

PLANNING STATEMENT

LAND EAST OF LIDSEY ROAD, WOODGATE, PO22 3SU

**WHALEBACK**

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Site	Land north of Lee's Yard, Lidsey Road, Woodgate, PO22 3SU
Project	Outline Planning Application
Applicant	Tim Johnson
Our Ref	W1994
Date	March 2020
Revision	-

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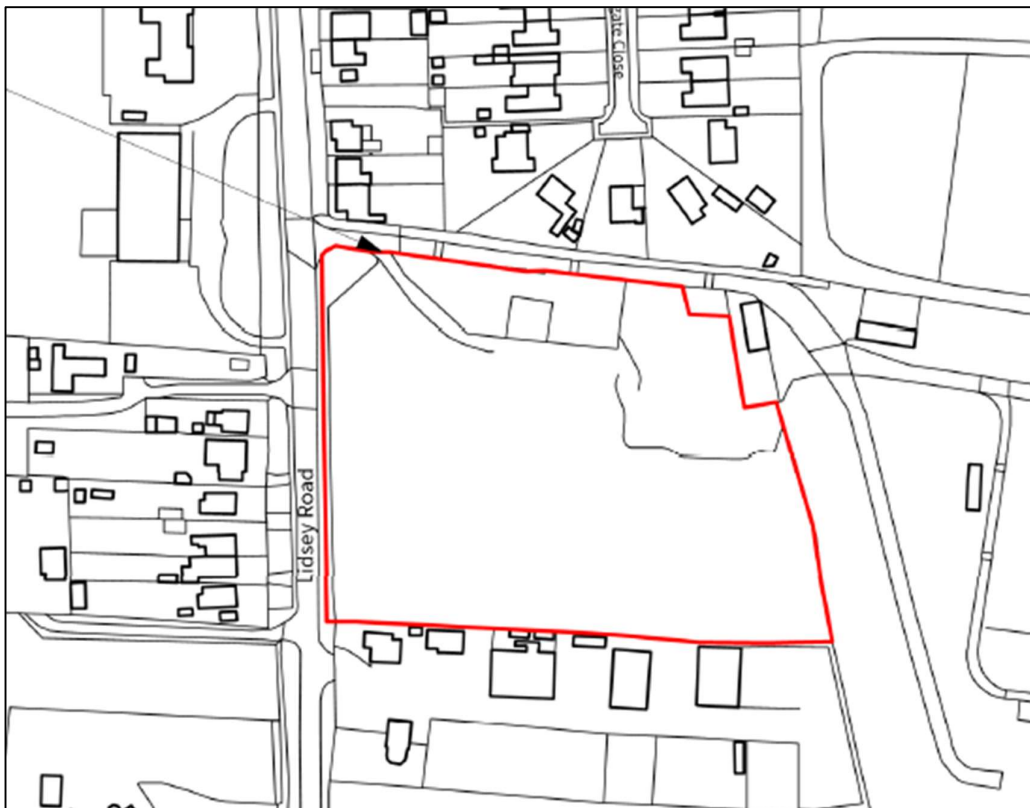
Introduction

1. WHALEBACK is instructed by the applicant to prepare and submit an outline planning application for the construction of 38 residential dwellings on land at Lidsey Road, Woodgate at the larger settlement of Westergate. The site is within the Parish of Aldingbourne and Barnham Ward, within Arun District.
2. This application follows application AL/57/18/OUT which was refused on 13 March 2019. Since this point, outline planning permission (ref. AL/32/19/OUT) has been granted for the erection of 55 dwellings at Wings Nursery, on the western side of Lidsey Road opposite the application site. In addition, under appeal ref. APP/C3810/W/19/3236911 (Land adjacent to Bonhams and Flints, Hoe Lane, Flansham PO22 8NP), the Inspector concluded that the Council was able to demonstrate a housing supply of 2.9 years.
3. The outline application seeks detailed approval for the access to the development, with appearance, landscaping, layout and scale reserved. A drawing (ref. I428A-SK-002 Revision E) is provided which shows an indicative layout and section, but approval of the final design of development is not sought at this stage.
4. This Planning Statement should be read in conjunction with all other documentation including illustrative drawings and submitted evidence.
5. This Planning Statement describes the application site and its surroundings, the development proposal, the planning history of the site and the relevant planning policy framework. A planning appraisal is provided to consider the merits of the application followed by a conclusion.
6. This document includes the following:
 - Design and Access Statement
 - Affordable Housing Statement
 - Lidsey Foul Water Environmental Assessment Statement
7. The following documents are submitted separately in support of the application and should be read in conjunction with this Statement:
 - CIL Additional Information Form
 - Location Plan, Block Plan, Indicative Site Layout and indicative Section
 - Topographical Survey
 - Landscape and Visual Impact Assessment
 - Flood Risk Assessment
 - Surface Water Drainage Strategy
 - Ecological Impact Assessment (Biodiversity Surveys and Reports)
 - Historic Environment Record Search (HER)

- Tree Survey and Arboricultural Report
- Landscaping Strategy (indicative landscaping layout shown on drawing ref. I428A-SK-002 Revision E)
- Noise Assessment
- Transport Assessment / Travel Plan / Parking Plan

Site and Surroundings

8. The site lies at the edge of the settlement of Woodgate, at the southern end of the village of Westergate in Aldingbourne Parish, home to 1,420 households.



The application site.

9. The application site is located on the eastern side of Lidsey Road (A29). Immediately to the north of the site is the access road to 'Willows' caravan park, the access to the site is from the western end of this road. The site is a relatively flat paddock, with dense planting in the form of trees and hedges to all boundaries. The site is vacant pasture land and is physically separate from any other agricultural holding.



The site access from the caravan park access road.



A view from within the site showing the boundary screening in situ.

10. To the north of the site and the caravan park access road is an established residential development of suburban character. Opposite the site on Lidsey Road is the southern end of the Wings Nursery site with outline planning permission granted for 55 houses. Immediately to the south of the site is Lee's Yard which comprises a number of business units and external parking and storage. To the east of the

site is the Willows Caravan Park. The nearby housing is a mix of older semi-detached bungalows and newer two-storey houses to the north of the site, with detached houses of varying sizes opposite the site on the western side of Lidsey Road.



Residential dwellings on the eastern side of Lidsey Road, immediately to the north of the caravan site access road.



Lee's Yard; the commercial site immediately to the south of the application site.

11. The A29 is a reasonably busy road connecting Bognor Regis to the A27 at Fontwell. It is the subject of a major infrastructure improvement project associated with a strategic development of 2,300 homes, known as 'BEW' (Barnham-Eastergate-Westergate) allocated in the Arun Local Plan. Westergate is served by 2 bus routes, numbers 66 and 85; there are bus stops for the 66 service on both sides of the road immediately to the north of the site. There is a narrow pedestrian footway in situ on the western side of Lidsey Road, and a pavement on the eastern side of the road to the north of the site.



The bus stop on the western side of Lidsey Road to the north of the application site.

12. Beyond the immediate surrounds of the site, the Prince of Wales Public House lies to the south of the railway line, and beyond the railway crossing lies the centre of Westergate. Local amenities include a post office and convenience store, petrol station and convenience store, two restaurants and a café, the Aldingbourne Community Centre, and the Six Villages Sports Centre. The Parish is served by two schools, Aldingbourne Primary School and Ormiston Six Villages Academy. St Philip Howard Secondary School is at Barnham. The nearest Doctors' Surgery is in Eastergate. There is a Local Railway Station at Barnham.



Prince of Wales Public House, 200m to the north of the application site.



Convenience store and post office, 400m or 4 minutes' walk to the north of the site.

13. Eastergate and Barnham are to the north and east of the site. The villages of Lidsey and Shripney are 0.7 miles to the south with Bognor Regis beyond at 4 miles. The boundary of the South Downs National Park follows the A27, 2 miles to the north at Fontwell. Chichester is 7 miles to the west by road.
14. The historic village of Westergate extends in a linear form on each side of the A29, with modern development in a series of residential closes and cul-de-sacs intersecting the properties fronting the main road which have evolved as the village has grown. There is considerable construction activity seen in the immediate vicinity of Woodgate with new houses under construction at Gatehouse Mews on Lidsey Road to the north of the application site and the larger cul-de-sac of 'The Pines' further to the north along Lidsey Road. The modern Oak Tree Lane estate to the north of the application site is now becoming well established. As detailed above, planning permission has been granted on the western side of Lidsey Road for 55 dwellings at Wings Nursery.



Recent development to the north of the application site on the eastern side of Lidsey Road.

Development Proposal

15. Thirty-eight (38) dwellings are proposed. The outline application seeks detailed approval for the access to the development, with matters of appearance, landscaping, layout and scale reserved.
16. A drawing (ref. I428A-SK-002 Revision E) is provided which shows an indicative layout and section, but approval of the final design of development is not sought at this stage.
17. The indicative scheme comprises:

Market Housing

- 5 x 4-bedroom houses (7 persons) 115 sqm GIA
- 10x 3-bedroom houses (5 persons) 93 sqm GIA
- 11x 2-bedroom houses (4 persons) 79 sqm GIA

Affordable Housing

- 4x 3-bedroom houses (5 persons) 93 sqm GIA
- 8x 2-bedroom houses (4 persons) 79 sqm GIA

18. All of the units would comply with Government's Nationally Described Space Standards.
19. An existing access to the site, at the northwest corner of the site (from the western end of the caravan park access road) will be used. Within the site a road arrangement is proposed with the market houses fronting onto the road with front gardens and driveways, and rear gardens. In the south-eastern area of the site the proposed affordable houses would face on to a communal green space and garden, and would have private rear gardens and allocated parking spaces.

20. It is proposed that boundary screening would be retained around the site and additional planting is proposed within the site.



Indicative development layout.

21. The application site area is 1.53 hectares, the density of the proposed development is therefore 25 dwellings per hectare.

Affordable Housing Statement

22. The proposed development includes the provision of 12 affordable dwellings which constitutes 32% of the overall number of units proposed. This complies with Local Plan Policy AH SP2 which requires a 30% affordable provision, and this takes precedence over Neighbourhood Plan Policy H4 as it is the most recently adopted. The applicant acknowledges the tenure mix of 75% rent and 25% intermediate housing set out in Policy AH SP2, and the dwelling size mix set out in the Policy.
23. The mix of affordable unit sizes in the indicative scheme comprises:
- 4x 3-bedroom houses (5 persons) 93 sqm GIA
 - 8x 2-bedroom houses (4 persons) 79 sqm GIA

24. All of the units would comply with Government's Nationally Described Space Standards.
25. The applicant is keen to enter discussions with the LPA regarding the proposed affordable housing provision and will reach an agreed position which would be secured by s106 legal agreement as part of the outline application.
26. The indicative layout submitted sets out that the affordable dwellings would be two-storey dwellings set around a communal green area and pond. The dwellings would have their own private rear garden areas and allocated parking spaces.

Lidsey Foul Water Environmental Assessment Statement

27. It is proposed that the development would connect to the mains foul water drainage system. Therefore, a full environmental assessment is not required.

Relevant Planning History

28. This section outlines the relevant planning history relating to this site and similar development nearby is referred to and discussed. It includes planning application decisions as well as informal assessments in the form of Pre-Application Advice and the Council's HELAA document.
29. **PRE-APPLICATION ADVICE:** Pre-application advice was sought in 2016 for a scheme of sheltered housing, mixed tenure residential dwellings (including affordable units and Lifetime Homes compliant) and the provision of private and public open amenity space. The officer commented in respect of design that "The proposed layout and examples of 'eco-build' style dwellings indicate that the proposal would be of a high standard of design in relation to innovation, solar gain and energy efficiency, which would be welcomed and in accordance with policies of the emerging Local Plan".
30. The officer concluded that an application would likely be refused on the grounds that the development would be in an unsustainable location and not provide development sufficiently accessible to local services, which would encourage travel by car, impacting adversely on the use of natural resources and the need to adapt to climate change.
31. The officer went on to say that the applicant should bear in mind that the sustainability of the site may improve if the proposed Barnham/Eastergate/Westergate allocation is brought forward for development (as outlined in Policy H SPI of the Arun Local Plan Publication Version (2014)). The proposed allocation would mean that community, health, education and retail facilities would be provided at a new local centre, which, depending on where it is located in relation to the site, may have the potential to improve the sustainability of the site as a location for housing.
32. A planning application was submitted for the residential development of the site in May 2018:
AL/57/18/OUT: Outline application with some matters reserved (appearance only) for the erection of 30 No. dwellings consisting of 4 No. 4-bed houses, 10 No. 3-bed houses, 4 No. 3-bed apartments, 8 No. 2-bed apartments & 4 No. 1-bed apartments, communal work hub with associated car parking & landscaping. Refused, March 2019.

33. The reasons for refusal of this application are addressed in the Planning Appraisal section of this statement further below.

Relevant Planning Appeals in the Local Area

34. **APP/C3810/W/16/3155330** - Land off Hook Lane, Westergate – Allowed.
35. **APP/C3810/A/14/2220943** - Land west of Westergate Street, east of Hook Lane, Westergate, Sussex, PO20 3TE – Allowed.
36. **APP/C3810/A/14/2217385** - Land at Nyton Road and Northfields Lane and Land off of Fontwell Avenue – Allowed.

Relevant LPA decisions in the Local Area

37. **AL/32/19/OUT** - Wings Nursery Lidsey Road Woodgate – Approved, October 2019.

Housing & Economic Land Availability Assessment (HELAA)

38. The LPA's HELAA report concludes that the application site is 'Deliverable' with a potential yield of 37 dwellings.
39. The findings of the HELAA are not binding on the LPA in its decision-making function but can be a material consideration having been the subject of a planning assessment.

APPENDIX 1.1 – DELIVERABLE SITES			
SUMMARY TABLES			
DELIVERABLE SITES (EXCLUDING NEIGHBOURHOOD PLAN, LOCAL PLAN ALLOCATIONS & COMMITMENTS)			
HELAA Ref	Address	Parish	Viability Yield
WE12	Land to South of Byfields, Nyton Road	Aldingbourne	11
18AL3	Land west of Hook Lane Aldingbourne	Aldingbourne	12
113A	Land West of Westergate Street (Woodgate Nursery)	Aldingbourne	774
113B	Land West of Westergate Street (and Meadow Way)	Aldingbourne	73
19AL2	Land to the rear of Stockhearn Nursery	Aldingbourne	64
WE8	Land north of Lees Yard, Lidsey Road	Aldingbourne	37
19AL4	Fontwell Farm Fontwell Avenue	Aldingbourne	154
40	Land at Seven Acres and New Place Nursery	Angmering	95

Excerpt from Arun District Council Housing and Economic Land Availability Assessment (HELAA) (ADC, February 2020)

Planning Policy Framework

40. The Development Plan now consists of the Arun District Local Plan 2011-2031 (adopted July 2018), the West Sussex Waste and Minerals Plans and Aldingbourne Neighbourhood Development Plan (2014-2034) (adopted November 2016).
41. The Aldingbourne Parish Council resolved in January 2019 to review their Neighbourhood Plan and on 2nd April 2019 published a draft version (see below).

National Planning Policy Framework

42. The “golden thread” running through both plan-making and decision-taking policies in the NPPF is the presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with the development plan without delay, and where the development plan is absent, silent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole, or policies within the NPPF which indicate development should be restricted (paragraph 11).
43. There are three dimensions to sustainable development: economic, social and environment, which should not be taken in isolation because they are mutually dependant. Generally, if the presumption in favour of sustainable development is triggered the development should be considered against other policies of the Framework in the round.
44. Paragraph 59 seeks “to boost significantly the supply of housing”. In doing so, local planning authorities are required to use their planning policies to meet the full Objectively Assessed Need (OAN) for market and affordable housing.
45. NPPF paragraph 73 directs LPAs to annually update a list of specific, deliverable sites sufficient to provide a minimum of five years’ worth of housing against their local plan requirement. The LPA Local Plan (adopted in July 2018) is currently defined as ‘recently adopted’ by paragraph 73(b) and footnote 38 which temporarily allows the LPA to avoid producing an annual position statement. Paragraph 73 does not exempt the LPA from needing to demonstrate its 5-year land supply position once per year as per government guidance nor updating annually a list of specific, deliverable sites to provide a supply in years one to five as required by paragraph 67 in any case. The LPA has not published a land supply position in 2018/19 (the most up-to-date Local Plan position is as-at April 2017).
46. The revised NPPF established a new method of measuring local planning authorities’ performance called the Housing Delivery Test. Government confirmed in February 2020 that Arun District Council failed to meet its housing targets over the previous three years, achieving only 68% delivery, and is therefore required to apply a buffer of 20% to its five-year housing delivery targets.

Arun District Local Plan 2011-2031

47. The LPA, in refusing application AL/57/18/OUT, referred to the following policies in its Decision Notice, these are therefore considered to be the main relevant policies for the new application:
 - Local Plan Policy C SPI Countryside
 - Local Plan Policy SO DMI Soils

- Local Plan Policy AH SP2 Affordable Housing
- Local Plan Policy OSR DM1 Open Space
- Local Plan Policy T DM1 Sustainable Travel and Public Rights of Way
- Local Plan Policy INF SPI Infrastructure provision and implementation
- Local Plan Policy T DM1 Sustainable Travel and Public Rights of Way
- Local Plan Policy T SPI Transport and Development
- Neighbourhood Plan Policy EH1 Built Up Area Boundary
- Neighbourhood Plan Policy HI Quality of Design
- Neighbourhood Plan Policy H4 Affordable Housing
- Neighbourhood Plan Policy GA1 Promoting Sustainable Movement

48. Relevant Supplementary Planning Documents include:

- SPD1 Open Space and Recreation Standards
- SPD3 Parking Standards

Draft Aldingbourne Neighbourhood Development Plan 2019 - 2036

49. The extant Aldingbourne Neighbourhood Development Plan was published in September 2016, passed referendum on 18th October 2016 and was brought into force by Arun District Council resolution on 9th November 2016.
50. The adoption of the Arun District Local Plan 2018 required a review and where appropriate amendment of the Aldingbourne Neighbourhood Plan to ensure the two documents are in alignment and reflect the new policies.
51. The Aldingbourne Parish Council resolved in January 2019 to review its Neighbourhood Plan and on 2nd April 2019 published a Regulation 14 Pre-Submission Draft version and resolved to publish for consultation.
52. The application site, Land north of Lees Yard, is included within the consultation draft Neighbourhood Plan Review as a housing allocation for 37 houses under 'Policy HI 2019'.

Policy H1 2019

Provide housing to meet District Council allocation

Permission will be granted, within the Plan period, for housing on land identified on the Proposals Map as follows:

1. Land at Wings Nursery, Lidsey Road - 55 dwellings
2. Land north of Lees Yard, Lidsey Road - 37 dwellings

Proposals will be expected to conform to the other policies in this Plan and also to provide (through S106 or CIL) funding to deliver improvements to the Aldingbourne Sports and Community Centre.

H1.1 2019 ADC Policy H SP1 has given the Parish an allocation of at least 70 houses which the Parish accepts will need to be delivered through the NP process. 25 units have been granted planning permission in 2019 at Nyton Nursery and can be counted towards the allocation. Therefore, with the two additional sites allocated by this policy the Parish will have exceeded its allocation by 47 units an increase of 67%.

H1.2 2019 A percentage of housing delivered by both sites will be expected to be delivered through the Aldingbourne, Barnham and Eastergate Community Land Trust.

Policy H1, Aldingbourne Neighbourhood Development Plan 2019-2031, Pre-Submission Draft Plan 2019

53. The application is therefore proposed to be included within this Development Plan document, allocated within the settlement boundary as defined by Policy EH1 and Map E of the Neighbourhood Plan, and is therefore fully supported by the emerging plan.

Five Year Housing Land Supply

54. At the time of determination of the previous application on the site, the LPA claimed a 5.3-year housing supply and therefore considered its housing position and policies to be up to date (notwithstanding known errors underpinning that position).
55. The LPA's Housing Land Supply position was subject to detailed analysis under the recent appeal ref. APP/C3810/W/19/3236911, Land adjacent to Bonhams and Flints, Hoe Lane, Flansham. The Inspector concluded at this time (January 2020), that the Council was able to demonstrate a supply of only 2.9 years, that this shortfall is likely to continue for a considerable period, and that whilst an Action Plan had been published it is not yet possible to know how effective this will be. He specifically stated:

*49. That being the case I conclude in the main that the appellant's estimate of the extent of the 5YHLS that could be demonstrated was broadly correct, although this should be tempered by including consideration of the 92 dwellings that have subsequently been granted planning permission. This would have the effect of adding approximately 0.1 years supply. **This would mean that the Council was able to demonstrate a supply of approximately 2.9 years.***

50. Having identified the extent of the shortfall in land supply, it is next necessary to look at any other considerations which will affect the weight to be given to that shortfall. The first matter to be considered is how long the deficit is likely to persist. Even if the shortfall had been only to the extent postulated by the Council, the Council was unable to give a date by when it believed that the shortfall would be resolved.

As I have concluded that the position is in fact less good than that, I therefore can only conclude that the shortfall is likely to continue for a considerable period.

51. The December 2019 Annual Monitoring Report was not the first time that the Council considered it could not deliver a 5YHLS having previously identified a deficiency in the 2018 Annual Monitoring Report which was published in June 2019. It has therefore published an Action Plan in line with paragraph 75 of the Framework. This has identified a number of actions to try to boost housing delivery. As this has only been in place for a short period of time it is not yet possible to know how effective this will be.

56. An update to the current five-year land supply position of Arun District Council, established by Whaleback Ltd through evidence submitted to appeal APP/C3810/W/19/3236911, will be provided during the course of this application following the new financial year on 1st April 2020.

Consequence of Failure in Five Year Housing Land Supply

57. NPPF paragraph 11(d) directs decision-makers to apply a presumption in favour of sustainable development if the most important policies for determining the application are found to be out-of-date because the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. In these circumstances, applications involving the provision of housing should be granted permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
58. Because the LPA cannot demonstrate a five-year supply of deliverable sites, the policies most important for determining the application including those relating to settlement boundaries must be considered out-of-date and the tilted balance of material considerations is engaged. Those out-of-date policies can only be afforded very limited weight and are not a determinant factor in the consideration of the planning merits of the application.
59. The substantial size of the housing land supply shortfall is also a material consideration to support the Government's objective of significantly boosting the supply of homes and the Local Plan's reliance on delayed strategic sites exposes the LPA to considerable shortfalls now and in the years to come. The scale or extent of the shortfall in the LPA's housing land supply is a material consideration as confirmed in *Phides Estates (Overseas) Ltd v SSCLG [2015] EWHC 827 (Admin)*. The current supply position of 2.9 years, confirmed at a recent appeal, is significantly below the 5-year requirement. The scale of this deficiency must be given due weight in the planning balance.
60. The proposed 38 homes are deliverable within the first five years and would provide a positive contribution to the Council's housing land supply shortfall.

Effect of Aldingbourne Neighbourhood Plan

61. The application site is within Aldingbourne Parish and a made Neighbourhood Plan is in force and so the tests of NPPF paragraph 14 must also be addressed. Paragraph 14 sets four tests, all of which must be met before the presumption in favour of sustainable development is engaged in Neighbourhood Plan areas.
62. The Aldingbourne Neighbourhood Development Plan was adopted in September 2016 and therefore fails the first test (a) being made more than two years prior to the date of this application. The Parish Council was informed by Arun District Council in December 2018 that it requires 70 further homes

in the Parish to meet its housing requirement, to be identified through a review of the neighbourhood plan. It is therefore clear that the Neighbourhood Plan no longer meets its identified housing requirement which fails the second test (b).

63. Furthermore, under appeal ref. APP/C3810/W/19/3236911 it was confirmed that the LPA cannot demonstrate a three-year supply of deliverable housing sites (against its five-year housing supply requirement, including the appropriate buffer as set out in paragraph 73). Therefore, test (c) is not met.
64. This fact however must be considered in the context of the emerging Draft Neighbourhood Plan which positively includes the application site as a proposed allocation within the parish and is therefore supportive of the current application.
65. On this basis, the presumption in favour of sustainable development is confirmed.

Planning Appraisal

66. The present application follows the local planning authority's refusal of a similar application (AL/57/18/OUT). In its Decision Notice in that case, the LPA referred to a specific number of policies (set out in the Planning Policy Framework section above) which are therefore considered to be the main relevant policies for the new application to overcome.

General Principle of Development

67. As of April 2019, Aldingbourne Parish Council has published its Draft Neighbourhood Plan Review which includes the application site as its preferred development location. The application site is therefore proposed to be included within this Development Plan Document, allocated within the settlement boundary, and so supported by the emerging development plan. On that basis, the application should be approved as being in general conformity with the most up-to-date development plan as required by the NPPF.
68. Furthermore, the lack of a five-year supply of deliverable housing sites in Arun District means that the presumption in favour of sustainable development is triggered and the tilted balance of material considerations is engaged. The consequence of this presumption, as directed by the NPPF paragraph 11(d), is that the most important policies for determining the application including those relating to the settlement boundary and countryside must be considered out-of-date.
69. In these circumstances, applications involving the provision of housing should be granted permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
70. Add to this that the substantial size of the housing land supply shortfall (the current supply position confirmed as 2.9 years) is also a material consideration in the context of the Government's objective of significantly boosting the supply of homes.
71. In addition, the District Council has also failed its Housing Delivery Test with a delivery of only 68% in the period 2016-2019 requiring the LPA to apply a 20% buffer to its five-year housing targets, having previously been required to prepare an Action Plan to address what was then a lesser shortfall in delivery.

72. In this context, the District Council should be approving sustainable housing development such as proposed in this application without delay.

Policies relating to the Principle of Development

73. Local Plan Policy SD SPI 'Sustainable development' takes a positive approach that reflects the NPPF presumption in favour of sustainable development. Supporting text to this policy refers to NPPF definitions of sustainable development and the importance of sustainable transport and locating new development close to places where people need to travel to.
74. Local Plan Policy C SPI seeks to direct new residential development to be within existing settlement boundaries, restricting development in principle for the remaining countryside area to a closed list of categories. Policy C SPI is therefore important for determining the acceptability of the application and is subject to the test of NPPF paragraph 11(d) that decision-makers should apply a presumption in favour of sustainable development and permission be granted if such a policy is found to be out-of-date. Because the LPA cannot demonstrate a five-year supply, this policy must be considered out of date. Furthermore, the emerging Aldingbourne Neighbourhood Plan seeks to allocate the application site within the settlement boundary and so in due course the application will be in full compliance with Policy C SPI in any case.
75. In the case of the Wings Nursery site, the LPA reached the following conclusion in recommending the approval of planning permission:

*'The development plan policy is out of date because the application is for housing, and the LPA cannot demonstrate a five-year supply of deliverable housing sites. Therefore, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. **In reaching the conclusion to recommend approval for this application the Local Planning Authority have balanced the lack of housing land supply and the allocation in the emerging Neighbourhood Plan against the policy conflict including policy SO DMI and paragraph 170(b) of the NPPF. It is accepted that there would be a loss of the best and most versatile agricultural land however, in this case the benefits are the boost to the Councils Housing Land Supply, the provision of affordable housing and the contributions to local education, libraries and medical services.**'* (ADC Report to Planning Committee)

76. In their report to Planning Committee for the previous refusal at the application site, the LPA stated that:

*'Regard is had to the recent decision on Wings Nursery (ref AL/115/17/OUT). This site is located to the immediate north west of the site (on the opposite side of the road). An outline application for 55 dwellings was refused permission in August 2018 predominantly due to it being located outside of the built-up area boundary. **There is not considered to be any material difference between the location of the application and Wings Nursery.** Therefore, this refusal would support a similar decision on grounds of principle.'* (ADC Report to Planning Committee)

77. Therefore, as the LPA consider there to be no material difference between the location of the two sites, and have now taken the position that the Wings Nursery site is a suitable site for housing. This leads to a conclusion that a similar position should now be taken in regard to the application site. The Draft Neighbourhood Plan confirms the intention to extend the built-up area boundary to include the application site and identifies the site for the delivery of 37 homes.

78. The benefits of the scheme in delivering 38 housing units, in the context of the current housing supply and delivery position, outweighs the fact that the site is currently outside of the defined built up area boundary (soon to be revised), and the loss of grade 2 agricultural land. Therefore, the second reason for refusal of the previous application no longer applies. At this point therefore, the principle of the development of the site for housing is established and should be supported by the LPA.

Landscape Character and Visual Impact

79. Where the presumption in favour of sustainable development is triggered the NPPF paragraph 11(d)(ii) sets a final test that permission be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. The presumption in favour of sustainable development therefore must be weighed against the desire to protect the intrinsic character and beauty of the countryside.
80. The application site is surrounded on all four sides by existing development; residential dwellings to the west and north, the caravan park to the east, and a commercial site to the south. It does not therefore form part of the open countryside and the development of the site would not impact upon the open character of the surrounding countryside. The LPA in their refusal of the previous application (AL/57/18/OUT) did not raise impact upon the countryside as a concern.
81. The site lies within Landscape Character Area 'LCA 13 Westergate Western Fringe' in the Arun Landscape Study (2006) which identifies landscape types and areas at an appropriate scale to understand the localised variation in character with the objective of providing the framework for the assessment of sensitivity, value and capacity. LCA 13 is summarised as a patchwork of urban edge land uses, contained by boundary vegetation, on upper coastal plain adjacent to existing settlement.
82. The study identifies LCA 13 as having moderate sensitivity but only slight value and a medium/high capacity for new development. This is markedly more accommodating of new development than all of the surrounding study areas which all have substantial sensitivity and low or low/medium capacity. These areas are: LCA 11 Lidsey Coastal to the south, LCA 12 Park Farm Upper Coastal Plain further out to west, LCA 14 Westergate Eastern Fringe immediately to east of the site and LCA15 Norton Upper Coastal Plain further to the north of the village.
83. The approach to the village from the south along the A29 enjoys long countryside views to east and west providing a strong rural setting and clear distinction from the settlements of Lidsey and Shripney to the south. The countryside setting ends, and the built form of the village starts south of the site at 'Lee's Yard' in Woodgate where the highway speed limit changes down from 50mph to 30mph and housing appears on the west of the road. From this point onwards the A29 appears to be within the village envelope with housing fronting onto both sides for stretches of the road until the Prince of Wales pub.
84. Within this context, the site makes only a very minor contribution to the rural setting of the village, being perceptible only from the A29 with no other public access across, adjacent to or nearby the site. From the A29, the site is only partially visible having substantial mature screening along much of the boundary. Long views to the wider countryside are not possible at any point along the site's boundary with the A29 due to the screening in situ.
85. The application site does not have any special qualities relating to the countryside and is not visible from the wider countryside area by virtue of being surrounded on all sides by buildings and boundary screening. Whilst redevelopment of this site would result in some loss of openness and a permanent

change in the character of the land, this limited environmental impact must be weighed against the economic and social benefits that housing development brings. Therefore, although there would be some loss of openness within the site itself, the level of harm to the character and appearance of the settlement and indeed wider countryside would be negligible given the context of this site and ought to carry little weight in the planning balance against the benefits of development.

86. The design concerns raised under the previous application related to the layout and design of the proposed scheme, as under the previous application, full permission was sought for the access, scale, layout and landscaping of the development, with the appearance of the development reserved. A full illustrative proposal was submitted which included illustrative elevations of the proposed buildings. The proposed layout was centred around a communal green area with the proposed dwellings facing into this open space, and an additional row of dwellings to the northern part of the site fronting onto the proposed road layout.
87. The LPA considered that this layout failed to relate to the character and layout of the existing residential development in the immediate vicinity of the application site and this formed the first reason for refusal.
88. To address these concerns, the nature of the current application differs from the previous. Detailed approval is sought for the access to the site only, regarding which the LPA raised no grounds for refusal previously. The layout, scale, landscaping and appearance of the development are reserved. Therefore, these matters will not be considered in detail under the current application.
89. The comments of the LPA on the previous layout proposal have been fully considered, and to assist in the determination of the current application an indicative revised layout proposal has been submitted (drawing ref. 1428-SK-002 Revision E). This layout shows a revised road arrangement with the proposed market houses fronting onto the roads, with front driveways and gardens, and rear garden areas. It is intended that a communal green and pond of a reduced size be incorporated, with the proposed affordable homes facing on to the shared space. These dwellings would also have private rear garden areas, and allocated parking spaces. A communal hub building is indicated which as set out in the previous application could provide a space for resident who 'work from home', acting as a space where such residents could work in a communal environment and interact with their neighbours.
90. It is intended that this indicative layout will provide reassurance to the LPA that a development of 38 dwellings can be accommodated within the site which will address the concerns raised previously regarding the proposed site layout reflecting the local character.
91. An indicative section has also been provided which provides an indication that the proposed dwellings would be two-storeys in height with pitched roofs, with the hub building indicated as a single storey flat roofed structure.
92. The applicant is keen to work with the LPA to formulate a detailed proposal at reserved matters stage which fully addresses any concerns which may be raised. Discussions during the course of the current application would also be welcomed and further indicative drawings can be provided if these would assist the LPA in determining the application.
93. Whilst the proposed layout is indicative only, the National Design Guide has been taken into account and would form a key consideration in the drafting of the detailed scheme at reserved matters stage.

94. In regard to access, the access to the site is proposed to the north-west corner of the site. The vehicular access would be on to the caravan park access road which has an established and safe access on to Lidsey Road with appropriate visibility splays. The indicative layout shows a suitable access and visibility splays, and separate pedestrian footway access into the site and within the site. Demarked pedestrian crossing points are shown at key junctions. Consultation regarding the access to and within the site will be carried out in conjunction with LPA Officers prior to the drafting of the detailed proposal at reserved matters stage.

Local Plan Policy SO DMI Soils

95. The LPA's Committee Report, in recommending refusal for application AL/57/18/OUT, identified the site as being classified as Grade 2 agricultural land. The report accepted that modern agriculture and arable farming has changed to the extent that it is now larger in scale with an emphasis on large tracts of land as opposed to collections of individual fields. Parts (a) to (c) of Policy SO DMI set out scenarios that outweigh the need to protect agricultural land. The applicant contends that the site is practically no longer suitable or viable for an agricultural use and is located adjacent to an existing settlement boundary; as such the site is a better and more sustainable location for housing development than agricultural land further away from existing settlements. Other land, further from existing settlements, would have far greater benefits in terms of ecosystems services as part of a wider network of connected, undeveloped land. Furthermore, the countryside policy (referred to at part (c)) is outweighed by the lack of five-year housing land supply.
96. In policy terms, the NPPF refers to agricultural land at paragraph 170 with less emphasis than the superseded 2012 NPPF and in the context of enhancements to the natural environment, only. Policy SO DMI includes an exception to allow development on agricultural land where the "*need for the development outweighs the need to protect such land in the long term*". Because Policy SO DMI is '*relevant to applications for new housing development*', it should be considered out-of-date when the LPA cannot demonstrate a five-year supply of deliverable housing sites; the exception provided for in the policy wording is triggered due to a district-wide housing need and lack of five-year supply as set out above.
97. When considering agricultural land as a material consideration in the tilted balance, the Council should consider this policy in the wider context of land supply and the pressing need for new housing, attributing it minimal weight.
98. Aldingbourne Neighbourhood Plan Policy EH3 states that Proposals for development on the 'best and most versatile' agricultural land shown on Map B, the latest available Defra Agricultural Land Classification Map, will be resisted unless it can be demonstrated that it would meet the following criteria:
- It supports the diversification of an agricultural enterprise or other land-based rural business;
 - The need for the development clearly outweighs the harm;
99. In this case, as detailed below, given the current housing need the second criteria applies.
100. At the time of the previous application, the LPA considered that the site could still offer an opportunity for a small-scale farming operation and that this would not necessarily cause harm to the amenity of nearby dwellings. The loss of the land for agricultural purposes was therefore considered to be harmful, and in conjunction with an in-principle objection to housing development outside of the defined built

up area this formed reason for refusal two. This was in the context of the LPA claiming a housing supply position in excess of 5 years.

101. The circumstances in these regards have now changed. The LPA's housing supply position has been confirmed as 2.9 years, a significant shortfall. In addition, the LPA has only delivered 68% of its required housing in the period 2016-2019. Furthermore, the draft Neighbourhood Plan proposes allocating the site as within an extended built up area boundary, and for the delivery of 37 houses. In this context, the limited harm which the loss of Grade 2 agricultural land would cause is outweighed by the benefits which the proposed development would deliver in the form of 38 housing units including affordable housing.

Local Plan Policy T DMI Sustainable Travel and Public Rights of Way

102. The third and sixth reasons for refusal were applied on a technical basis because the draft Section 106 planning obligation (S106) had not been completed at the date of the decision.
103. The applicant is in agreement to providing transport measures and contributions which meet the necessary legal tests and these matters can again be secured through s106 agreement.
104. Highway safety, convenience and parking matters are controlled by Local Plan Policy T SPI and Neighbourhood Plan Policies GA1 and GA3. The LPA raised no objections to the previous application on these grounds.

Local Plan Policy INF SPI Infrastructure provision and implementation

105. The fourth reason for refusal was applied on a technical basis because the draft Section 106 planning obligation (S106) had not been completed at the date of the decision.
106. Any necessary contributions towards local infrastructure contributions which meet the necessary legal tests can be secured through s106 agreement.

Local Plan Policy AH SP2 Affordable Housing

107. The fifth reason for refusal of application AL/57/18/OUT was applied on a technical basis because the draft Section 106 planning obligation (S106) had not been completed at the date of the decision.
108. The applicant is keen to work with the LPA in drafting a legal agreement to secure all required measures including affordable housing.
109. Policy AH SP2 requires a minimum 30% of the total units to be affordable on sites of 11 or more units. Twelve affordable housing units (32% of the site total) are proposed, in compliance with Policy AH SP2.

Local Plan Policy OSR DMI Open Space

110. The seventh reason for refusal was applied on a technical basis because the draft Section 106 planning obligation (S106) had not been completed at the date of the decision.
111. The applicant is proposing usable open space within the site and fully intends to provide children's play equipment and commit to the ongoing maintenance of the space and facilities. These matters can be secured through s106 agreement.

Other material considerations

- I 12. The LPA raised no other issues in its consideration of application AL/57/18/OUT and so all other matters are considered to be accepted in planning terms. Flood risk has been addressed in the submitted evidence base; ecology is addressed in the submitted evidence base; all other matters can be secured by condition.

Summary

- I 13. The previous application was refused primarily on the grounds that the site was outside of the defined built up area boundary, loss of grade 2 agricultural land, and due to concerns regarding the proposed development layout. This was in the context that the LPA at this point claimed a 5.3-year housing supply position, and the draft Neighbourhood Plan review was yet to be published. All other matters raised in the grounds for refusal can be addressed through s106 legal agreement.
- I 14. Since this time, the LPA's housing supply position has been confirmed as 2.9 years, a substantial shortfall. The LPA's delivery of housing over the period 2016-2019 has been confirmed as 68%, 32% below target, again a significant shortfall. Furthermore, the draft Neighbourhood Plan review has been published which confirms that the built-up area boundary is to be extended to include the application site, and that the site is identified for the delivery of 37 housing units. In addition, at the Wings Nursery site, opposite the application site, planning permission has been granted in very similar circumstances for 55 dwellings. The LPA has stated previously that there is not considered to be any material difference between the location of the application site and Wings Nursery.
- I 15. In this context, it is now clear that the benefits of the scheme in providing 38 housing units including 12 affordable units are significant, and these benefits are not outweighed by the harm associated with the loss of a small parcel of grade 2 agricultural land.
- I 16. The application site is sustainable in economic, social and environmental terms. It relates well to the existing settlement boundary and is closely located to the services and facilities of Westergate. It is unconstrained and has been tested for suitability through all necessary evidence base reports, surveys and consultations.
- I 17. The site will contribute a much-needed 38 new houses to the District and more importantly a group of 12 affordable homes to provide for local needs within Aldingbourne Parish for years to come. The LPA is therefore urged to support the proposal and issue their approval of outline planning permission without undue delay.

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