Policy allocates 2,300 units to be provided in the

Barnham / Eastergate / Westergate (BEW) strategic allocation (SD5). The application site (A/20/18/OUT), comprising Land at Bridge Cottage and the Old Cottage, in Lidsey constitutes part of the BEW strategic allocation in Policy H SP1; and the 27 houses proposed in this outline planning application would contribute towards the overall total of 2,300 units.

The Aldingbourne Neighbourhood Plan (NP) was made (adopted) in November 2016 on the basis of the saved policies in the former Arun Local Plan (2003) and the policies in what was the emerging Local Plan in 2014. The site is located outside the built-up area boundary as identified in the Neighbourhood Plan and is therefore contrary to Policy EH1 of the Aldingbourne NP. The application site is therefore classed as countryside by the Aldingbourne NP; and the outline planning application conflicts with the Aldingbourne NP and fails to protect the countryside in accordance with the policies in the NP.

The test in Section 38(5) of the Planning and Compulsory Purchase Act, 2004: "If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document". As the Arun Local Plan was adopted by the Council on 18th July 2018, the policies in the Local Plan are to be considered in favour of those in the Neighbourhood Plan. Consequently, the proposed development is contrary to the Neighbourhood Plan, but the BUAB boundary has been revised and the proposal is considered to be acceptable in accordance with the newly adopted Local Plan.

Policy H SP2 of the Local Plan says that "Development proposals within the Strategic Site Allocations must be comprehensively planned". The proposed development of 27 new homes on Land at Bridge Cottage and The Old Cottage, off Lidsey Road, which would constitute one of the sites that comprise the BEW Strategic Allocation in the Arun Local Plan, should play its part in the comprehensive development of the allocation by integrating appropriately with surrounding communities through an appropriate design.

The outline planning application has been submitted prior to the submission of the detailed masterplan for the BEW strategic allocation; and the applicant has not entered into a dialogue with the Southern Consortium to ensure that the site is designed to a very high standard and that all of the requisite infrastructure is both planned for and delivered to accommodate the quantum of development envisaged on the BEW strategic allocation (Site SD5 in the Local Plan).

The applicant claims that the submitted indicative layout plan has been prepared having reviewed the latest version of the indicative masterplan available for the BEW strategic allocation, to ensure it would not prejudice the delivery of the wider allocation. The applicant considers the application site is sufficiently distant from the proposed re-aligned A29 route to not affect its delivery. However, the LPA considers that the indicative layout plan is not acceptable without a detailed masterplan of the whole BEW strategic allocation. A detailed masterplan for BEW would result in a better scheme with potential access to the application site from the east, from a re-aligned A29, which would resolve the access and highway safety issues raised by the Local Highway Authority.

The initial design is set out on the submitted illustrative streetscene plan and the indicative layout plan. However, the proposed development lacks effective connectivity of transport modes including walking and cycling along the A29 and connectivity to the public transport network including bus stops and railway stations, contrary to Policy H SP2(a) and considered in more detail in the 'Transport' section below.

The outline planning application includes an indicative layout plan which identifies a clear definition between the built-up area and the countryside, in accordance with Policy H SP2(b). The submitted Preliminary Ecological Appraisal Survey lacks the requisite species surveys and consequently would not ensure that the natural environment and biodiversity are protected and conserved, contrary to Policy H

SP2(c).

The indicative layout plan and the Design and Access Statement and the Preliminary Ecological Appraisal Survey are too general and high level to ensure that the proposed residential development incorporates high quality, well connected green spaces, planting within main streets and biodiversity rich open spaces. As the application precludes the requisite ecological surveys it does not ensure the provision of biodiversity rich open spaces, contrary to Policy H SP2(d).

The proposed on-site green infrastructure identified on the indicative layout plan, together with the proposed developer contributions towards an off-site multi use games area (MUGA) in Aldingbourne are welcomed. However, the scale of the proposed tree removal on the application site would be contrary to Policy H SP2(e) in terms of extending, enhancing and reinforcing strategic green infrastructure and publicly accessible open space.

The applicant has submitted an indicative layout plan alongside the outline planning application which fails to illustrate how the site would link up with the existing pavements and cyclepaths in the vicinity to ensure walkable access to local community, recreational and shopping facilities, jobs and accessible transport, contrary to Policy H SP2(j). The Local Highway Authority has requested a developer contribution from this outline planning application towards transport infrastructure to assist with the delivery of the BEW strategic allocation, in accordance with Policy H SP2(k).

Policy H SP2c of the Local Plan focusses on "Inland Arun" and includes the BEW strategic allocation (SD5) and sets out specific criteria that planning applications within this specific strategic allocation will be required to meet.

The applicant is to make a developer contribution towards a new Tier 7 library facility, in accordance with Policy H SP2c(g)(iv) of the Local Plan. The applicant is contributing to the delivery of a new 2 Form Entry primary school and nursery places, in accordance with Policy SP2c(i). Consequently, the outline planning application demonstrates how it meets Policy H SP2 (g)(iv) and Policy H SP2c(i) regarding contributions towards a new Tier 7 library facility; and contributes towards a new primary school and nursery places. The applicant is prepared to contribute £19,000 towards the transport requirements including the realignment of the A29 as set out in Policy H SP2c(h)(i). The application does not consider the Arun Strategic Surface Water Management Study (as required by Policy H SP2c(e)) but there would be opportunities to address how the site fits with a more comprehensive surface water management strategy when the drainage details are submitted as they would be subject to a condition.

The site is located along the western boundary of the BEW strategic allocation and therefore is not in a location which would erode the separate identities or led to any further physical coalescence of the three villages of Barnham, Eastergate and Westergate in accordance with Policy HSP2c(a).

The applicant is agreeable to making a fair proportionate contribution towards the infrastructure costs for the BEW strategic allocation, based on the net gain of 25 dwellings on the site. The applicant would be making developer contributions towards nursery and primary school provision and library facilities, which are set out in the 'Infrastructure' section below.

Conclusion on Principle

The principle of residential development on the application site, which comprises part of the BEW strategic allocation is acceptable. However, the site needs to be planned as an inherent part of the BEW strategic allocation. It is considered that the proposed development is premature in terms of the detailed masterplanning and delivery of the Barnham / Eastergate / Westergate (BEW) strategic allocation (SD5). Insufficient information has been submitted to demonstrate that the proposed development would contribute to the delivery of a comprehensively planned settlement on the Barnham / Eastergate /

Westergate (BEW) strategic allocation (SD5), or provide a high quality development with a sense of place with a permeable layout. The proposed development lacks effective connectivity of transport modes including walking and cycling along the A29 and connectivity to the public transport network, contrary to Policy H SP2(a) and Policy H SP2(j). The submitted Preliminary Ecological Appraisal Survey lacks the requisite surveys and consequently would not ensure that the natural environment and biodiversity are protected and conserved contrary to Policy H SP2(c) and Policy H SP2(d). The scale of the proposed tree removal on the site would be contrary to Policy H SP2(e) and Policy H SP2(m).

TECHNICAL MATTERS

ILLUSTRATIVE LAYOUT AND DESIGN

Layout is a reserved matter, but the applicant has submitted an indicative layout plan which shows how the site could accommodate up to 27 dwellings, including pepper-potted affordable housing, two areas of public open space, private amenity areas for residents, the provision of sufficient on-site car parking, and turning areas for refuse vehicles and emergency vehicles.

The amended indicative layout plan includes both a LAP and a LEAP; and the amount of open space has been increased to 2,100 square metres of open space arranged over two areas, in accordance with the new Fields in Trust (FIT) guidelines. Four of the 2 bed open market houses have been substituted for 2 bed open market flats in order to provide the required amount of open space. The layout of the proposed dwellings on plots 8 to 17 inclusive have been re-arranged to run in two rows in an east/west direction along the eastern side of the application site, which would enable the opportunity for greater connectivity for vehicular access and pedestrian and cycle access between the application site and the main part of the BEW strategic allocation to the east. The new orientation of the dwellings on plots 8 to 17 inclusive also increases the opportunities for the layout of the housing on the application site to align wherever possible with the dwellings that would be developed on the main part of the BEW site.

In relation to the need for east-west connections, the amended indicative layout plan indicates how an east-west vehicular / pedestrian route could be provided through the site to connect it with land to the east. The initial layout plan also included a proposed pedestrian link to the existing footpath running along the site's northern boundary, which is retained on the amended indicative layout plan. This existing footpath runs east to Barnham.

The proposed indicative layout would also compromise the location of the 3 trees - the Beech (T44), Oak (T29) and Maidenhair (T07) which are currently the subject of a proposed tree preservation order (TPO). The Maidenhair and the Oak are located on the line of the proposed east / west road; and the Beech tree at the northern end of the site would be located on the site of a double garage serving the house on Plot 19. Consequently, the proposed indicative layout would be contrary to Policy ENV DM4 of the Local Plan.

Notwithstanding this, without a detailed masterplan for the entire BEW site, it is not possible to conclude that the indicative site layout would work, in accordance with Policy D DM1 of the Local Plan. For example, the site is located on the western periphery of BEW, it could function as a landscaped green space along the boundary of the strategic allocation rather than the location of up to 27 dwellings, including apartments.

AFFORDABLE HOUSING

Policy AH SP2 of the Local Plan says "for all developments of 11 residential units or more the Council will require a minimum 30% of the total number of units proposed on site to be provided as affordable housing on the same site in the first instance".

The residential development on the site includes 8 affordable houses (29.62% provision which accords

with the affordable housing policy of 30% provision in the Local Plan), and comprises 4 x 2 bed houses, 3 x 3 bed houses and 1 x 4 bed house. The proposed quantum and location of the affordable housing is considered to be acceptable as the housing would not be clustered entirely in one location on the site. The 8 affordable units could be secured through a S106 agreement with the LPA. The proposed development complies with Policy AH SP2 of the Local Plan.

Notwithstanding this, Policy H4 of the Aldingbourne NP requires the provision of 40% affordable housing on site unless this makes a scheme unviable. The LPA considers that the affordable housing provision requirement of 30% set out in Policy AH SP2 of the Local Plan is relevant to the determination of this application as the Local Plan is more up to date than the Aldingbourne NP and the evidence behind it is more relevant and robust.

SUSTAINABILITY

The application site is located 1.0 mile from Aldingbourne Primary School and 1.7 miles from Ormston Academy, in Westergate; 0.8 miles from Aldingbourne Village Shop and 1.4 miles from Lidl in North Bersted; 1.5 miles from Bersted Green Surgery and 1.7 miles from Chantry House Dental Practice in Eastergate; 3.0 miles from Bersted Park Community Centre; 1.3 miles from Aldingbourne Tennis Club and 1.4 miles from the Base Skate Park in North Bersted. The application site is relatively close to services, however, there is a lack of pavement or cycleway infrastructure from the site to the requisite services listed above. Consequently, these services cannot be accessed safely on foot or by bicycle from the application site. This issue is covered in more detail in the Transport section below.

TRANSPORT

Policy T SP1 of the Local Plan says that "to ensure that growth in the District strengthens Arun's economic base, reduces congestion, works to tackle climate change and promotes healthy lifestyles; the Council will ensure that development: provides safe access on to the highway network; contributes to highway improvements and promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network".

Trip Generation, Distribution

A Transport Statement accompanied the planning application as required by Policy T SP1(e) of the Local Plan. The proposed development of 27 residential units on the site is anticipated to generate 76 arrivals and 78 departures over a 12 hour period (from 7.00am to 7.00pm), as set out in the Transport Statement. The proposed number of vehicles generated by the proposed development onto the highway network is considered to be acceptable.

Site Access

The proposed development includes the provision of an access to the site in the position of the existing access serving Bridge Cottage on the crown of the bend; and to permanently close the two existing accesses onto the A29 serving The Old Cottage, and to re-instate the latter as verge / landscape. The previous residential application which was refused in 2002 and dismissed at appeal in 2003 included two accesses onto the A29.

Aldingbourne Parish Council and local residents objected to the proposed development on transport grounds, claiming the access via the A29 is dangerous.

The amended illustrative site plan (Drawing 1749-02H) shows that the footway originally shown to the south of the junction has been removed from the scheme; so too has the footpath further south. The amended drawing also shows a number of visibility dimensions, namely the actual site access visibility and forward/Stopping Sight Distance (SSD) visibility. The lane widths on the bend adjacent to the site access appear to vary in width. Given that the A29 in this location carries a high proportion of heavy goods vehicles, vehicles might over-sail the centreline when travelling south. The site access visibility in

the trailing traffic direction looking south from the proposed access crosses the centreline of the Shripney Road meaning that some vehicles could be 'lost' outside of the splay area.

The Local Highway Authority is objecting as adequate information has not been submitted to satisfy the Highway Authority that the proposal is acceptable in terms of road/junction layout, carriageway (and lane) width/s and visibility splays (including forward visibility/stopping sight distance splays) and would therefore give rise to increased hazards to highway users.

The proposal is unacceptable in terms of road/junction layout, carriageway (and lane) width/s and visibility splays giving rise to increased hazards to highway users contrary to Policy T SP1 of the Arun Local Plan and the National Planning Policy Framework.

Parking Provision

The WSCC parking calculator indicates a demand for 61 parking spaces for 27 dwellings. Parking would be dealt with at Reserved Matters stage, but from the indicative layout plan, the quantum of car parking spaces, amounting to a total of 67 spaces, would comply with WSCC Parking Standards.

The applicant would be agreeable to offering a package of measures to residents of the scheme to promote the use of alternative methods of transport. Such a package could include:

- Electric charging points for every house;
- Electric charging points in the street for delivery drivers and visitors;
- Cycle vouchers; and
- Promotional literature on walking routes.

However, this package of measures would be covered by a Travel Plan which could be secured via a condition.

Public Transport Provision

The nearest bus stops are located to the south of the application site along the A29. The bus stop for the northbound services is 240 metres from the application site; and the bus stop for the southbound services is 142 metres from the site. The bus stops provide connections to Bognor Regis railway station and Barnham railway station and the retail foodstores on Shripney Road at Bersted.

Footways and Cycleway Provision

Policy T SP1 of the Local Plan says: "The Council will support transport and development which gives priority to pedestrian and cycle movements".

Policy T DM1 of the Local Plan says: "New development must ensure ease of movement, prioritising safe pedestrian and cycle access to the green infrastructure network and access to public transport. Access to alternative modes of transport including public transport services, the public right of way and cycle networks, must be available and accessible to all members of the community". "Proposals for all new development must be located within easy access of established public transport services, existing pedestrian and cycle networks, the committed and aspirational cycle networks and the green infrastructure network which links the development with key destinations including places of work, education, leisure and town centres" (Policy T DM1(a)).

There is no pavement or dedicated cycleway running alongside the application site. Access by non-motorised modes is not adequately demonstrated at the access to the application site. The proposed indicative layout shows a single footway emerging on the southern side of the vehicular access. The proposed footway provides no physical connection with any other footway which could lead to pedestrians walking in the carriageway of the A29 which is a highway safety concern. The nearest made pavement is located 750 metres to the south of the application site and 1km to the north. A public right of way runs along the northern boundary of the site which runs east-west between Chichester and Yapton.

There are no footways or footpaths providing access to the bus stops at and opposite the entrance to Lidsey Caravan Park, requiring users to either walk in the carriageway of the A29 or be dropped-off adjacent to them. The nearest railway stations are Bognor Regis and Barnham. Public Footpath 200_1 does provide an indirect link to Barnham Station. However, given the suitability of the route and distance of both stations from the site and lack of other walking and cycling routes, access to both would likely be by car.

Consequently, the proposed development does not accord with Policy T SP1, Policy T DM1(a) and Policy H SP2(a) of the Local Plan and Policy GA1 and Policy GA2 of the Aldingbourne NP as it has not demonstrated that the proposal gives priority to pedestrian and cycle movements and can be satisfactorily mitigated by means of planning conditions and off-site works by means of a Section 106 Agreement.

OPEN SPACE PROVISION

Policy OSR DM1(2a) of the Local Plan says: "housing will be required to contribute towards open space provision in accordance with guidance set out in the current Open Space Study. In some parts of the district open space provision is identified as being sufficient in terms of quantity. Therefore, provision of new open space is not deemed necessary but what is needed is to seek contributions for quality improvements and/or new off-site provision in order to address any future demand."

The amended indicative layout plan includes the provision of two parcels of public open space, the larger of the two measuring 1,700 square metres; and the smaller parcel of open space measuring 403 square metres. ADC Greenspace is satisfied with the proposed provision of on-site public open space as shown on the amended indicative layout plan.

The proposed provision of on-site public open space is acceptable and complies with Policy OSR DM1(2a) of the Local Plan and Policy H8 of the Aldingbourne NP.

LANDSCAPING

Policy LAN DM1 of the Local Plan states that: "Development throughout the plan area should respect the particular characteristics and natural features of the relevant landscape character areas and seek, wherever possible, to reinforce or repair the character of those areas."

This outline planning application is for access to the site. Details regarding the landscaping of the proposed development would be submitted for consideration as part of a reserved matters application. Notwithstanding this, the applicant has submitted an amended indicative layout plan including landscaping along the western boundary of the site along the frontage with the A29. The siting of the 2 areas of public open space along the western boundary of the site and incorporating trees would also enhance the landscaping screen along the site frontage. The applicant is also proposing the planting of belts of trees along the northern boundary with the single track lane, and a 2.0 metre wide landscape belt along the southern boundary fronting onto a refurbished farm building and industrial units. The applicant is proposing tree planting along part of the eastern boundary of the site, but is ensuring there is a road and footpath connection from the site into the larger site that forms the BEW strategic allocation.

ADC Greenspace is satisfied with the quantum of landscaping and the tree and shrub species now being proposed on the amended indicative layout plan; and requests the imposition of a condition requiring a detailed landscape strategy to be submitted as part of a separate reserved matters application.

The proposed quantum and location of the landscaping on the indicative layout plan is considered to be acceptable and complies with Policy LAN DM1 of the Local Plan.

TREES

Policy ENV DM4 of the Local Plan requires developers to provide land and tree surveys (d), a tree constraints plan (e) and an Arboricultural Impact Assessment (AIA) to include a tree protection plan and Arboricultural Method Statement (f), which will ensure that development is planned to take a comprehensive view of tree issues at an early stage in the design process and that development works do not have a negative impact on existing trees.

The Aldingbourne NP includes Policy EH6 whereby "proposals which affect sites with existing trees or hedgerows should be accompanied by a survey that establishes the health and longevity of any affected trees or hedgerows and a management plan to demonstrate how they will be so maintained".

The application site contains a large number of trees, with a heavy concentration located at the southern most point of the site. A small number of trees are proposed to be retained and protected throughout the construction phase, notably the boundary vegetation along the northern and eastern boundaries of the site.

Approximately 66% of all existing trees within the site are listed for removal. There are a number of trees within the site that have great potential to complement any residential development and sit comfortably within the semi-rural environs. Of special note and to be considered for long-term preservation are T07 maidenhair, T29 oak and T40 beech. The former is an especially fine example of its type with great ornamental value and well-situated within the plot; the latter two are native trees of excellent form and apparent good health. All 3 trees are regarded as Category A trees (high quality) and they should be retained in harmony with any future development of this site; the site layout plan must allow for future branch and root spread without impediment. The ADC Arboricultural Officer has requested that the maidenhair, oak and beech trees (T07, T29 and T44) be the subject of a Tree Preservation Order. The TPO application was advertised on site on Thursday 22nd November 2018. The indicative layout plan does not retain any of these 3 trees. The ADC Arboricultural Officer has objected to the extent of tree removal proposed on the site.

The extent of proposed tree loss at this site is unacceptable and would be contrary to Policy ENV DM4 and Policy H SP2(c) of the Local Plan and Policy EH6 of the Aldingbourne NP (protection of trees and hedgerows).

ECOLOGY

Policy ENV DM5 of the Local Plan says "development schemes shall seek to achieve a net gain in biodiversity and protect existing habitats on the site. They shall also however incorporate elements of biodiversity including green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitats".

A Preliminary Ecological Appraisal Survey, a Site Habitat Plan and a Preliminary Bat Roost Assessment were submitted with the outline planning application to determine the ecological constraints on the site. The Preliminary Ecological Appraisal identified evidence of some existing buildings on site supporting bats; and potential suitability for reptiles was also noted. The Preliminary Ecological Appraisal Survey included ecological enhancements comprising the provision of bird nest boxes and bat box; the use of sympathetic lighting scheme across the site; the use of wildflower seeding within areas of open space; the use of hedgehog friendly gravel boards and the installation of a hedgehog house; digging a new replacement pond to compensate for the two which will be lost; and the planting of new native species-rich hedgerows to the site boundaries along with native, seed / fruit bearing trees. All of the recommended ecological enhancements should be delivered by means of a condition.

ADC Ecology has requested that prior to the determination of the application a further bat emergence survey is carried out and, if bats are found to be roosting within the buildings, mitigation would be

required and a mitigation strategy should be submitted with the planning application. The lighting scheme should minimise potential impacts to any bats. The applicant will need to have reptile activity surveys undertaken and submitted with the planning application prior to determination. If reptiles are found to be present on-site then a mitigation strategy will need to be submitted.

The lack of requisite bat and reptile surveys and mitigation strategies submitted with the outline planning application in relation to the impact on protected species and the potential for the proposed development to protect existing habitats where possible and provide enhancements is unacceptable and is contrary to Policy ENV DM5 and Policy H SP2(c) of the Local Plan.

LIGHT POLLUTION

Policy QE DM2 of the Local Plan emphasises the need to consider the impact of light on neighbouring uses and wider landscape, particularly with regard the South Downs International Dark Sky Reserve designation, light levels should be the minimum required for security and working purposes, and minimise potential glare and spillage.

It is considered that a lighting condition be imposed requiring the submission of details of luminaires that are more suitable to semi-rural areas on the fringes of built-up areas. This is reinforced by the Ecologist's request that the lighting scheme for the site will need to take into consideration the presence of bats in the local area through the use of directional light sources and shielding. Environmental Health has not raised an objection in terms of light emissions from the proposed residential development on existing residential amenity.

Consequently, subject to condition, it is considered that the proposed development complies with Policy QE DM2(a) to (d) of the Local Plan and Policy EH10 of the Aldingbourne NP (unlit village status).

NOISE QUALITY

The NPPF and Policy QE DM1 of the Local Plan emphasise that noise sensitive development will not be permitted if its users would be affected by noise by proposed noise generating uses.

The application site is located immediately east of the A29 (Lidsey Raod), south east of an industrial building known as Mission Hall and north of industrial units at Lidsey Farm, all of which are potential sources of noise. Therefore, noise conditions should be imposed at this outline planning stage to ensure that the amenity of the residents of the new dwellings on the application site are not adversely affected by noise generated by vehicles on the A29 or from the industrial activities to the south and from the building known as Mission Hall to the north west of the site. The condition should include facade treatment of all houses facing onto the A29. ADC Environmental Health have also requested a condition requiring a Construction Management Plan, which is considered to be necessary.

Therefore, subject to noise conditions ensuring mitigation measures are put in place the future residents of the development would not be adversely affected by noise in accordance with Policy QE DM1 of the Local Plan and Policy H7 of the Aldingbourne NP.

RESIDENTIAL AMENITY

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

There are two houses located west of the A29 (i.e. Apple Tree Cottage and Old Bridge House); and a recent barn conversion at Lidsey Farm to the south of the application site. The proposed layout of the dwellings on the indicative layout plan should ensure that neighbouring residential amenity is not adversely affected by loss of privacy or overlooking.

Consequently, it is considered that the proposed residential development complies with Policy D DM1(3) of the Local Plan in terms of impact upon neighbouring residential amenity.

SURFACE WATER FLOODING

The NPPF requires that development does not give rise to an unacceptable risk of flooding detrimental to human health or property. Policy W DM2 of the Local Plan requires the submission of a site specific Flood Risk Assessment (FRA) which demonstrates that the development will be safe without increasing flood risk elsewhere and reduce flood risk overall; consider flood flow routing and utilise temporary storage areas.

An FRA has been submitted with the outline planning application which confirms that the site is located within Flood Zone 1 with a less than 1 in 1000 chance of flooding in a year. There is a small risk of surface water flooding to the west of the application site, however, this can be mitigated with the external levels design. The use of permeable paving and soakaways are proposed which would provide surface water storage to protect the proposed dwellings and adjacent areas from a 1 in 100 year +40% storm. The removal of the existing septic tanks and connection into the main sewer would provide improvement to the current groundwater quality.

ADC Drainage has raised no objection to the proposed development, but has requested the imposition of surface water drainage conditions. Sufficient information has been provided to demonstrate that a SuDs scheme for the site could be developed based on the principles in the FRA and shown on the indicative layout plan, in accordance with Policy W DM3 and Policy H SP2 of the Local Plan.

FOUL WATER DRAINAGE

Policy W DM1 of the Local Plan deals with foul water drainage: development which will materially increase foul water discharges will be refused unless the LPA is satisfied that either adequate drainage capacity exists or appropriate drainage capacity can be provided as part of the development.

Southern Water objected claiming that the application site was outside the boundary of the BEW strategic allocation and there was insufficient capacity in the wastewater treatment network to accommodate the 27 houses at Lidsey.

The applicant sent a letter to Southern Water on 24th April 2018 confirming the application site's location within the BEW strategic allocation; and requesting advice regarding treatment capacity, but to date no response has been received. It is noted in the Inspector's report on the Local Plan, dated 4th July 2018, that whilst capacity at the Lidsey Wastewater Treatment Works is limited, it could still support early phases of the BEW strategic allocation.

The LPA is awaiting a response from Southern Water to ascertain whether or not there is sufficient capacity in the wastewater treatment network to accommodate the proposed development, in accordance with Policy W DM1 of the Local Plan.

SUPPORTING INFRASTRUCTURE

Development is only acceptable with the provision of or contributions to the necessary infrastructure and facilities to mitigate the impacts of the development. Representations received raised concerns about the lack of amenities in Lidsey.

In relation to the required S106 Agreement, the applicant is agreeable to making a fair proportionate contribution towards the infrastructure costs for the BEW strategic allocation.

Negotiations on the Heads of Terms to be included in a Section 106 Agreement are at a preliminary

stage. The final recommended Heads of Terms have been agreed with the applicant would include the following:

A contribution of £30,933 on fixtures, fittings and equipment towards a new early years facility serving BEW; a contribution of £194,870 on fixtures, fittings and equipment for a new primary school serving BEW; a contribution of £118,692 on fixtures, fittings and equipment for a new secondary school serving Arun; and a formula based contribution to be spent on additional facilities at St Phillip Howard Catholic High School Sixth Form. These developer contributions have been calculated taking into account the site is part of the BEW strategic allocation.

The Library Service has sought a contribution of £1,173 towards a new Tier 7 Facility for the BEW strategic allocation.

Fire and Rescue contributions have been sought by WSCC (formula based) towards the supply and installation of additional fire safety equipment to vulnerable persons homes in West Sussex Fire Rescue Services Southern Area serving Aldingbourne.

The Sussex Coastal Clinical Commissioning Group (CCG) requests a funding contribution of £31,154 for the infrastructure needs of managing "access and waiting area" at The Croft (preferred option) or alternative site (linked to where patients register/receive services).

On-site provision and maintenance of multi-functional green space and equipped play areas comprising 1 LAP and 1 LEAP; and a developer contribution of £18,125 towards off-site new MUGA provision, to come forward in Aldingbourne (the monies would go towards tarmac base for MUGA provision).

A developer contribution of £178,250 (£7,130 per dwelling - so 25 homes would be £178,250) towards transport infrastructure to assist with the delivery of the BEW Strategic Allocation (i.e. the re-alignment of the A29 and associated highway infrastructure).

A financial contribution in the order of £5,770 to the delivery of the Aldingbourne Rife Integrated Flood Risk Management plan and works. The Development Control Committee will be updated once the formal consultation response has been received from the Environment Agency.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

REFUSE

- 1 The proposed development is premature in terms of the detailed masterplanning and delivery of the Barnham / Eastergate / Westergate (BEW) strategic allocation (SD5). Insufficient information has been submitted to demonstrate that the proposed development would contribute to the delivery of a comprehensively planned settlement on the Barnham / Eastergate / Westergate (BEW) strategic allocation (SD5), or provide a high quality development with a sense of place and permeable layout contrary to Policy D DM1, Policy T DM1, Policy H SP2 and Policy H SP2c of the Arun Local Plan and the National Planning Policy Framework.
- 2 The proposed development does not provide safe nor convenient infrastructure for non-car access to and from goods, services, local facilities, schools and employment, nor does it encourage or enable an increase in environmentally sustainable means of travel such as walking, cycling and public transport, contrary to Policy H SP2(a) and H SP2(j), Policy T SP1 and Policy T DM1 of the Arun Local Plan, Policy GA1 and Policy GA2 of the Aldingbourne Neighbourhood Plan and Section 9 of the revised NPPF (July 2018), paragraphs 108 (a and b), 109 and 110 (a-c).
- 3 Adequate information has not been submitted to satisfy the Highway Authority that the proposal is acceptable in terms of road/junction layout carriageway (and lane) width/s and visibility splays (including forward visibility/stopping sight distance splays) and would therefore give rise to increased hazards to highway users contrary to Policy T SP1 of the Arun Local Plan and the National Planning Policy Framework.
- 4 The proposed development fails to give sufficient regard to the existing trees and hedges of high/moderate quality on the site and very few trees of current and/or long-term value would be retained. The extent of the proposed tree removal at this site is unacceptable in terms of protecting, conserving or enhancing the natural environment and landscapes, and would be contrary to Policy ENV DM4 and Policy H SP2(c) of the Local Plan and Policy EH6 of the Aldingbourne Neighbourhood Plan.
- 5 The lack of requisite bat and reptile surveys and mitigation strategies submitted with the outline planning application in relation to the impact on protected species and the potential for the proposed development to protect existing habitats where possible and provide enhancements is unacceptable, contrary to Policy ENV DM5 and Policy H SP2 of the Local Plan.
- 6 **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 discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.