

Recommendation Report for Outline Consent

REF NO:	AL/57/18/OUT
LOCATION:	Land East of Lidsey Road Lidsey Road Woodgate PO20 3SU
PROPOSAL:	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. This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This outline application seeks permission for the principle of the development alongside details of layout, access, landscaping and scale. Appearance would therefore be the sole reserved matter. The proposal is for 30 dwellings comprising 14 detached two storey houses and 16 flats in six two storey buildings. A single storey communal work hub is proposed set within a central communal open space area. The scheme also includes rain gardens, a communal orchard, communal allotments, local area equipped play area (LEAP), a communal BBQ area, a short wooded trail, an attenuation pond & ecology park, vehicle parking and shared refuse/cycle storage for the flats. It is proposed to upgrade the existing field access from the caravan park access driveway. Although appearance is a reserved matter, the application is accompanied by full elevation drawings which detail a modern looking development which includes the use of curved elevations, aluminium profiled sheet cladding, timber cladding, split floor levels and flat roofs.
SITE AREA	1.53 hectares (developable area = 1.22 hectares)
RESIDENTIAL DEVELOPMENT DENSITY	20 dwellings per hectare (dph) or 37 dph based on developable area.
TOPOGRAPHY	Predominantly flat
TREES	No significant trees within the field but some forming part of the site boundaries with a minimum of 3m height but higher in places. There is a 3-4m high Fir tree on the northern side of the site set in from the site boundary. There is also a small area of the site interior at the north eastern corner enclosed by 1.7m high coniferous hedging.
BOUNDARY TREATMENT	Boundaries predominantly appeared to consist of

hedging/trees of at least 3m but there was also a 1.8-2m high close boarded fencing visible to part of the southern boundary with Lee's Yard.

SITE CHARACTERISTICS

The site comprises vacant pasture land which is occasionally grazed for maintenance, although the site appears to be separated from any wider agricultural landholding. The site is 1.5 hectares with strong boundary planting on all sides provided by mature conifer hedging, with some deciduous trees and hedgerows intermixed or adjacent. Part of the site along the northern boundary contains an area of taller grasses and wild plants and there is evidence of use as an informal allotment. There was evidence of moles within the site and it is considered that the hedges/trees may support wildlife species.

CHARACTER OF LOCALITY

The area is semi-rural with some houses on either side of the A29. There is a caravan park located to the east and an industrial use ('Lees Yard') to the south. The site fronts the A29 and is accessed through a pair of field gates at the north western corner.

There is a public house and a small convenience store a short walk to the north, with the latter to the north of the railway crossing. Adjacent to the northern boundary is the access road for the caravan park. There are predominately one and a one and a half storey dwellings along Lidsey Road (north west) and Woodgate Close (north) but some roofs of those on Woodgate Close are visible above the boundaries from within the site.

At the front of Lees yard is a bungalow but its use is not known. It is likely either in the ownership of one of the businesses or used as offices.

RELEVANT SITE HISTORY

AL/51/01/	Change of use of land for the siting of static holiday caravans as an extension of the adjoining Willows Caravan Park. (Departure from the Development Plan)	Refused 28-08-01
AL/98/00/	Use of land for the siting of static holiday caravans as an extension of the adjoining Willows Caravan Park (Departure from the Development Plan)	Withdrawn 14-02-01

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".

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.

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 SP1 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. Alternatively, a different use could be explored for the site, such as small-scale, sensitively designed, tourism accommodation.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldingbourne Parish Council

"The Parish Council objects to this application. It is outside the settlement area and therefore contrary to the APC NP policies. Policy H1 also refers as the design is not in character. It also conflicts with policy H7 of the NP. The Parish Council is also concerned over the proximity of the business site and any negative impact that residential development may have on the viability of this site."

In addition, 10 letters of objection raising the following issues:

- (1) Site lies in countryside and therefore contrary to the development plan;
- (2) Policy HPS1 is clear that additional non-strategic allocations will be made across the District through emerging Neighbourhood Plans or reviews of made Neighbourhood Plans rather than the the ad-hoc release of sites;
- (3) Decision should follow the Wings Nursery application (AL/115/17/OUT) on opposite side of the road;
- (4) Proposal is contrary to policies EH1 & H6 of the ANDP and SD SP2, C SP1 & GI SP1 of the ALP - and no material considerations to override these;
- (5) Increase in traffic in combination with other planned developments - congestion & driver/cyclist/pedestrian safety;
- (6) Recently built houses in Woodgate still not occupied - so no demand;
- (7) No provision for people who want a bungalow;
- (8) Insufficient infrastructure (education, health, drainage, sewage) for new development in the area;
- (9) Failure of this application to provide for new infrastructure requirements;
- (10) Northern boundary screening should be retained;
- (11) Development not in character with surrounding houses;
- (12) Density is excessive;
- (13) Impact on operation of Lee's Yard adjacent due to noise pollution from same to new dwellings;
- (14) Development will affect rights of the Caravan Park owner in respect of access, utilities, sewage;
- (15) Site notice did not go up until very recently; and
- (16) Assumed that the site notices were in reference to Wings Nursery site opposite.

A letter has been received from the joint freeholder of the site asking for an explanation of why this application will be refused. The writer states that:

- The desire is to create a residential scheme which is actually a nice place to live in rather than being a line of boxes;
- With an emphasis on a central communal area with play areas, allotments and a work hub to allow people to get out of their houses but also to work on site;
- We are quite prepared to agree to a Section 106 Legal Agreement;
- Have spent around £80,000 on the application and therefore this site will not simply go away - and it would seem more logical to resolve the issues and avoid an appeal;
- The Parish Council refused to communicate with the owners/applicants; and
- There was very limited local opposition to the scheme which, surely, must support it.

COMMENTS ON REPRESENTATIONS RECEIVED:

The Parish Council comments are noted and will be considered within the report's conclusions.

The following responses are offered in respect of the objections:

- (1) Noted. This will be discussed within the report's conclusions;
- (2) Noted;
- (3) Noted. The Wings Nursery decision is a material consideration;
- (4) Noted;
- (5) This will be discussed within the report's conclusions;
- (6) Noted however this does not indicate a general lack of demand for housing in the area and the Council's Local Plan sets out a need for housing within the district to cater for current & future demand;
- (7) Noted however there are no current policies to require the provision of bungalows as part of a residential development;
- (8) & (9) The application if approved would result in financial contributions towards local education, libraries and the fire service. It is also noted that the NHS declined to request any contributions from this scheme and that there are no objections in respect of foul or surface water drainage;
- (10) There are no plans to remove this;
- (11) Noted, character will be discussed within the report's conclusions;
- (12) It is not considered that the density is excessive considering that the Council's 2017 HELAA report suggested that the site could accommodate 7 more dwellings and given that the site density is only 20 dwellings per hectare;
- (13) This will be discussed within the report's conclusions;
- (14) These are not considered to be material planning considerations and should instead be considered under the relevant legal framework with the assistance of a legal professional;
- (15) Three site notices were placed around the site on the 31st July 2018; and
- (16) Noted. The site notices were all placed on the side of the A29 relevant to the application. It is noted that the Wings Nursery site is on the opposite side and also to the northwest of the application site.

In response to the letter from the owner, the reasons for the decision will be explained with this report. It is also accepted that the applicant may have been prepared to enter into a Section 106 Agreement to secure some of the required contributions/provisions. However, the Council had some fundamental issues with the application (principle of development) and also it has not been possible to agree any desired changes to the layout/design therefore a refusal is unavoidable and hence why the Council saw no point in commencing the lengthy process of drawing up a legal agreement. Furthermore, the request from West Sussex County Council for a strategic highways contribution was initially met with objection from the planning agent and it did seem likely that agreement to this would be obtained. Finally, the low amount of objections does not mean that the community support the proposal.

CONSULTATIONS

Southern Water Planning
 Engineering Services Manager
 Engineers (Drainage)
 Ecology Advisor
 Parks and Landscapes
 Arboriculturist
 NHS Coastal West Sussex CCG
 Sussex Police-Community Safety
 Highways England
 WSCC Strategic Planning
 Environmental Health
 Arboriculturist
 Archaeology Advisor
 Economic Regeneration
 Planning and Housing Strategy

CONSULTATION RESPONSES RECEIVED:

HIGHWAYS ENGLAND - No objection as the development is outside of the strategic allocation in the adopted Local Plan, it is for Arun District Council to decide whether or not to secure an appropriate contribution towards the agreed highway mitigations identified as part of adopted Arun Local Plan.

NHS - No response received.

SOUTHERN WATER - No objections subject to a foul drainage condition. State in respect of foul water provision that:

"Southern Water has undertaken a desk study of the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer network. This initial study indicates that there is an increased risk of flooding unless any required network reinforcement is provided by Southern Water. Any such network reinforcement will be part funded through the New Infrastructure Charge with the remainder funded through Southern Water's Capital Works programme."

There is a public a sewer terminating at the site entrance and request this be protected during construction.

SUSSEX POLICE - No objections but list a number of notes and methods to improve security.

WSCC HIGHWAYS - Raise an objection on the following grounds:

(1) The proposal would be detrimental to highway safety in that it does not incorporate adequate facilities to enable vehicles to turn on the site and so enter and leave the highway in forward gear;

(2) The proposal would not achieve safe and convenient access by a choice of means of travel nor encourage and enable and increase in environmentally sustainable means of travel such as walking,

cycling and public transport and thereby minimise the impact of car journeys.

Note the following:

- A road safety audit has been undertaken which identified one issue of pedestrian crossings to which the designer accepted the issue;
- The trip generation is thought to be on the low side when compared to other local applications however given the scale of the development this would not have a significant impact on the overall generation of the site within the peak hours;
- Disputes the applicants calculation of the down time of the Woodgate Crossing but subject to a contribution to mitigate the impacts of the development in providing a realigned A29 as part of the Barnham/Eastergate/Westergate (BEW) proposals then consider there to be no reason for any additional technical work to be undertaken;
- Requests a contribution of £215,880 (£7,196 per-dwelling) to support the strategic infrastructure required to deliver new highway development in-and-around the BEW Strategic Location (i.e. the realignment of the A29). This will be spent on the "A29 Realignment South section 2 (A29 Lidsey Rd to new junction with development internal 'east - west' highway link south of railway line)" project;
- Consider that the scheme fails to provide any sustainability (transport) measures;
- The vehicle tracking plan and masterplan as provided, do not match up;
- Grasscrete areas within the site will not be adopted by WSCC; and
- Sufficient car & cycle parking is provided to meet the calculated demand.

WSCC FLOOD RISK MANAGEMENT - No objection subject to surface water drainage condition. Note:

- Site is at a low risk of surface water flooding but higher risk exists to the north and east of the site;
- Any existing surface water flow paths across the site must be maintained;
- A wholesale site level rise via the spreading of excavated material should be avoided; and
- The area of the development is shown to be at high risk from groundwater flooding based on current mapping (based on modelled data only).

WSCC INFRASTRUCTURE - Request contributions (calculated by a formula) to the following local infrastructure projects:

- additional facilities at Aldingbourne Primary School;
- additional facilities at Ormiston Six Villages Academy;
- additional facilities at St Phillip Howard Catholic High School Sixth Form;
- on equipment for a new Tier 7 facility serving BEW; and
- on the supply and installation of additional fire safety equipment to vulnerable persons homes in West Sussex Fire Rescue Services Southern Area serving Aldingbourne.

Where the developer intends to keep some of the estate roads private, there will need to be a provision in any s106 agreement to ensure that they are properly built, never offered for adoption and that a certificate from a suitably qualified professional is provided confirming their construction standard.

COUNCIL'S ECOLOGIST - No objections subject to conditions to secure a bat sensitive lighting scheme, retention/enhancement of hedgerows, buffer strip & protective fencing to hedges, works to trees/vegetation to be undertaken outside of the bird breeding season and wildlife enhancement scheme (bat & bird boxes, wildflower seed mix, native species planting, ecology park, wildlife pond and community orchard). Accept that no reptiles present on the site. Bats do use Tree 01 but this is to be retained so no need for further survey work.

COUNCIL'S ARCHAEOLOGIST - No objection subject to a standard archaeology condition due to the

potential of the site to yield archaeological remains

ADC HOUSING STRATEGY & ENABLING MANAGER - No objection. The affordable homes provision would meet the Council's Affordable Housing Policy requirements in terms of the numbers required onsite and the type and size of the affordable housing. The applicant does not specify the tenure of affordable housing which should be 75% (7) rented and 25% (3) intermediate housing (shared ownership). The affordable housing would need to be confirmed as part of a planning obligation in the S106 agreement and a suggested mix would be: Rented: 2 x 3bed; 4 x 2bed and 1 x 1 bed, Intermediate: 2 x 2bed and 1 x 1 bed.

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

- Infiltration must be investigated for surface water disposal. No evidence has been submitted to support the statement that the site is not suitable for infiltration. Winter groundwater monitoring and percolation test results will need to be submitted;
- It should be noted that there is an area of surface water flood risk to the east of the site, any proposals to develop in this will need to be accompanied by evidence that development will not increase flood risk elsewhere and the risk to the proposed development is reduced, i.e. finished floor levels set to appropriate levels above flood levels;
- There is a watercourse running to the east of the site, no development should occur within 3m of this;
- Any proposals to connect to a culverted watercourse will need land drainage consent, which can be sought through us; and
- It should also be noted that the current proposed discharge rate is unacceptable. The justification for a discharge rate 4.9l/s based on the principles of blockage is insufficient, rates of 2.5l/s can be achieved.

ADC ECONOMIC REGENERATION - Cautiously supportive. Welcome new construction jobs and potential supply chain benefits but we see nothing in the documents that confirms that these will be local. Would be happy to help support local procurement if this application were to succeed. With regard to the Work Hub, they are supportive but recall a similar venture in Barnham struggled for some time and eventually closed.

ADC LANDSCAPE - The Public Open Space (POS) requirement is 0.23Ha. Requests confirmation of the area of POS being proposed. The development would require on-site Local Area for Play (LAP), Local Equipped Area for Play (LEAP) and either an on-site Multi Use Games Area (MUGA) or contribution to an off-site facility. Request tree protection be secured by condition. The present submitted layout plans do not show any landscape detail at present and this needs to be secured.

ADC TREE OFFICER - No response received.

ADC ENVIRONMENTAL HEALTH - No objections subject to conditions to secure a Construction Management Plan, the enforcement of proposed noise mitigation measures, a car electric charge point for each new dwelling and the reporting of any unexpected contamination.

ADC CLEANSING TEAM - Commented informally that it would be only be acceptable for refuse vehicles to traverse over a grasscrete surface if it were able to withstand a 26 tonne vehicle and if the management company could provide some indemnity insurance to indemnify ADC against any damage to the surface.

COUNCIL'S DESIGN ADVISOR - Raises concerns with the design. States that:

- Some of the communal elements are interesting;
- The proposal is self-contained, under developed and has very limited (at best) relationship to the

existing context;

- The NPPF puts as much (if not more) weight on these aspects as it does to design quality;
- The planning statement notes that the layout completely follows the context, while the DAS notes the principal intent for something that is not a typical 'estate'; these statements are somewhat contradictory;
- There are a number of aspects of design that don't represent contemporary 'best practice' such as over engineered roads; lack of private space; inflexibility in layout; lack of passive surveillance and street scenes; clustering of affordable units; lack of clearly defined, defensible boundaries;

Comments on the layout as follows:

- The radii of the access appears excessive. Coupled with the proposed location, this opens a wider view of new homes rather than seeking to mitigate visual impact. Also requires the removal of trees/hedgerows;
- Locating new homes deeper into the plot results in the loss of private open space unless high front boundaries are provided;
- The deeper front set-back appears to be the result of providing two 'on end' parking spaces in front of entrances;
- Given the configuration of the communal space, some rear, private gardens appear limited (10m or less) while high boundary treatment will be required to maintain privacy;
- Passive surveillance of open space is reliant on new homes to the south being dual aspect;
- However, if dual aspect, there is no clear front or back;
- The provision of a footpath to the south of the apartment buildings suggests this will be the front but if so, the open space may become more of a semi-private space for apartments rather than being communal;
- New homes on the southern edge overlook existing commercial activities;
- Affordable homes appear to be clustered alongside employment generating activities.
- Across the site, sections of pavements are provided that do not appear to connect while conversely, the linear park appears to be bisected by a road that connects parking areas;
- The sweeping nature of the proposed layout appears a little alien compared to the wider settlement context, which broadly appears to follow a linear arrangement along Lidsey Road.
- The overall layout appears to have been determined by the intent to provide south facing units for passive solar gain. However, as a result, this has generated a number of unconventional arrangements;
- Some parking areas appear more generous area than required, thereby negatively impacting the street scene and developable area;
- Private gardens are minimal for detached family homes;
- Limited opportunity for change/adjustment by future owners while it is assumed that a management strategy would be required to ensure that communal area and public/private boundaries are maintained;
- The open space creates an active area that may be poorly overlooked and maintained if this is at the rear of adjacent homes; and
- While the contemporary building style and sustainable design features are certainly interesting, in reality, these have a limited relationship to the character, style and massing of neighbouring buildings.

COMMENTS ON CONSULTATION RESPONSES:

All comments noted except as indicated below.

WSCC HIGHWAYS -

The applicant provided swept path diagrams which demonstrate a refuse vehicle would be able to enter and exit the site in a forward gear. This has been accepted by Highways. There was a question asked as to how the grasscrete area would be restricted to prevent it being parked upon/obstructed and no

response has been provided. However, the Highways Engineer has withdrawn their objection.

Further advice from WSCC Highways has clarified that the sustainable transport measures are to be similar to those sought on the Wings Nursery application so:

- Widened footway on western side of the A29 from the main (southern) site access up-to the southern edge of the car park serving the Prince of Wales Public House;
- Footway on eastern side of road taken from junction of Willows Caravan Park access road to Lee's Yard; and
- Bus stops, shelters and real-time passenger information contribution (and/or works).

The applicant has not indicated any agreement to providing these measures and as such this objection still stands.

ADC LANDSCAPE -

The applicant supplied the following details of the public open space areas:

(1) Wooded perimeter to whole site - 4484.8m² of which 262m² is a wooded trail with some natural play equipment near site entrance; and

(2) Central public spaces - total area 3260m² split into:

- Large multi-use games space and open play area - 537.7m²
- Children's play area with equipment- 101.3m²
- Attenuation pond and ecology park - 222.7m²
- Communal BBQ - 82.8m²
- Communal work hub - 88.5m²
- Allotment - 273.7m²
- Orchard area - 64.9m²
- Rain gardens - 444.2m²

This was put back to the Council's Landscape Officer who responded to say that the POS and play as detailed will more than suffice and is compliant. Also this scheme contains a good mix and balance of the elements that would be sought on a development.

COUNCIL'S DESIGN ADVISER -

The applicant responded to the Design Adviser's comments to justify their scheme. This prompted further comments from the Design Adviser:

- Concerns about how materials selected to support Passivhaus qualities relate to the local context - this is significant to ensure that new development will become well integrated with the existing community rather than a self contained entity;
- Through focusing on a southerly aspect, passive surveillance of the street and the central open space is reduced, dwellings along the southern edge face commercial activities, there is some ambiguity over public/private areas and through this, maintaining 'defensible' space while flexibility for future change is limited;
- There is limited variation between the current north and south elevations of the apartments;
- While the apartments may help to buffer the negative impact of existing commercial activities, being orientated towards such activities, there is a concern for the quality of this accommodation;
- Rather than clustering affordable homes alongside commercial activities, a greater distribution of these is advised;

- Concern that new development will be isolated at the settlement scale - this is particularly significant given the location of proposed development at the edge of the village;
- It is noted that there are many merits to the development. It is unclear how the layout relates to the wider urban grain or, how building styles and materials relate to a local/regional context;
- There is a fear that new development will become conspicuous by its difference;
- It is understood that the predominantly post war development context might not represent the best benchmark for the proposed development intent. However, at present, it is unclear how proposed development will become well integrated; and
- At present, there remains a concern that proposed development does not maximise the scale of the development opportunity to provide new homes according to the HELAA.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary;
Grade 2 Agricultural Land;
Area of Special Control of Adverts;
Lidsey Treatment Catchment Area;
Flood Zone 1; and
Class A Road.

DEVELOPMENT PLAN POLICES

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

AHSP2	AH SP2 Affordable Housing
CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
GISP1	GI SP1 Green Infrastructure and Development
HDM1	H DM1 Housing mix
HSP1	HSP1 Housing allocation the housing requirement
HSP2	H SP2 Strategic Site Allocations
HSP2C	H SP2c Inland Arun
INFSP1	INF SP1 Infrastructure provision and implementation
LANDM1	LAN DM1 Protection of landscape character
OSRDM1	Protection of open space,outdoor sport,comm& rec facilities
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development

SDSP1A	SD SP1a Strategic Approach
SDSP2	SD SP2 Built-up Area Boundary
SODM1	SO DM1 Soils
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
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 EH3	Best and most versatile resisted unless...
	Development on Agricultural Land
Aldingbourne Neighbourhood Plan 2016 POLICY EH5	Development in Flood risk areas will not be supported unless...
	Surface Water Management
Aldingbourne Neighbourhood Plan 2016 POLICY EH6	Protection of trees and hedgerows
Aldingbourne Neighbourhood Plan 2016 POLICY EH10	Unlit village status
Aldingbourne Neighbourhood Plan 2016 POLICY GA1	Promoting Sustainable movement
Aldingbourne Neighbourhood Plan 2016 POLICY GA3	Parking and new development
Aldingbourne Neighbourhood Plan 2016 POLICY H1	New housing or altering dwellings
	Quality of Design
Aldingbourne Neighbourhood Plan 2016 POLICY H2	Range of house types
	Housing Mix
Aldingbourne Neighbourhood Plan 2016 POLICY H3	Housing density
Aldingbourne Neighbourhood Plan 2016 POLICY H4	10 or more to include 40% unless unviable
	Affordable Housing
Aldingbourne Neighbourhood Plan 2016 POLICY 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
Aldingbourne Neighbourhood Plan 2016 POLICY	Items to consider e.g. - bin stores

H9

Attention to detail

Aldingbourne Neighbourhood Plan 2016 POLICY
EE8

Communications infrastructure

Aldingbourne Neighbourhood Plan 2016 POLICY
LC3

Provision of buildings for community use

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD1 Open Space & Recreation Standards

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.

The relevant policies of the Aldingbourne Neighbourhood Development Plan have been considered within 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."

The proposal is considered to conflict with the relevant development plan policies in that it would result in new development within the countryside outside of the nearest settlement boundary, would lead to the loss of high grade agricultural land, would result in harm to the character of the surrounding settlement, would fail to achieve safe and convenient access by a choice of means of travel, would fail to provide for the strategic highway infrastructure needs of the development, would fail to provide for the general infrastructure (education, libraries, fire & rescue) needs of the development, would fail to provide for affordable housing and would fail to meet the requirements of the Councils open space/children's play policy.

OTHER MATERIAL CONSIDERATIONS

It is considered that the following other material considerations should be taken into account when determining this application:

- (1) The National Planning Policy Framework (NPPF) and associated guidance;
- (2) The Councils' 2017 HELAA report which assessed the application site (ref WE8) as being deliverable but noted that development on this site would contravene policy and therefore the site would not be considered to be suitable. The total yield was suggested to be 37 dwellings; and
- (3) The recent planning decision on Wings Nursery (ref AL/115/17/OUT) which is located to the immediate north west of the application site (on the opposite side of the road) and which was refused in August 2018 for the following two reasons:
 - The site lies outside the built up area boundary as defined in the Arun Local Plan 2011 - 2031 and Aldingbourne Neighbourhood Development Plan and would represent a significant encroachment of built form into the countryside to the detriment of the character of the area. The proposal would be contrary to policies C SP1 and SO DM1 of the Arun Local Plan 2011 - 2031 and EH1 and H6 of the Aldingbourne Neighbourhood Development Plan; and
 - The proposed development fails to make an adequate contribution towards affordable housing provision and other essential infrastructure requirements contrary to policies AH SP2, OSR DM1, T DM1 and INF SP1 of the Arun Local Plan 2011 - 2031.

An appeal has been submitted in response to this application (ref APP/C3810/W/19/3221968).

CONCLUSIONS

PRINCIPLE:

The Development Plan for Arun comprises the Arun Local Plan 2011-2031, the Aldingbourne Neighbourhood Development Plan (made October 2016) and the West Sussex Waste and Minerals Plans.

Arun Local Plan:

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

Policy H SP1 "The Housing Requirement" sets out an overall provision of 20,000 new homes through the Local Plan phased over the plan period to 2031. It includes a reference to additional non-strategic allocations being made across the District through reviews of Neighbourhood Plans and through the publication of a "Non-Strategic Site Allocations Development Plan Document (DPD).

Policy SD SP1 states that the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF). It will work to secure development that will contribute to the social, economic and environmental conditions south of the National Park through to the coast and throughout its settlements (both coastal and inland).

Policy SD SP2 "Built up Area Boundary" states that outside the BUAB, apart from strategic, site specific and other broad allocations, development will not be permitted unless consistent with other plan policies. In addition, policy C SP1 "Countryside" states that residential development in the countryside outside of the BUAB will not be permitted unless in accordance with policies in the Plan which refer to a specific

use or type of development.

The application site lies in a pocket of countryside with settlement designations (BUAB) to the immediate north (already built up) and south (allocated for future development as part of the BEW "Barnham, Eastergate, Westergate" strategic allocation). The caravan park to the east is excluded from the BUAB.

Notwithstanding the BUAB to north and south, the proposed site does not form part of any residential allocation and is not in accordance with another policy within the ALP. Therefore, the exception under C SP1 would not apply and the proposal would be contrary to ALP policies SD SP2 and C SP1.

Aldingbourne Neighbourhood Development Plan:

The Aldingbourne Neighbourhood Development Plan (ANDP) was made (adopted) in October 2016 on the basis of the saved policies in the 2003 Arun Local Plan and the draft policies in the 2014 publication version of the then emerging Arun Local Plan.

Map E of the ANDP includes a BUAB drawn around the settlement of Westergate. The southern extent of this is the existing residential development situated on the opposite side of the caravan park access drive to the north of the application site. Therefore, the site is clearly outside of the BUAB and is therefore classified as countryside.

ANDP Policy EH1 states that development will not be allowed on sites outside of the built up area boundary except where it is in accordance with development plan policies in respect of the countryside. Policy H6 (residential windfall sites) only applies to sites within the built up area boundary.

Policy GA1 states proposals that increase travel demand are to be located in places accessible to public and community transport. The applicant was made aware of the request by WSCC Highways for sustainable transport improvements but has not provided a detailed scheme for consideration. It is not considered (see below) that this is an inherently unsustainable location for development. However, the Wings Nursery scheme did include a suite of sustainable transport improvements.

Therefore, the proposal would be contrary to policies EH1 and H6 of the ANDP. Aldingbourne are currently reviewing their Neighbourhood Plan but there is no draft plan to consider.

National Planning Policy Framework (NPPF):

The current version of the NPPF was published in July 2018 and is a material consideration in the determination of planning application. It sets out a presumption in favour of approving sustainable development. However, at paragraph 12, it is clear that:

"The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed."

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

Other Material Considerations:

The Councils' 2017 HELAA assessed the site (ref WE8) as being deliverable but noted that development would contravene policy and the site would not be considered to be suitable. Therefore, this does not support a decision other than in accordance with the development plan. It is noted that the suggested total yield in the HELAA was 37 dwellings and the proposal falls short of this. This suggests that the proposed scheme may be an underdevelopment of the site.

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.

Sustainability:

Notwithstanding, there is an objection from WSCC Highways on the grounds that the scheme fails to provide any sustainability (transport) measures. The applicant for the Wings Nursery scheme (AL/115/17/OUT / APP/C3810/W/19/3221968) agreed to a package of localised sustainable transport improvements including:

- a widened footway on the western side of the A29 from the main (southern) site access up-to the southern edge of the car park serving the Prince of Wales Public House;
- a footway on the eastern side of road taken from junction of the Willows Caravan Park (the access to the AL/57/18/OUT site) access road to Lee's Yard; and
- Bus stops, shelters and real-time passenger information contribution (and/or works).

WSCC Highways requested that the current application develop proposals to deliver similar improvements should it come first or make a proportionate contribution if developed later. Such improvements would make it safer for pedestrians to enter/leave the site and connect to existing pavements and also make the use of buses a more viable and attractive option. This would reduce reliance on the private car and would make for a positive contribution to the sustainability of the site.

Conclusion on Matters of Principle:

The principle of development is contrary to the development plan and there are no material considerations that indicate that a decision should be taken other than in accordance with the development plan. This report will also find that the proposed development would be harmful to the character of the local area and that there are highway concerns which have not been addressed.

AGRICULTURAL LAND:

Map B of the ANDP indicates that the site is classified as Grade 2 agricultural land and the land could therefore support the growing of crops. ANDP Policy EH3 states that:

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

In addition, policy SO DM1 of the ALP considers soils and states that:

"Unless designated by this Plan or a Neighbourhood Development Plan, the use of Grades 1, 2 and 3a

of the Agricultural Land Classification for any form of development not associated with agriculture, horticulture or forestry will not be permitted unless need for the development outweighs the need to protect such land in the long term.

The requirement to protect the best and most versatile land can be outweighed if it is demonstrated through sustainability and options appraisals that:

- a. Preservation of land of lower agricultural quality has greater benefits in terms of ecosystem services (for example carbon storage, flood water retention, support of biodiversity);
- b. That any site preferred for development is demonstrated to be the best and most sustainable option, including but not limited to the terms of land quality, ecosystem services, infrastructure and proven need; and
- c. The proposed development meets the requirements of the countryside policy and/or equine development policy.

Where development is permitted it should, as far as possible, use the lowest grade of land suitable for that development. Development will not be permitted unless:

- d. The applicant has submitted sustainability and options appraisals, mitigation measures, and a soil resources plan for the development site;
- e. Site appraisal documents submitted by the applicant must demonstrate that consideration has been given to DEFRA's Soil Strategy for England;
- f. The productivity of the land is demonstrated using a methodology for assessing gross margins as contained in the Arun Soils and Agricultural Land Assessment Report; and
- g. The applicant has submitted a comprehensive soil resources plan for the development site which demonstrates that care will be taken to preserve the soil resource, such that it can be incorporated into a Productive Green Environment following development."

The applicant has stated in the planning statement that: "At present, the existing site is vacant pasture land, being grazed sporadically only for maintenance. It presents no demand for agriculture use, being permanently physically separated from any larger farm holding." However, this is not considered to be sufficient justification to override the terms of either of the above policies.

It is 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. However, that is not justification as the site could present an opportunity for a small scale farming operation. Also, it is not considered that there would be any harm to the area of the amenity of nearby dwellings from the use of this site for agriculture (including access by farm vehicles).

The proposal is contrary to policy SO DM1 of the ALP and EH3 of the ANDP. The agricultural value of the land is partly as a result of its location within defined countryside and given the Councils in principle objection in this location, it is appropriate to group these two impacts within the same refusal reason.

CHARACTER AND DESIGN:

Arun Local Plan policy D DM1 requires that the Council have regard to certain aspects including:

(1) Character - "Make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features.";

(2) Appearance/attractiveness - "Demonstrate a high standard of architectural principles, use of building

materials, craftsmanship and hard and soft landscaping to reflect the local area";

(13) Density - "The density of new housing will make efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. Proposals should take into account the density of the site and its surroundings. The density of large sites should be varied to guard against uniformity"; and

(14) Scale - "The scale of development should keep within the general confines of the overall character of a locality unless it can be demonstrated that the contrary would bring a substantial visual improvement."

Furthermore, policy D SP1 "Design" states that:

"All development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details. Development proposals should have been derived from: a thorough site analysis and context appraisal; adherence to objectives informing sustainable design (inclusivity, adaptability, security, attractiveness, usability, health and wellbeing, climate change mitigation and habitats); and the influence these objectives have on the form of the development. With major developments or allocated sites in the Development Plan, in addition to a Design and Access Statement, a context appraisal, context plan and analysis of the site will also be required"

ANDP policies H1, H3, H6 & H9 are all relevant. H1 requires that new housing should be of a high quality design that reflects the local character and reinforces local distinctiveness. Meanwhile, H3 states that the density of new development should be appropriate to its location by virtue of size, siting and relationship to existing properties. H6 states that residential development on infill/redevelopment sites within the built up area boundary is acceptable but must be appropriate in scale & density to the size and character of the settlement, must be used efficiently, be accessible via a range of transport modes and must conserve/enhance wildlife. Policy H9 requires that certain 'add-on' items (e.g. gutters, satellite dishes, meter boxes) be included in the design of new houses.

Paragraph 127 of the NPPF states that "Planning policies and decisions should ensure that developments: (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)." In addition, paragraphs 122, 130 and 131 are all relevant.

Paragraph 122 states that planning decisions should support development that makes efficient use of land but that the desirability of maintaining an area's prevailing character and setting should be taken into account. Paragraph 130 states that planning permission should be refused for development that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Paragraph 131 states that great weight should be given to innovation, high standards of design and sustainability measures so long as they fit in with the overall form and layout of their surroundings.

It is acknowledged that the applicants have sought to provide a scheme that will be a nice place to live in, creates a communal hub with innovation, design and sustainability measures. This was accepted at pre-application stage as being in accordance with policies of the then emerging Arun Local Plan.

It is not considered that such a design is appropriate for this location and the scheme fails to reflect the character of the surrounding pattern of residential development contrary to the above policies and advice in the NPPF. This has become apparent at the application stage (noting the previous pre-application advice) due to there being a greater level of detail and a more comprehensive assessment of the

scheme. Local character is traditional in nature with one and two storey square/rectangular footprint houses in brick/render and tiles fronting roads with front and rear gardens.

The Council has obtained advice on design from an independent consultant who has raised several concerns with the layout and design particularly in relation to its relationship to the surrounding context which the consultant considers there is more emphasis on in the NPPF. There is also a concern that the proposed development does not maximise the scale of the development opportunity to provide new homes according to the HELAA (the HELAA suggested 37 dwellings whilst the scheme proposes 30). The Design consultant also raised a number of issues with more specific parts of the scheme (for example having private gardens to the front of dwellings) but it is considered that these relate to the way that the scheme has been laid out and would not apply to a different more traditional layout.

The comments of the design consultant are available in full on the Council's website and summarised in the "Summary of Consultation Responses" and "Officer Comments on Consultations" sections of this report. The applicant was afforded the opportunity to respond to these concerns but only sought to provide further justification for the layout and design and was reluctant to make any changes to better reflect the local character or to increase density.

The Council considers that the proposed layout fails to reflect the existing local character and is therefore contrary to ALP policies D DM1 & D SP1, policy H1 of the ANDP and paragraphs 122, 127, 130 & 131 of the National Planning Policy Framework. In addition, although it is accepted that design is not a matter for consideration at this time, the application does include elevation drawings and it is considered that the design of the buildings also fails to relate to the local context. There is however, no objection to the scale of the individual buildings.

LANDSCAPING:

Arun Local Plan policy D DM1 requires that the Council have regard to certain aspects including: Appearance/attractiveness - "Demonstrate a high standard of architectural principles, use of building materials, craftsmanship and hard and soft landscaping to reflect the local area". In addition, ALP policy LAN DM1 states that development 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.

The application has been submitted in outline and specifies that landscaping is to be considered at this time (i.e. not a reserved matter). However, the submitted Landscape Design Strategy proposes no specific details of planting or hard surfacing and there is no separate landscaping plan. The Council's Landscape Officer has appraised these details and agrees that the present submitted layout plans do not show any landscape detail at present and that this will need to be secured. However, it is considered that this could be determined at a later stage through the approval of a condition. Therefore, the proposal is not in conflict with policies D DM1 and LAN DM1 of the Arun Local Plan.

HIGHWAYS AND PARKING:

Arun Local Plan policy T SP1 seeks to ensure that development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. In respect of highway safety, it states that:

"The Council will support transport and development which: Explains how the development has been designed to: (i) accommodate the efficient delivery of goods and supplies; (ii) give priority to pedestrian and cycle movements and have access to high quality public transport facilities; (iii) create safe and

secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter."

In respect of parking, it states that:

"The Council will support transport and development which: Incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking"

Policy T DM1 requires that new development be located within easy access of established non-car transport modes/routes and also seek to contribute to the improvement of such routes & facilities.

ANDP Policy GA1 seeks to promote sustainable (non-car) forms of transport. It requires development to be located in places accessible to public and community transport. Policy GA3 requires that parking be provided in accordance with the standards adopted at the time.

Paragraph 108 of the NPPF states: "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Regard should also be had to paragraph 109 which states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

West Sussex County Council (WSCC) Highways assessed the application and initially identified a concern regarding the ability of vehicles to turn on the site and so enter & leave the highway in forward gear. This was later resolved through the submission of further plans.

WSCC Highways also consider that the scheme fails to provide any sustainability (transport) measures and as such the proposal will not achieve safe and convenient access nor encourage/enable an increase in environmentally sustainable means of travel such as walking, cycling and public transport. The applicant has not responded to this second point and the objection therefore remains.

It is therefore considered that the proposal is in conflict with policies T SP1 and T DM1 of the Arun Local Plan, policy GA1 of the ANDP and with the National Planning Policy Framework (paragraphs 108 & 110).

WSCC raised no objections in respect of parking and consider that the proposed provision is in line with the WSCC parking demand calculator. There would therefore be no objection in terms of parking provision.

WASTE MANAGEMENT:

ALP policy WM DM1 states that new residential development, will be permitted provided that it is designed to ensure that kerbside collection is possible for municipal waste vehicles.

WSCC Highways have no objections to the ability of refuse vehicles to access and leave the site in a forward gear. Therefore, there is no highway safety issue with refuse collection. However, the Councils Cleansing officers have concerns over the proposed use of grasscrete across the communal area which a refuse vehicle would need to pass over to complete a loop of the site in a forward gear. It has been stated that the grasscrete would need to be able to withstand a 26 tonne vehicle and there would need to be an indemnity policy in place to indemnify Arun District Council against any damage to the surface. In addition, there are no proposals in place to ensure that this grasscreted area is not obstructed in any way such as by the parking of vehicles.

It is considered that the type of grasscrete can be secured through a planning condition. Furthermore, the issue of whether an indemnity insurance can be provided is a civil matter. Therefore, the proposal is considered to comply with policy WM DM1.

NOISE POLLUTION:

The Parish Council and the occupiers of Lee's Yard are concerned as regards the placing of new dwellings next to an existing noisy business use and the potential for this to result in future issues for the existing businesses.

ANDP policy H7 states that: "Proposals for development in the vicinity of businesses which are inherently noisy will not be supported." Furthermore, ALP policy QE DM1 states that:

"To safeguard the continued use of existing industrial and commercial uses and to protect amenity, noise sensitive development should not normally be permitted where:

- High levels of noise will continue throughout the night, especially during the hours when people are normally sleeping;
- There is a likelihood of complaints about noise from industrial development."

The applicants have provided a Noise Assessment which proposes mitigation measures that will ensure that both daytime and night time criteria from BS8233:2014 are met for the proposed properties. The mitigation measures will include:

- Standard thermal double glazing
- Standard thermal double glazing alongside acoustic ventilators to certain properties affected by either Lee's Yard or the A29;
- 2.5m high acoustic fencing to the western and southern aspects of properties D01-1 & D02-1; and
- 2m high acoustic fencing along the boundary with Lee's Yard.

The Council's Environmental Health Officers have reviewed the application and raise no objections subject to a condition to secure the proposed noise mitigation measures. On this basis, the Council would not be able to sustain an objection on these grounds and the technical evidence means that the proposal is in accordance with ALP policy QE DM1 and ANDP policy H7.

BIODIVERSITY:

There is a concern that the proposal is contrary to policy GI SP1 of the ALP. This states that "All major development must be designed to protect and enhance existing Green Infrastructure assets, and the connections between them, in order to ensure a joined up Green Infrastructure Network."

Policy EH2 of the ANDP is entitled "Green Infrastructure and Ecosystem Services" and states that: "New development within, or immediately adjacent to the Biodiversity Corridors identified on Maps A1 and A2 will only be supported where it can be clearly demonstrated that development proposals will not give rise to any significant harm to the integrity or function of the Biodiversity Corridors."

The site is not affected by any biodiversity corridor shown on maps A1 or A2. The site is also not in the Arun Green Infrastructure Plan (a primary evidence document to the Arun Local Plan) as either a Green Infrastructure Asset or Strategic Green Infrastructure Corridor. There is not considered to be any conflict with policies GI SP1 or EH2.

ALP policy ENV DM5 states that: "Development schemes shall, in the first instance, seek to achieve a

net gain in biodiversity and protect existing habitats on 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 (whether designated or not)." And: "Where there is evidence of a protected species on a proposed development site, planning applications shall include a detailed survey of the subject species, with details of measures to be incorporated into the development scheme to avoid loss of the species."

The application has been assessed by the Councils ecologist who raises no objections subject to conditions to secure a bat sensitive lighting scheme, retention/enhancement of hedgerows, buffer strip & protective fencing to hedges, works to trees/vegetation to be undertaken outside of the bird breeding season and a wildlife enhancement scheme. The ecologist accepts that no reptiles are present on the site and that those trees which are used by bats are to be retained. There is therefore no objection in respect of policy ENV DM5

RESIDENTIAL AMENITY:

Arun Local Plan policy D DM1 requires that the Council have regard to certain aspects when considering new development including: (3) Impact - "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." In addition, policy QE SP1 states that the Council will ensure that development does not have a significantly negative impact upon residential amenity.

It is also considered necessary to have regard to paragraph 127 (f) of the NPPF which states that planning policies and decisions should ensure that developments create places that have a high standard of amenity for existing and future users.

It is not considered that the proposal adversely impacts the amenity of surrounding properties. This is as a result of the trees & hedges on all sides, the proposed additional landscaping and the distances between proposed and existing dwellings. All front to back/back to back interface distances to existing properties are at least 20m which is the Councils informal standard. Interface distances within the layout are also considered to be acceptable.

No buildings are considered to be close enough to each other to result in any overbearing or overshadowing impacts. There is already likely to be light loss associated with the tree planting to boundaries and the built development will not worsen any existing instances of shading from vegetation.

Whilst not a matter for approval at this time (as appearance is a reserved matter), conditions could be imposed to ensure that any bathroom windows & upper floor flank windows are obscure glazed (and if necessary non-opening), to remove permitted development rights for alterations to roofs and to provide side screens to the balconies on the apartments to provide privacy from adjacent buildings.

There is no conflict with policies D DM1 or QE SP1 in respect of residential amenity.

SPACE STANDARDS:

Arun Local Plan policy D DM2 states that: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance". It is therefore necessary to assess the proposal against the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) in order to determine whether the proposed replacement dwelling is suitable for residential use.

The applicant has not provided a schedule to demonstrate compliance therefore the floor areas have been checked by hand. The houses provide more than the requirements however some of the flats are short. For instance, some of the 2 bedroom, 4 person flats are 1.5m² or 3m² short (though this is not considered to be significant) whilst the 1 bedroom, 2 person flats are only 42m² compared to the standard of 50m². There are only 4, one bedroom flats in the scheme and the significant shortfall represents only a small part of the scheme. As standards are for guidance only, it is not considered an objection on space standards could be sustained.

ALP policy D DM1 refers to the need for compliance with the Arun Design Guide. This is to replace policy D DM3 "External Space Standards" which was deleted at the request of the Local Plan Inspector. Until such time as this Design Guide is published, there is no policy within the Arun Local Plan regarding private gardens sizes. Whilst it is noted that policy H8 of the ANDP states that "All new dwellings must include an outdoor amenity space of adequate size and quality, either as a private garden or shared amenity area", this does not specify an amount of garden space.

All of the dwellings have large useable gardens. Furthermore, many of the flats have access to decent sized balconies and all of the dwellings within the scheme will have access to the communal open space areas which will provide their recreational needs. There is a concern however with the gardens to the houses in that some of these are to the front of dwellings and will need significant boundaries to ensure the privacy of these spaces. This is likely to then have a harmful impact on the streetscenes. However, notwithstanding there is no conflict with the relevant policies on external amenity space.

AFFORDABLE HOUSING:

For all developments over 11 residential units, the Council requires the minimum provision of 30% affordable housing on site, as set out in Policy AH SP2 of the Arun Local Plan and in the Interim Affordable Housing Policy (2010).

The proposal includes 30% affordable housing, equating to 10 dwellings (provided as 1,2 & 3 bedroom flats in building types A01). The Councils Affordable Housing Manager has requested mix of 75% (7) rented and 25% (3) intermediate housing (shared ownership). Furthermore, it is suggested that the mix be rented: 2 x 3bed; 4 x 2bed & 1 x 1 bed; and intermediate: 2 x 2bed & 1 x 1 bed.

This would need to be secured through a legal agreement but there is no signed agreement and therefore, the proposal is in conflict with policy AH SP2 of the Arun Local Plan and the Interim Affordable Housing Policy (2010).

LOCAL INFRASTRUCTURE:

"The Local Planning Authority will support development proposals which provide or contribute towards the infrastructure and services needed to support development to meet the needs of occupiers and users of the development and the existing community. Infrastructure provision and contribution towards services should be delivered using the following approach:

- (1) Testing the capacity of existing infrastructure and where there is insufficient infrastructure capacity to support new development, mitigate the impacts of the development, provision should be secured and must be operational no later than the completion of the development or phase of development for which it is needed.
- (2) Infrastructure provision or improvements should be provided on-site as an integral part of a development, wherever possible and appropriate;
- (3) Off-site measures will require planning obligations or financial contributions, to secure the necessary provision; and

(4) Where a contribution towards other district wide infrastructure improvements or provision is needed and viable this will be achieved through the Community Infrastructure Levy Charging Schedule and Regulation 123 Infrastructure List which will be introduced as soon as possible after the adoption of this Local Plan. Until such time as a Charging Schedule is adopted contributions will be achieved through planning obligations (where they meet the statutory tests).

Any on-site provision or financial contribution required to address unacceptable impacts must meet the statutory tests for planning obligations required by Regulation 122 of the Community Infrastructure Regulations 2010."

WSSC have requested financial contributions in respect of primary education, secondary education, 6th form education, libraries and fire & rescue. The level of these contributions will be based on a formula to allow the contribution amounts to be calculated using the housing mix at the reserved matters stage. The contributions will be spent on the following projects:

- additional facilities at Aldingbourne Primary School;
- additional facilities at Ormiston Six Villages Academy;
- additional facilities at St Philip Howard Catholic High School Sixth Form;
- on equipment for a new Tier 7 library facility serving BEW; and
- the supply and installation of additional fire safety equipment to vulnerable persons homes in West Sussex Fire Rescue Services Southern Area serving Aldingbourne.

The inspector, in determining a relatively recent (Burndell Road, Yapton) Call in appeal decision (ref APP/C3810/V/16/3158261), considered that the requested fire safety contribution was not compliant with the CIL Regulations. However, WSSC have since stated that the request for the Burndell Road application was for smoke alarms whereas on a more recent Ford Lane appeal (APP/C3810/W/17/3170059), the request was for fire safety equipment and this was accepted as being compliant by that Inspector. WSSC are therefore of the opinion that the fire & rescue contribution is CIL compliant.

A concern has been raised that the listed education projects are not specific enough and that facilities could cover such a broad range of items that WSSC will likely run out of projects for these named schools very quickly. However, WSSC have provided additional justification in response to this, which is summarised below:

- There is no evidence from recent appeal sites with 11+ dwellings that the education schemes are not specific enough;
- The level of detail in these types of schemes (additional facilities, additional equipment etc) have been found to be CIL compliant consistently at appeal across the county, as well as at multiple sites within Arun District itself (see appeals for CM/1/17, BR/156/16 and Y/80/16, and Mid Sussex applications DM/15/4667, DM/15/4457 and DM/14/04492);
- There was also no issue raised in respect of recently approved applications elsewhere in the district including Y/5/17, A/169/17, A/132/17 and Y/49/17;
- The additional facilities scheme is specific in the fact it will provide additional toilets, changing rooms, science labs and MUGAs to name a few, whereas schemes such as additional equipment will provide items for learning such as electronic devices, sports equipment and text books;
- As such, WSSC are unlikely to run out of projects for each of the named schools;
- WSSC do not specify the facility at this stage because there is no indication of when the money from this site will come forward. WSSC do not know what exact facilities the named schools will be in need of by the time the children from the development come forward; and
- The development will produce children which will attend the local schools, and therefore they will have to provide the additional space to accommodate them, which will come at a huge cost to the schools if

the contributions are not supported by the LPA.

The above contributions/provisions are considered to be necessary to make the development acceptable in terms of ALP policy INF SP1, are directly related to the needs of the development (with the contributions required to meet the demands of - and mitigate the impacts of - the development), and are fairly & reasonably related in scale and kind (the level of contributions will be calculated in accordance with a formula so as to be proportional to the amount of new development). The Council's pooling data has been checked and all of the projects are all new (so no other contributions allocated to them).

However, as no S.106 agreement has been signed, the proposal is in conflict with the requirements of ALP policy INF SP1.

HIGHWAYS INFRASTRUCTURE:

ALP Policy INF SP1 is also relevant to highway infrastructure but it is not necessary to repeat the policy requirements which are set out above.

With specific regard to any proposals for development within the Barnham, Eastergate, Westergate (BEW) residential allocation (of which the site is not a part but is adjacent to), it is noted that ALP policy H SP2c sets a requirement to "contribute to a new A29 route through the allocation which provides all necessary linkages and routing between the A259 (Bognor Regis Relief Road) to the south and A27 to the north and includes a bridge over the railway to the east of the current Woodgate crossing."

WSCC Highways requested a contribution of £215,880 (based on £7,196 per dwelling) to support the strategic infrastructure required to deliver new the highway development in-and-around the BEW Strategic Location (i.e. the realignment of the A29). It is proposed that this contribution would be allocated to the named project "A29 Realignment South Section 2 (A29 Lidsey Rd to new junction with development internal 'east - west' highway link south of railway line)" of which there are no other existing committed contributions (noting that although the Wings Nursery proposal agreed to the contribution, that scheme was refused).

It is also noted that the Highways Agency state that a contribution towards the strategic road improvements could be appropriate in this instance. The applicant has not indicated agreement to this contribution and therefore WSCC Highways object to the application.

It should also be noted that ALP policy T SP1 requires at (a) and (c) that new development contribute to and improve the existing road network particularly those that improve north-south links between Bognor Regis and Littlehampton and the A27. This will ensure that such schemes are delivered in line with strategic growth in the District.

On this basis, and given that the applicant did not agree to the contribution, it has not been possible to prepare a legal agreement to secure this and therefore, the proposal is in conflict with ALP policies INF SP1 and T SP1.

CHILDRENS PLAY AND PUBLIC OPEN SPACE:

Arun Local Plan policy OSR DM1 states that:

"Housing and, where viable, commercial development will be required to contribute towards:

a. 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 offsite provision in order to address any future demand. For larger scale developments, the quantity standards should be used to help determine the requirements for open space provision as part of that development.

b. Playing pitch provision in accordance with guidance set out in the Playing Pitch Strategy. This will include improvements to existing provision to increase playing capacity and providing hubs of new pitches.

c. Indoor sport and leisure facilities through financial contributions in accordance with guidance set out in the Indoor Sport and Leisure Facilities Strategy which identifies a need for a new leisure centre in the West of the District.

d. Strategic projects identified in the Leisure and Cultural Strategy."

The Councils supplementary planning document "Open Space & Recreation Standards" sets out standards for public open space. This guidance is considered to be out of date and so reference is made instead to the current Fields in Trust (FIT) standards as set out in "Guidance for Open Sport and Play: Beyond the Six Acre Standard" (October 2015).

The requirements in respect of this proposal are for public open space in accordance with the 32m² per person FIT standard (a total of 0.23ha) and on-site play facilities in the form of a Local Area for Play (LAP), Local Equipped Area for Play (LEAP) and either an on-site Multi Use Games Area (MUGA) or contribution to an off-site facility.

The proposed layout shows sufficient public open space to meet the required standards (this has been confirmed by the Councils Landscape Officer) and also shows two areas for children's play, one of which is suitable as a MUGA (537m²) and the other a LAP or LEAP (101.3m²). This is considered to be acceptable. However, it would be necessary to enter into a legal agreement to secure the provision of these items and the relevant management plan or £13.51m² maintenance contribution (depending on whether the public open space and play areas are to be managed privately or adopted by the Council).

As no S.106 agreement has been signed, the proposal is in conflict with the requirements of ALP policy OSR DM1 and the Council's supplementary planning guidance "Open Space and Recreation Standards".

SUMMARY:

This outline planning application considers the development of this site with 30 new residential dwellings. Access is to be as per the existing with some minor improvements to its arrangement. The application also seeks approval of layout, scale and landscaping with appearance as the only reserved matter.

Overall, the principle of development on this site is contrary to the development plan in respect of the site's location within defined countryside. It is accepted that the Council's current 5.3 year housing land supply (as set out in the ALP) is partially reliant on additional housing land being identified through either a review of Neighbourhood Plans or through a Non-Strategic Site Allocations Development Plan Document (DPD).

However, despite this site having previously been considered deliverable through the HELAA process and despite its relatively sustainable nature, it remains outside of the development boundary and is clearly opposed by the Aldingbourne Parish Council. Furthermore, the land has agricultural value and it is not considered that there is currently sufficient justification to override this policy objection.

In addition to the countryside location, the above analysis has found that the proposed scheme by virtue of its layout and design would fail to reflect the character of the local area and would not therefore accord with the good design principles in the NPPF or with adopted development plan policy.

Although the applicant may have been willing to enter into a legal agreement to secure the affordable housing, play/public open space facilities & maintenance and the education, library and fire contributions, they had been reluctant to agree to the strategic transport contribution. It was for this reason plus the Councils significant concerns with the scheme itself that no legal agreement process was started and hence why there is also a need for refusal reasons covering these matters. and for this reason

It is therefore considered that the application must be refused for the following reasons.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

REFUSE

- 1 The scheme, by virtue of its layout, location and design will not be seen as an extension to the existing settlement but rather as a self contained community causing harm to the character of this part of Aldingbourne. The proposal therefore conflicts with policies D DM1 & D SP1 of the Arun Local Plan, policy H1 of the Aldingbourne Neighbourhood Development Plan and paragraphs 122, 127, 130 & 131 of the National Planning Policy Framework.
- 2 The proposal represents an incursion into defined countryside and this coupled with the harm to local character and the loss of grade 2 agricultural land makes the proposal unacceptable in principle and in conflict with policies C SP1, SD SP2 & SO DM1 of the Arun Local Plan and EH1 of the Aldingbourne Neighbourhood Development Plan.
- 3 The proposal would not achieve safe and convenient access by a choice of means of travel nor encourage and enable an increase in environmentally sustainable means of travel such as walking, cycling and public transport which would thereby minimise the impact of car journeys, and as such the proposal is in conflict with policies T SP1 and T DM1 of the Arun Local Plan, policy GA1 of the Aldingbourne Neighbourhood Development Plan and with the National

Planning Policy Framework (paragraphs 108 & 110).

- 4 In the absence of a signed Section 106 legal agreement, the development fails to make an adequate contribution towards local infrastructure (education, libraries, fire & rescue) and is thereby contrary to the aims and objectives of the National Planning Policy Framework and policy INF SP1 of the Arun Local Plan.
- 5 In the absence of a signed Section 106 legal agreement, the development fails to make any affordable housing provision and is thereby contrary to the aims and objectives of the National Planning Policy Framework (in particular paragraphs 62-64), policy AH SP2 of the Arun Local Plan, policy H4 of the Aldingbourne Neighbourhood Development Plan and the Council's Interim Affordable Housing Policy adopted on the 18th August 2010.
- 6 In the absence of a signed Section 106 legal agreement, the development fails to make a contribution towards strategic highway infrastructure as required to help facilitate the realignment of the proposed A29 route and is contrary to the aims and objectives of the National Planning Policy Framework and policies T SP1 and INF SP1 of the Arun Local Plan.
- 7 In the absence of a signed Section 106 legal agreement, the development makes no contribution towards the maintenance of on-site public open space or the provision of on site children's play equipment and is thereby contrary to the aims and objectives of to the aims and objectives of the National Planning Policy Framework, policy OSR DM1 of the Arun Local Plan and the Council's supplementary planning guidance "Open Space and Recreation Standards".
- 8 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and 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 reasons for the refusal, approval has not been possible.