

Recommendation Report for Planning Permission

REF NO: AL/72/19/PL

LOCATION: Ryefields Farmhouse
Oak Tree Lane
Woodgate
PO20 3GU

PROPOSAL: Demolition of existing buildings & erection of 10 No. houses, comprising 1x three bedroom detached, 6x three bedroom semi detached & 3x four bedroom detached houses with associated access & parking (resubmission following AL/118/18/OUT).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks full planning permission for the demolition of existing buildings and the erection of 10 houses, comprising 1 three-bedroom detached, 6 three-bedroom semi-detached and 3 four-bedroom detached houses with associated access and parking. The application follows refusal of outline planning permission (AL/118/18/OUT), on 26 July 2019, for a similar development comprising the same total number of dwellings but a different mix.
SITE AREA	Approximately 0.33ha.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	30 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	There is a mixture of larger mature and semi-mature trees growing on and adjacent to the site's boundaries. There are some smaller more ornamental trees within the garden area.
BOUNDARY TREATMENT	The site is bounded on all sides by a mixture of trees of varying height and scrub.
SITE CHARACTERISTICS	The application site forms part of the garden associated with Ryefields Farmhouse. According to the Design and Access Statement, it is also used for some livestock grazing. The site is predominantly amenity grass with ornamental planting. Access to the land is from an unmade private track, Oak Tree Lane, to the north of the site.
CHARACTER OF LOCALITY	The character of the locality is rural to the east, with the small settlement of Woodgate to the northwest. The settlement of Westergate is located to the north of the site, on the other side of the railway line.

RELEVANT SITE HISTORY

AL/69/11/	Outline application with some matters reserved for the erection of up to 100 dwellings (including 30% (up to 30) affordable) together with 7115 sq metres of landscaped open space within the residential area and an additional 1.95 hectares of land to be laid out as publically accessible amenity woodland. (Departure from the Development Plan)	Refused 29-09-11 Appeal: Dismissed 20-06-12
AL/106/12/	Outline application for 2.85 hectares of residential development (up to 60 open market dwellings, and up to 25 affordable dwellings (30 %), 2.9 hectares of public open space, and 0.2 hectares for community service.	Refused 28-03-13 Appeal: Dismissed 30-10-13
AL/118/18/OUT	Outline application with some matters reserved for the demolition of existing buildings & the erection of 10 No. dwellings comprising 1 No. three bedroom detached, 2 No. three bedroom semi detached, 4 No. four bedroom semi detached & 3 No. four bedroom detached houses with associated access & parking.	Refused 23-07-19

The two previous applications that were the subject of appeals (AL/69/11 and AL/106/12) were concerned with proposals for adjoining land to the south and south-east and the strip of land between 24 Oak Tree Lane and the current application site. Both appeal Inspectors concluded that the site had a low level of sustainability regarding transport modes and the proximity of community facilities. Accordingly, the proposals did not override a shortfall in the then five year housing land supply and tilt the balance in favour of the proposed development. In the latter appeal, the Inspector concluded that the appeal site may, in the context of wider development involving a substantial amount of new housing, additional services and pedestrian/transport links, provide an opportunity for sustainable development. However, he was not satisfied that this would be the case for development of the appeal site in isolation.

The more recent outline application (AL/118/18/OUT) was refused for five reasons, summarised as follows:

1. Premature in terms of the detailed masterplanning and delivery of the Barnham/Eastergate/Westergate (BEW) strategic allocation (SD5). Insufficient information had been submitted to demonstrate that the proposed development would contribute to the delivery of a comprehensively planned settlement or provide a high quality development with a sense of place and permeable layout.
2. The proposed access would not create a safe and secure layout for traffic, cyclists and pedestrians whilst avoiding street clutter or meet the needs of people with disabilities by all modes of transport.
3. Failure to demonstrate satisfactory access to and from the site, through the site access and the ability to turn within the site for fire appliances and refuse vehicles.
4. The proposed layout failed to give sufficient regard to existing trees on the site and was therefore unacceptable in terms of protecting, conserving or enhancing the natural environment and landscapes.
5. The application failed to make provision for contributions towards the infrastructure needed to support the development.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldingbourne Parish Council

"Aldingbourne Parish Council continues to object to this application for the same reasons noted previously under application AL/118/18/OUT".

The Parish Council's previous comments were:

"The Parish Council is concerned that there is no clear strategy for this site - if it is part of the strategic allocation then there is no evidence that it contributes to the infrastructure, biodiversity or community gain. The Parish Council cannot therefore support the application." (20 March 2019)

...and:

"This application does not meet the APC NP criteria and is inconsistent with NP policies in particular policy H1 relating to design." (7 January 2019)

8 representations received raising the following issues:

The site:

- site too small for number of houses proposed
- site should come forward with the rest of the BEW housing allocation

Traffic and highway safety:

- unsuitable access to and from the site
- unsuitable access and egress onto the A29
- no access provided for pedestrians or disabled people between the end of Oak Tree Lane and the site entrance
- need to upgrade the unmade private road (Reeds Lane) between the end of Oak Tree Lane and the site entrance
- safer access and egress could be achieved in the future from the east
- ingress and egress to Oak Tree Lane difficult as level-crossing gates down for long periods and volume of traffic
- Oak Tree Lane too busy with all types of traffic (commercial and residential)
- access blocked by existing residents parking
- danger to children playing from additional traffic
- road too narrow
- increase in traffic on heavily congested A29
- delays at Woodgate Crossing
- poor pedestrian and cycle links to employment and retail centres, schools and community facilities
- limited bus service and high dependency on cars
- insufficient parking provision
- existing road incapable of accommodating large delivery vehicles during construction phase

Infrastructure:

- local schools and doctors oversubscribed
- without wider BEW site, it is divorced from local services and public transport connections
- financial contributions are required towards healthcare, education, library, recreation and transport improvements including the re-aligned A29
- all sites should contribute proportionately to avoid undermining delivery of infrastructure for the BEW site

Other:

- incongruous design of houses
- 1 and 2-bedroom houses needed locally, not 3 and 4-bedroom houses
- premature in terms of the detailed delivery of the BEW strategic allocation (SD5)
- land adjacent to site refused permission, appeal dismissed and no material change in circumstances since
- flooding
- absence of dialogue with those responsible for the management of Oak Tree Lane
- inadequate habitat survey and measures to provide support for protected species
- absence of pre-application consultation with local residents

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted and considered in Conclusions.

CONSULTATIONS

Arboriculturist

Ecology Advisor

Parks and Landscapes

Engineering Services Manager

Engineers (Drainage)

Southern Water Planning

NHS Coastal West Sussex CCG

Sussex Police-Community Safety

WSCC Strategic Planning

Archaeology Advisor

CONSULTATION RESPONSES RECEIVED:

LOCAL HIGHWAY AUTHORITY:

No objection subject to conditions.

"The site is within reasonable access to local services and facilities including a shop, schools and some limited employment opportunities (and by a choice of mode). Larger choice of shops and employment can be reached by public transport. The Barnham-Eastergate-Westergate (BEW) Strategic Allocation in the newly-adopted Arun Local Plan will also provide greater opportunities to travel sustainably over the course of its development cycle."

The Local Highway Authority does not consider that the traffic generated by the proposed development would have a 'severe' impact on the operation of the road network. Therefore, it is not contrary to the National Planning Policy Framework (paragraph 109).

Swept-path diagrams demonstrating access to and from the site, through the site access and the ability to turn within the site for larger fire appliances and refuse vehicles had previously been requested to enable the Local Highway Authority to consider whether the submitted layout was satisfactory. Satisfactory access has been demonstrated for a fire appliance but not for a refuse vehicle. The District Council's website specifies the requirements for access by refuse vehicles and states that the length of

the vehicle is 12m. Where it is not possible to accommodate such a vehicle within the site, the applicant would need to agree alternative arrangements with the waste collection service/local planning authority.

The site is accessed from a private road. Therefore, no impact upon the public highway is likely to occur. The local highway authority considers it a matter for the applicant and the local planning authority to agree suitable arrangements for waste collection from the site.

The Local Highway Authority seeks to secure a financial contribution of £90,430 (£9,043 per dwelling) from the applicant, in accordance with Policies TSP1, INF SP1 and H SP2c of the Local Plan to support the strategic infrastructure required to deliver development in and around the Barnham/Eastergate/Westergate (BEW) strategic allocation, including the proposed A29 re-alignment.

The Local Highway Authority has requested conditions, including two that will secure the provision of lighting both within the development and on the access (where under the applicant's control) and signage on the lane to warn users of the access and the presence of vehicles and pedestrians sharing the same space.

SOUTHERN WATER:

No objection subject to conditions.

- Southern Water requires a formal application for a connection to the foul sewer to be made by the applicant or developer.
- The application makes reference to drainage using Sustainable Urban Drainage Systems (SUDS). Such systems rely upon facilities that are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities.
- Should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.
- The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.
- Due to surface water inundation issues in the Lidsey Catchment the applicant is advised to adopt, where appropriate, the measures in the table "Practical measures to reduce the potential impacts of development". The developer should look to protect the public sewerage system from inundation and infiltration, which contribute to flooding in unfavourable conditions.

LEAD LOCAL FLOOD AUTHORITY:

No objection subject to conditions.

The site is at low risk from surface water flooding. Any existing surface water flow paths across the site should be maintained and mitigation measures proposed for areas at high risk.

The area of the proposed development is shown to be at high risk from ground water flooding based on current mapping.

The Flood Risk and Drainage Management Statement included with this application states that permeable paving would be used to control the surface water runoff from the site. As per the District Drainage Engineer's comments, infiltration/winter groundwater monitoring should be undertaken to ensure that it is possible to adequately drain this site.

Development should not commence until finalised detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles, have been submitted to and approved in writing by the Local Planning Authority. The drainage designs should demonstrate that the surface water run-off generated up to and including the 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event.

Development shall not commence until full details of the maintenance and management of the SuDS system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs.

ADC DRAINAGE ENGINEERS:

Objection.

"Surface water drainage must be considered at the earliest opportunity and form part of the layout development process. Without winter groundwater monitoring and winter infiltration testing there is no way of determining the area take up required for surface water drainage. Leaving drainage design until after a layout has been agreed will likely unduly prejudice drainage design and not allow for the hierarchy for sustainable drainage to be followed. There are no ordinary watercourses within or adjacent to the site, if infiltration is unviable due to inadequate space the water would have to go to foul sewer, it is unlikely this would be acceptable to southern water and therefore there would be a significant risk that the agreed layout would not be implementable.

Furthermore, inadequately considering drainage at this stage could potentially result in a lack of sufficient capacity being provided for surface water drainage and therefore the development could lead to an increased risk of flooding elsewhere.

...the applicant should complete winter groundwater monitoring and winter infiltration testing and complete calculations to assess the size of structures required. A rough plan should be formed showing where these structures can be provided within the proposed layout. Evidence that no pumping or ground raising would be also be required."

ADC ECOLOGICAL ADVISOR:

1. Bats

"As detailed within section 5.2.2 of the Phase 1 Bat and Ecological Appraisal Report (Jan 2019) the lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. In particular due to the lane to the north of the site by commuting barbastelle bats, no lighting can be used near to Oak Tree lane, and any lighting needed must be directional and facing away from this area."

A bat box is required to be installed on the buildings on the site facing south/south westerly, positioned 3-5m above ground.

2. Reptiles

Continued management of the site must take place to ensure reptile habitat does not develop. If this is not possible then a precautionary approach should be taken within the site with regard to reptiles

3. Nesting Birds

Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st October. If works are required within this time an ecologist will need to check the site before any works take place (within 24 hours of any work).

A bird box is recommended to be installed on the new buildings and or tree within the garden of the property.

5. Enhancements

It is recommended that enhancements be incorporated within the scheme including;

- Any trees removed should be replaced at a ratio of 2:1
- Wildflower meadow planting to be used
- Filling any gaps in tree lines or hedgerows with native species
- Bat and bird boxes installed on the site
- Grassland areas managed to benefit reptiles
- Log piles on-site, and
- Gaps are required at the bottom of fences to allow the movement of small mammals across the site.

ADC ARCHAEOLOGICAL OFFICER

No objection.

No specific archaeological structures or deposits are known to be contained by this site or to lie within its vicinity. The site is not of a size that something of interest is likely to be present. No archaeological intervention would be justified.

COASTAL WEST SUSSEX CLINICAL COMMISSIONING GROUP (CCG)

Planning permission should not be granted without an appropriate contribution to local health infrastructure to manage the additional load on services directly incurred as a consequence of the proposed development. Without associated infrastructure, the CCG would be unable to sustain sufficient and safe services provided in the area and would therefore have to object to the proposed development. The CCG has requested a developer contribution of £13,618 towards a new integrated community hub facility at The Croft GP Surgery. The plan is to deliver a new building for The Croft Surgery.

ADC GREENSPACE:

No objection, subject to the submission of further detailed plans.

This application makes no reference to the wider setting of this development and how connectivity to the wider community will be addressed. This is an area where a further submission is required.

As this is a proposal for a smaller development of up to 10 dwellings, there will be no requirement for public open space or play on site.

A full landscape scheme should be submitted for approval, detailing species choice, position, densities and size at time of planting.

Before construction, a tree protection scheme must be in place for any retained trees.

ADC ARBORICULTURE:

No objection subject to conditions.

The previous application proposed a layout that presented an avoidable risk of damage to significant trees of high landscape and public amenity value. This latest application proposes a more sympathetic layout that better respects those trees, although it is not without risk of damage. Theoretically, it is possible to avoid any damage if the recognised engineering solutions proposed are implemented correctly and under adequate supervision.

WSCC INFRASTRUCTURE:

As this site forms part of the Barnham Eastergate Westergate (BEW) Strategic Allocation, set out in Policy H SP2c of the Arun Local Plan 2011-2031, the development is required to provide proportionate mitigation as set out in the Infrastructure Delivery Plan (2017) specific to the strategic development.

1. School Infrastructure Contribution

The financial contribution sought by the county council is based on the provision of 110 nursery places to serve the BEW development, the provision of two 2FE primary schools and a new 10FE secondary school to serve Arun District.

- Early Years: WSCC will require £11,456 towards a new early years facility serving BEW, based on the provision of 10 dwellings.

- Primary Education: WSCC will require £72,174 towards a new primary school serving BEW, based on the provision of 10 dwellings.

- Secondary Education: The secondary financial contribution sought by the county council is based on the estimated additional secondary aged pupil population that would be generated by the proposed development and the cost of providing a 10FE secondary school for Arun plus land costs. This equates to a cost of £33,538 per secondary aged pupil generated as a result of the development. Through the use of a formula, WSCC has calculated that the secondary contributions generated by this development will be £62,213. The contributions generated by this proposal will be spent on phase 1 of the new secondary school serving Arun.

- Further Education: Using a formula based approach, WSCC has calculated that the further secondary contributions generated by this development will be £12,028. The contributions generated by this

proposal will be spent on additional facilities at St Philip Howard Catholic High School Sixth Form.

2. Library

The financial contribution sought by the County Council is based on the housing allocation at BEW providing a Tier 7 facility at a cost of £100,000. A pro-rata share of this cost will be divided between developments at BEW, based on dwelling numbers. WSCC require £435 towards a new Tier 7 facility serving BEW, based on the provision of 10 dwellings.

3. Fire and Rescue

A financial contribution would be required towards the cost of fire and rescue infrastructure, principally fire stations and services in the area within which the proposal stands. Using a formula that takes account of the estimated additional population that would be generated by the proposed development, WSCC has calculated that the fire and rescue service contribution generated by this development will be £398. The fire and rescue service contribution will be used towards the supply and installation of additional fire safety equipment/smoke alarms to vulnerable person's homes in West Sussex Fire and Rescue Services Southern Area serving Aldingbourne.

SUSSEX POLICE

Additional measures should be considered.

Sussex Police has no major concerns with the proposals. However, additional measures to mitigate against identified local crime trends and site specific requirements should be considered. Advice has been provided in relation to:

- (i) Defining the entrance to the development;
- (ii) Perimeter security;
- (iii) Parking provision;
- (iv) External door specifications;
- (v) Mail delivery;
- (vi) Windows;
- (vii) Cycle storage and bin storage;
- (viii) Street lighting and private external lighting; and
- (ix) Planting.

COMMENTS ON CONSULTATION RESPONSES:

Consultation responses noted and considered in Conclusions.

POLICY CONTEXT

Designation applicable to site:

Policy H SP2c Barnham, Eastergate, Westergate (SD5) Strategic Allocation

Lidsey Waste Water Treatment Works Catchment Area

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment

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
HWBSP1	HWB SP1 Health and Wellbeing
INFSP1	INF SP1 Infrastructure provision and implementation
INFSP2	INF SP2 New Secondary School
OSRDM1	Protection of open space,outdoor sport,comm& rec facilities
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water

[Aldingbourne Neighbourhood Plan 2016 POLICY EE8](#)

	Communications infrastructure
Aldingbourne Neighbourhood Plan 2016 POLICY EH1	Resist development outside
Aldingbourne Neighbourhood Plan 2016 POLICY EH10	Unlit village status
Aldingbourne Neighbourhood Plan 2016 POLICY EH4	Supports river catchment management, wildlife conservation and flood risk
	Protection of Watercourses
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 GA1	Promoting Sustainable movement
Aldingbourne Neighbourhood Plan 2016 POLICY GA2	Footpath and cycle network
Aldingbourne Neighbourhood Plan 2016 POLICY	Parking and new development

GA3

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
H8

Dwellings must have adequate private or shared amenity.

Outdoor space

Aldingbourne Neighbourhood Plan 2016 POLICY
H9

Items to consider e.g. - bin stores

Attention to detail

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD1	Open Space & Recreation Standards
SPD3	Parking 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 Plans (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan.

The Aldingbourne Neighbourhood Plan was made in September 2016. Relevant Aldingbourne Neighbourhood Plan policies have been taken into account and are addressed in the Conclusions section of this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is located within a strategic housing allocation inside the built-up area boundary in compliance with the Development Plan.

However, the proposal does not comply with the Development Plan due to the lack of comprehensive planning.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE:

For the purpose of determining this application, the development plan comprises the Arun Local Plan 2011-2031 and the Aldingbourne Neighbourhood Plan 2014-2034.

Arun Local Plan

The latest monitoring report (2018/19) shows that the District has a 3.7 year housing land supply for the period 2019-2024. The proposed development is 10 dwellings, which would not have a significant effect on addressing the shortfall. Ordinarily, where the local planning authority cannot demonstrate a five year supply of deliverable housing sites, the policies which are most important for determining the application could be treated as being out-of-date. In this instance, the most important policies are considered to be H SP1, H SP2 and H SP2c of the Local Plan. None of these policies are opposed to the principle of development of the site for housing purposes. The policies are considered to remain both relevant and up-to-date.

Policy H SP1 of the Local Plan sets out the overall provision of at least 20,000 new homes through the Local Plan, phased over the plan period to 2031. The policy allocates 2,300 units to the strategic housing site (SD5) at Barnham/Eastergate/Westergate (BEW). The application site constitutes a small part of the BEW strategic allocation in Policy H SP1 and the 10 houses proposed in this planning application would contribute towards the 2,300 units within the plan period.

Policy H SP2 of the Local Plan requires development proposals within the Strategic Site Allocations to be "comprehensively planned". This application has been made prior to the submission and approval of a detailed masterplan for the BEW strategic allocation. The applicant has not fully collaborated with the Southern Consortium and other landowners to ensure that the site is planned in an holistic and comprehensive manner and that all of the necessary infrastructure is both planned and delivered to accommodate the amount of development envisaged at BEW.

Policy H SP2c of the Local Plan focusses on "Inland Arun" and includes the Barnham/Eastergate/Westergate (BEW) strategic allocation (SD5) for at least 2,300 dwellings over the plan period. Policy H SP2c requires development proposals within this specific allocation to fulfil a list of criteria. The proposed development of 10 dwellings on land at Ryefields Farmhouse, Oak Tree Lane

should play its part in the comprehensive development of the allocation by integrating with surrounding communities through an appropriate design.

Policy H SP2c requires the allocation to provide key infrastructure including a new local centre, new retail, commercial and community facilities, a new Tier 7 library facility and healthcare facilities to serve BEW and Fontwell. Transport requirements include a new A29 route, with a bridge over the railway to the east of the current Woodgate level crossing, improved access to Barnham railway station, bus services and cycle routes. The requirements also include a new two-form entry primary school, a new one-form entry primary school and nursery places, two new sports pitches with changing facilities and new employment provision.

The application has not demonstrated that the occupiers of the proposed dwellings will have walkable access to local community, recreational and shopping facilities, jobs and accessible transport. The proposed development fails to make a proportionate contribution towards the infrastructure required for the BEW allocation. Additionally, the application does not explain how provision will be made within the strategic allocation for self-build and custom-build and for gypsy and traveller accommodation. Consequently, the proposal does not accord with Policy H SP2(j), (n), (p) and (q) of the Arun Local Plan .

The application site lies within the BEW strategic allocation which, in turn, is within the built-up area boundary shown on the Local Plan Policies Map. The proposal therefore complies with Policy SD SP2 - Built-up Area Boundary.

However, the application has been submitted prior to the submission and approval of a detailed masterplan for the BEW strategic allocation. This is addressed in more detail in the layout section below.

Aldingbourne Neighbourhood Plan

The Aldingbourne Neighbourhood Plan (NP) was made (adopted) in November 2016 on the basis of the saved policies in the former Arun Local Plan (2003) and the policies in what was the emerging Local Plan in 2014. The Aldingbourne NP is being reviewed to bring it in line with the Local Plan adopted in July 2018. A pre-submission draft plan was published in March 2019. The emerging Aldingbourne NP has limited weight at this time.

The Aldingbourne NP has a built-up area boundary (BUAB) shown on a map and referred to in Policy EH1. The application site lies beyond the BUAB in an area classified as countryside. The Policy states that development outside the BUAB, not in accordance with policies for the countryside, will be resisted unless it is for essential utility infrastructure, where the benefits outweigh any harm and it can be demonstrated that no reasonable alternative sites are available. The NP seeks to protect the countryside from unnecessary development. The proposal conflicts with NP Policy EH1 as it fails to protect the countryside.

Consideration must be given to the respective roles of Neighbourhood Plans which deal with local, non-strategic needs and Local Plans which are concerned with strategically assessed needs across the whole district. Policy H SP2c of the Local Plan seeks to address strategically assessed needs, identifying the application site as part of a Strategic Housing Allocation. The supporting text of the Aldingbourne NP recognises that "if any such strategic allocation is made within an adopted Arun Local Plan, this will need to be reflected in a future review of the ANDP" (section 2.2.4).

The test in section 38(5) of the Planning and Compulsory Purchase Act 2004 is: "If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document". As the Arun Local Plan was adopted by the Council on 18 July 2018, the policy in the Local Plan is to be considered

in favour of that in the Neighbourhood Plan. Consequently, the proposed development is contrary to the Neighbourhood Plan, but the Local Plan BUAB has been revised and includes the application site. The proposal, in this respect, is therefore considered to be acceptable.

Conclusion on Principle

The principle of residential development on the application site, which comprises part of the BEW strategic housing allocation, is acceptable. However, the site needs to be planned as an integral part of the BEW strategic allocation. It is considered that the proposed development is premature in terms of the detailed masterplanning and delivery of the BEW strategic allocation. While a scheme could be delivered on this site independently from the wider allocation, it could undermine the delivery of a comprehensively planned settlement contrary to Policy H SP2.

ACCESS:

Policy T SP1 of the Local Plan seeks to ensure that development "...provides safe access on to the highway network; contributes to highway improvements and promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network".

Access to the development would be from the eastern end of the made-up part of Oak Tree Lane, over an 18m section of unmade private road to an entrance on the site's northern boundary. The application does not include any improvement to the surface of the private road or the provision of any footways. In response to consultation on the previous application (AL/118/18/OUT), the Local Highway Authority took the view that traversing this distance without footways is "unlikely to present any particular difficulties for the likely low number of non-motorised users wishing to enter or leave the site based on 10 homes". However, conditions were requested (both then and now) to secure the provision of lighting both within the development and on the access, and signage on the lane to warn about the presence of pedestrians/non-motorised users.

While suitably worded conditions could potentially be imposed on the grant of planning permission, it is difficult to reconcile how the proposal will create a safe and secure layout for traffic, cyclists and pedestrians whilst avoiding street clutter, or address the needs of people with disabilities by all modes of transport, as required by Policy T SP1f.

The National Design Guide (October 2019, MHCLG) states: "In well-designed places, streets are public spaces that are open to all. They encourage people to walk and cycle rather than to depend upon cars, particularly for short, local journeys. They are accessible to all and designed to meet the needs of their most vulnerable users." (Para. 102) It adds: "Well-designed public and shared amenity spaces feel safe for people who occupy the buildings around them, and also for visitors and passers-by. They help to overcome crime and the fear of crime." (Para. 104)

"In order to encourage and facilitate walking, pedestrians need to feel safe" (Manual for Streets, 6.3.17). Pedestrians generally feel safe from crime where, among other factors, their routes are overlooked by buildings with habitable rooms, other people are using the street, they cannot be surprised or trapped and there is good lighting. "Surfaces used by pedestrians need to be smooth and free from trip hazards" (Manual for Streets, 6.3.31). Cyclists also need smooth surfaces (Manual for Streets, 6.4.3), as do people using wheelchairs. For blind or partially-sighted people, kerbs are commonly used to aid their navigation, while low overhanging trees and overgrown shrubs can be particularly hazardous.

At the eastern end of the made-up section of Oak Tree Lane, the footways come to an end and the carriageway narrows to a single track. There is no longer a continuous kerb and the surface becomes

uneven with potholes of varying size and depth. Tall trees and vegetation line both sides of the lane. It is unlit and it is not overlooked by buildings with habitable rooms. The proposed development makes no improvement to the unmade section of Oak Tree Lane leading to the site. Indeed, it lies beyond the application site outlined in red on the submitted location plan.

While the previous application (AL/118/18/OUT) indicated that part of the unmade road was within the applicant's control (by being edged in blue), this is not the case with the current application. Therefore, it would not be appropriate to use planning conditions to deal with the provision of lighting and signage outside the application site.

Furthermore, the provision of lighting on the lane could potentially have an adverse impact on bats (see ecology below), as well as conflict with Policy EH 10 'Unlit Village' of the Aldingbourne NP. The introduction of signage on the lane, to warn motorists of the presence of pedestrians and cyclists, would fail to avoid street clutter. Given the existing characteristics of the lane and the absence of lighting and signage, it cannot be concluded that the proposed development would provide a safe and inclusive access for all road users.

The proposed development conflicts with the requirements of Policies H SP2 (a) and T SP1 (f) in that it would not create a safe and secure layout for traffic, cyclists and pedestrians.

Policy H SP2 (j) of the Local Plan requires walkable access to local community, recreational and shopping facilities, jobs and accessible transport. Additionally, Policy T DM1 of the Local Plan begins: "New development must ensure ease of movement, prioritising safe pedestrian and cycle access to the green infrastructure network and access to public transport and community transport services where a need has been identified. Access to alternative modes of transport including public transport services, the public right of way and cycle networks, must be available and accessible to all members of the community. Proposals for all new development must: a. Be located within easy access of established public transport services, existing pedestrian and cycle networks, the committed and aspirational cycle networks and the green infrastructure network which links the development with key destinations including places of work, education, leisure and town centres".

Westergate and Woodgate have a good level of community facilities. There are two primary schools, the Ormiston Six Villages Academy (which includes an adult education centre), a pre-school and day nursery, a sports and community centre and the Six Villages Sports Centre. There is also a doctor's surgery nearby, in Eastergate. All of these facilities are located north of the railway line. With the exception of Aldingbourne Primary School, at 575 metres from the site, these facilities are a significant distance away. The distances involved, alongside the busy A29, would make walking unattractive to residents. The absence of highway infrastructure to assist safer cycling would make it unattractive for residents to cycle to these facilities either.

There is only one convenience store within reasonable walking distance of the site providing a range of goods for the "topping-up" of provisions. For most shopping, it is likely that the majority of residents would travel elsewhere. Similarly, for employment, most residents of the proposed development would need to travel elsewhere.

The nearest bus stops are located on the A29 Lidsey Road, approximately 330 metres from the site. A two-hourly bus service to Bognor Regis and to Yapton operates during the daytime on Mondays to Saturdays, stopping on route at the nearest railway station in Barnham. However, travel by car is likely to be the more popular choice among residents of the proposed development.

No detailed evidence has been provided by the applicant on traffic movements in the vicinity of the proposed access. The Local Highway Authority has undertaken site visits and concurs with the

applicant's observations that traffic movements appear to be generally low and infrequent.

The proposed development is relatively small and the resultant traffic generation is likely to be low. Residents of the proposed development might have to wait at the junction to turn right (north) out of Oak Tree Lane onto the A29 when traffic is queued at the railway crossing. However, the impact of traffic generated by ten additional homes could not be classed as severe.

Outline planning permission (AL/32/19/OUT) was granted on 3 October 2019 for the erection of 55 dwellings on land at Wings Nursery, Lidsey Road, Woodgate, subject to a s.106 agreement that will secure footway improvements on both sides of the A29, a contribution towards bus stop shelters and real-time passenger information, and cycle stands adjacent to the nearby convenience store. These works and the infrastructure to be provided in association with the BEW strategic allocation will improve the current application site's transport sustainability.

The Local Highway Authority is satisfied with the geometry of the proposed entrance in the site's northern boundary. This includes the provision of visibility splays, measuring 15m and 23m (west and east respectively) taken from a 2.0m 'X'/centreline distance.

The submitted plans show bin collection points within the site on both sides of the entrance. The Council's website states:

"Residents are normally requested to place their refuse on the boundary of their property on the publically owned highway. If roads are privately owned or unadopted it may be necessary for us to arrange alternative collection points. It may be possible for us to collect from private roads as long as certain criteria can be fulfilled.

1. Roads must be of sound construction, to a suitable hard surface free of potholes and obstructions.
2. The road must be not less than 3 metres wide, with no obstructions from overhanging trees or shrubs etc.
3. There must be a minimum of 5.5 metres height clearance with no obstructions from overhanging branches or cables.
4. When a through road does not exist, a turning area must exist. A 12 metre long vehicle must be able to turn around in 3 manoeuvres or less.

An inspection is required in all instances, and the manager's decision on whether this service can be offered is final. Please contact us on 01903 737754 to arrange an inspection."

The application contains no information to indicate whether an inspection has been carried out and, if so, the decision made. Consequently, it is not possible to conclude that the proposed development would be able to accommodate the movement of a 12m long refuse vehicle to collect household waste and items for recycling, contrary to Policies D DM1 (10) and WM DM1 of the Local Plan.

LAYOUT:

Policy H SP2 of the Local Plan requires proposals for the strategic site allocations to be comprehensively planned and to have regard to a masterplan endorsed by the Council. This is to secure high quality development, with a sense of place and a permeable layout.

An illustrative masterplan (00605B_SK_008 Rev C) for the majority of land within the BEW strategic allocation has been the subject of a public exhibition, but it has not been endorsed by the Council. Without a masterplan, the application has to be considered on its own merits and against policy requirements to ensure that the proposals will not prejudice the comprehensive development of the wider

allocation.

One of the key requirements for the strategic site allocations and for BEW in particular is that the development integrates appropriately with existing communities and protects the character and separation of the three villages of Barnham, Eastergate and Westergate. The site lies to the east of existing residential development on the south side of Oak Tree Lane. Due to its location, the development of this site would not lead to further physical coalescence of the three villages in accordance with policy H SP2c (SD5) of the Arun Local Plan.

There are no significant views to and from the South Downs in relation to the site that need to be taken into consideration.

The proposed layout of the scheme would not affect the ability of the strategic allocation to deliver green infrastructure in the form of a linear park along the Lidsey Rife, as it is located too far west. Other infrastructure requirements (e.g. community hub, school, sports facilities etc) could also be met in other, more central, parts of the strategic allocation rather than in this small parcel of land. The current illustrative masterplan indicates possible locations.

The proposed development is in an area where integration with existing residential development and communities is an important consideration. The site forms part of a link between much of the strategic housing allocation to the east and existing development to the west and north-west. It affords the opportunity to provide access to the proposed linear park required under policy H SP2c SD5 (d). As such, it is essential for this proposal to demonstrate how a pedestrian link can be achieved.

It is also important to recognise the intrinsic value of existing features at the eastern end of Oak Tree Lane. In this location, the road is narrow and it is lined on both sides with trees and hedges, including two Oak trees that are the subject of a tree preservation order. The road has the character and appearance of a quiet rural lane which, ultimately, the masterplan might seek to preserve primarily for the use of those on foot or bicycle. The widening of an existing access, or the road itself, would result in the loss of established vegetation and would be likely to harm the character of the area and the enjoyment of those passing along the lane.

Without an agreed masterplan for the strategic allocation, there is no understanding of how the site would function as part of the wider neighbourhood created to the north, east and south. The current proposal would result in an isolated cul-de-sac, with no connections except vehicular access onto Oak Tree Lane. Without a masterplan showing the site in the context of future surrounding streets and open spaces, it is impossible to conclude whether or not the current layout would complement or prejudice the delivery of a successful place in the future. While the height and massing of the proposed buildings may be in keeping with the existing residential properties to the west, with no knowledge of the height and massing of the buildings that will be to the north, east and south of the site, it cannot be concluded that what is proposed would integrate well with future development. Masterplanning would also identify the distribution of uses between parcels of land within the strategic allocation. Without this, it is not possible to determine whether housing would be the best use of this part of the wider site. The masterplan would also identify the network of movement by foot, cycle, public transport and car, as well as service and refuse collection vehicles. This would include identifying the role of Oak Tree Lane in relation to the wider development. For example, if Oak Tree Lane was continued east to link with the re-aligned A29, it would change the nature of traffic using the Lane, the design of the road and any development or properties gaining access to it. The future location of community facilities, open spaces, footpaths, cycle routes and bus services will also influence how each parcel within the strategic allocation connects to the facilities. Without understanding the wider pattern of development, the best way of achieving connectivity for the application site with the broader allocation cannot be determined. This includes ensuring pedestrian and cycle permeability too.

Therefore, the proposed development has not been comprehensively planned or adequate consideration been given to the requirements of Policy H SP2 of the Arun Local Plan.

The proposed layout of the site aligns 7 of the 10 dwellings in an east-west pattern. This has the potential to maximise sunlight and passive solar gain in accordance with Policy D DM1 (8) of the Arun Local Plan.

Ryefields Farmhouse is excluded from the proposal and is located to the east of the application site. The existing properties on the south side of Oak Tree Lane are set back from the highway with off-street parking situated forward of the primary elevations. The proposed layout would form a small cul-de-sac, rather than continue with the same linear form of development. However, the layout is restricted by trees, including two category B oak trees, along the northern boundary of the site. These trees make a significant contribution to the visual amenities of the locality and as such are considered to be worthy of retention.

A Tree Survey Report, including Arboricultural Impact Assessment, Method Statement and Tree Protection Plan, has been submitted with the application. The Council's Tree Officer has stated:

"The current proposed layout is going to impact on significant trees (T21 and T30) both above and below ground. Although achievable in principle by adopting the tree protection measures proposed; there is nonetheless a risk that attaches during such an incursion of root protection areas. This is especially significant where the trees in question are by far the most important locally."

Two conditions have been recommended to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area.

PARKING

The submitted Site Plan (918:1133/PL101) shows a total of 26 car parking spaces provided as part of the development. Two spaces would be allocated to each of the three-bedroom dwellings and three spaces would be allocated to each of the four-bedroom dwellings. Three spaces would be available for visitors. This amount of provision would accord with the Council's emerging Parking Standards Supplementary Planning Document (SPD).

The submitted site plan also shows each dwelling provided with a bin store and cycle store. All cycle parking and storage facilities need to be secure, to accord with Policy T DM1 of the Arun Local Plan 2011-2031 and the West Sussex Cycling Design Guide August 2019. The design of the cycle stores may require minor amendments to take account of the comments of Sussex Police.

RESIDENTIAL AMENITY

Policy QE SP1 requires all development to contribute positively to the quality of the environment and to ensure that development does not have a significantly negative impact upon residential amenity, the natural environment or upon leisure and recreational activities enjoyed by residents and visitors to the District.

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

There is existing housing at Oak Tree Lane and Woodgate Road to the west and south west of the application site, respectively. Ryefields Farmhouse is situated to the east. The proposed layout and retention of established trees and vegetation on the boundaries of the application site, should ensure that neighbouring residential amenity is not adversely affected by overlooking and loss of privacy.

Some of the occupiers of houses in Oak Tree Lane have commented on the amount of traffic using this road to access the residential and business premises at its eastern end. The number of additional traffic movements generated by the occupiers and visitors to ten houses on the application site is considered unlikely to give rise to unacceptable levels of noise and disturbance.

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

Contributions towards the management and maintenance of Oak Tree Lane as a private road do not form a material consideration in the determination of this application.

The railway line is approximately 50 metres to the north of the application site. Given this distance and existing trees and vegetation alongside the railway and on both sides of Oak Tree Lane, it is considered unlikely that residents would be adversely affected by noise.

Paragraph 13.3.5 of the Arun Local Plan 2011-2031 requires development proposals to include adequate provision of private external space, in accordance with a forthcoming Design Guide to be published by the Council. In the meantime, the National Design Guide recognises that well-designed homes and buildings provide good quality internal and external environments for their users, promoting health and well-being (para. 123). Amenity space is defined as: "The outside space associated with a home or homes. It may be private or shared, depending on the building it serves".

The Guide states that, "The appropriate size, shape and position for an external amenity space can be defined by considering:

- how the associated building sits in the wider context, including access to public and open spaces;
- how the amenity space will be used, what for, and by whom;
- environmental factors that may affect its usability, such as sunlight and shade, noise or pollution;
- wider environmental factors affecting its quality or sustainability, such as a green corridor or drainage."

From the submitted Site Plan, the rear gardens of all of the houses would be approximately 10m in depth, albeit not the full width in the case of Plot 1 due to its irregular shape.

GREEN INFRASTRUCTURE AND OPEN SPACE

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

ADC Greenspace has advised that, as the proposal is for a smaller development of up to 10 dwellings, there will be no requirement for public open space to be provided on site. No contribution has been sought towards off-site provision.

ECOLOGY

Policy ENV DM5 of the Local Plan seeks to achieve a net gain in biodiversity and protect existing

habitats on the site. It also seeks, within new development, green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitats.

The applicant has submitted a "Phase 1 Bat and Ecological Appraisal Report". This has been considered by ADC's Ecological Advisor. The advice received is that "the lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. In particular due to -use of- the lane to the north of the site by commuting barbastelle bats, no lighting can be used near to Oak Tree lane, and any lighting needed must be directional and facing away from this area". The installation of a bat box and a bird box has been recommended and no works to the trees or clearance of vegetation should take place during the bird breeding season. These matters are capable of being addressed through suitably worded planning conditions and will ensure compliance with Policy ENV DM5 of the Local Plan. However, the absence of lighting on Oak Tree Lane will conflict with the need to provide a safe access to the site for pedestrians, cyclists and vehicular traffic (considered above).

DESIGN

Policy D SP1 of the Arun Local Plan 2011-2031 states:

"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."

Policy H1 of the Aldingbourne Neighbourhood Plan requires proposals for new housing to be of "a high quality design that reflects the local character and reinforces local distinctiveness".

Oak Tree Lane is characterised by a mixture of detached, semi-detached and terraced housing, of two storeys in height. The principal elevations feature gables, pitched roof canopies above the front doors, casement windows and dormer windows in the roof over the garages. Some of the houses feature decorative barge boards and finials. The predominant materials are brick and render for the walls and concrete tiles for the roofs of the houses.

The submitted elevations show houses that are significantly different in appearance from the existing housing in the locality. None of the front elevations feature gables or dormers. There are flat roof canopies above the front doors and the fenestration is described as "sash style white PVC". While the walls would be of brick or render, the roofs would be of slate or tile. According to the design and access statement, "the design of the elevations is based on classical 'Georgian' inspired themes and symmetrical layout with sash style windows, soldier brick lintels and simple dentil courses to eaves". The statement does not contain a thorough site analysis, or demonstrate an understanding of the local and wider context. The design of the proposed houses does not respond to existing local character and identity.

It is considered that the proposed development fails to accord with the National Design Guide, Policy D SP1 of the Arun Local Plan and Policy H1 of the Aldingbourne Neighbourhood Plan.

INTERNAL SPACE STANDARDS

Policy D DM2 of the Arun Local Plan 2011-2031 requires internal spaces to be an appropriate size to

meet the requirements of all occupants and their changing needs. It adds that Nationally Described Space Standards will provide guidance.

From the figures stated in the design and access statement, the proposed houses would appear to meet the minimum gross internal floor areas for a 3-bedroom 5 person house and a 4-bedroom 6 person house. However, for both house types the smallest bedroom appears to be below the required standard of least 7.5 sq. m.

HISTORIC ENVIRONMENT

Policy HER DM6 of the Local Plan states "...where a site on which development is proposed has the potential to include heritage assets with archaeological interest (having consulted the Historic Environment Record) permission will only be granted where it can be demonstrated that development will not be harmful to the archaeological interest of these sites."

The ADC Archaeological Officer has confirmed that no specific archaeological structures or deposits are known to be contained by this site or to lie within its vicinity and it is not of a size that something of interest is likely to be present.

The proposal accords with Policy HER DM6 of the Local Plan as it has been demonstrated that the development would not be harmful to the archaeological interest of the site.

SURFACE WATER DRAINAGE

Policy W DM2 of the Local Plan requires the submission of a site specific Flood Risk Assessment (FRA) to demonstrate that the development will be safe, without increasing flood risk elsewhere and reduce flood risk overall. It requires the design of new site drainage systems to consider flood flow routing and to utilise temporary storage areas. Policy EH5 of the Aldingbourne NP seeks to ensure that all new development makes appropriate provision for accommodating the surface water and foul water arising from the development and does not give rise to an additional risk of flooding, either to the development site or to other land.

The Lead Local Flood Authority (LLFA) has confirmed that the site is at low risk from surface water flooding, but is at high risk from ground water flooding. Both the LLFA and ADC Drainage Engineers emphasise the need for winter groundwater monitoring to be carried out and the results to be used to inform the design of a suitable drainage system. While suitably worded planning conditions could be imposed on a planning permission, insufficient information has been provided to demonstrate that 10 dwellings with a sustainable urban drainage system or soakaways could be accommodated on the site in accordance with Policies W DM2 and W DM3 of the Local Plan and Policy EH5 of the Aldingbourne NP.

FOUL WATER DRAINAGE

Policy W DM1 (3) of the Local Plan requires applications for development within the Lidsey Wastewater Treatment Works Catchment Area to be accompanied by a full Drainage Impact Assessment which must take account of surface water disposal and foul water disposal.

Section 13 of the application states that foul water will be disposed of through the mains sewer.

A brief and inadequate "Flood Risk/Drainage Management Statement" has been submitted with the application.

A full Drainage Impact Assessment has not been provided in accordance with Policies W DM2 and W

DM3 of the Local Plan and Policy EH5 of the Aldingbourne NP.

CLIMATE CHANGE

Policy ECC SP1 of the Local Plan states: "The Council will support development which is located and appropriately designed to adapt to impacts arising from climate change such as the increased probability of tidal and fluvial flooding; water stress; health impacts as a result of extreme temperatures and a decline in the quality of habitats and richness in biodiversity". Policy ECC SP2 of the Local Plan states: "All major developments must produce 10% of the total predicted energy requirements from renewable or low carbon energy generation on site, unless it can be demonstrated that this is unviable".

As stated above, the proposed layout of the site aligns 7 of the 10 dwellings in an east-west pattern. This has the potential to maximise sunlight and passive solar gain in accordance with Policies ECC SP1 and D DM1 (8) of the Local Plan.

The proposed development could comply with Policy ECC SP2 through the imposition of a suitably worded condition, dealing with renewable or low carbon energy generation.

INFRASTRUCTURE

Development is only acceptable with the provision of, or contributions towards, the necessary infrastructure and facilities to mitigate the impacts of the development. Representations raised concerns about the lack of capacity at local education and healthcare facilities. Policy H SP2c of the Local Plan sets out the infrastructure requirements for the BEW strategic allocation, which include:

- a well connected local centre, with connections to the train station at Barnham
- new retail, commercial and community facilities
- new Tier 7 library
- healthcare facilities to serve BEW and Fontwell
- transport requirements, including a new A29 route through the allocation, an east-west route north of the railway linking the existing and new A29 route, access to Barnham Station, regular bus services and Westergate Link cycle scheme
- a new two-form entry primary school, a new one-form (expandable to two-form) entry primary school and nursery places
- two new sports pitches and changing facilities and
- new employment provision.

The Infrastructure Delivery Plan and Policy INF SP2 identify the need for a new 10 FE secondary school based on the amount of dwellings within the strategic allocations in the Local Plan.

As the site is within the BEW allocation, then the application needs to demonstrate how the infrastructure requirements above will be delivered, with early phases contributing proportionally to the costs. Without this there is a risk that the financial burden on the remainder of the allocation would be too great. The s.106 obligations for this scheme need to mitigate the impact of the proposal but, in order to meet the policies, the scheme needs to contribute towards the new self-contained settlement which provides its own infrastructure. As the site is a small part of the wider allocation, it would not be delivering any infrastructure on site that the wider allocation would then not need to deliver (thereby offsetting future costs for the remainder of the site).

The Local Plan policy requires the BEW strategic allocation to deliver a new healthcare facility to serve the BEW strategic allocation and Fontwell. The NHS (Sussex Coastal Clinical Commissioning Group) has responded setting out the need for a developer contribution towards a new integrated hub facility at

The Croft GP Surgery. This is considered to comply with Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (i.e. CIL compliant).

WSCC has confirmed that the present primary and secondary schools within the local catchment area would not have spare capacity and would be unable to accommodate children from the proposed development. Accordingly, developer contributions are required. The contributions comprise £11,456 to be spent on a new early years facility serving the BEW strategic allocation; £72,174 towards a new primary school serving the BEW strategic allocation; a formula based contribution of £62,213 towards a new secondary school serving Arun; and a formula based contribution of £12,028 to be spent on additional facilities at St Phillip Howard Catholic High School Sixth Form. These are considered to be CIL compliant.

A pro-rata contribution (amounting to £435 based on the provision of 10 dwellings) is required towards a new Tier 7 library facility serving the BEW strategic allocation.

Fire and rescue service contributions of £398 have been sought (formula based) due to the need to improve service provision in the Southern division as a result of the development. This is proposed to be used towards the supply and installation of additional fire safety equipment/smoke alarms to vulnerable person's homes in West Sussex Fire Rescue Services Southern Area serving Aldingbourne. This is considered to be CIL compliant.

Policy H SP2 of the Local Plan requires strategic allocations to address the off-site highway capacity requirements identified for the allocation in the Arun Transport Study. The requirements for the BEW strategic allocation include proportional contributions towards road improvements to provide mitigation for increased traffic demands arising from growth in the District and the re-alignment of the A29.

A contribution of £90,430 (£9,043 per dwelling) is sought towards the strategic infrastructure required to deliver development in and around the BEW strategic allocation, including the proposed A29 realignment.

There is a need for a strategic approach to be taken and the applicant needs to contribute the full amount per dwelling to ensure delivery of the A29 re-alignment.

Ordinarily, contributions would be expected towards the provision of off-site outdoor play space, sports pitches and built sports facilities. However, given the relatively small scale nature of the proposal, the Council's Neighbourhood Services Group is not seeking contributions towards the provision of this type of infrastructure on this occasion.

The applicant has confirmed that they are willing to make fair and reasonable contributions towards the provision of local services and infrastructure. However, neither a Unilateral Undertaking nor Draft Heads of Terms for a s.106 agreement have been prepared and submitted in the course of considering this application. Consequently, it has not been demonstrated that the developer contributions required for the infrastructure needed to support the development would be sufficient to meet the needs of the occupiers of the proposed development in accordance with Policies H SP2, H SP2c, INF SP1 and INF 2 of the Local Plan.

SUMMARY

The proposed development has not been comprehensively planned in the context of the Barnham/Eastergate/Westergate (BEW) strategic allocation (SD5) to provide a high quality development with a sense of place and permeable layout.

The proposed development would not create a safe and secure layout for traffic, cyclists and pedestrians, whilst avoiding street clutter, or address the needs of people with disabilities by all modes of transport.

It has not been demonstrated that the proposed development would be able to accommodate the movement of a 12m long refuse vehicle to collect household waste and items for recycling.

The design and appearance of the proposed houses does not reflect the characteristics of the site and the local area.

Insufficient information has been provided in respect of foul and surface water drainage.

There is insufficient information to demonstrate that the proposed development provides for the required infrastructure through contributing proportionally to the infrastructure costs associated with the BEW strategic allocation.

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 Insufficient information has been submitted to demonstrate that the proposed development of this scale could be satisfactorily accommodated in a manner which would not undermine the delivery of a comprehensively planned settlement of a high quality with a strong sense of place, having regard to such matters as the A29 realignment, non-car modes of transport, infrastructure provision, a high quality legible and permeable layout and a high standard of architectural principles, contrary to Policy D DM1, Policy T DM1, Policy H SP2 and Policy H SP2c of the Arun Local Plan 2011-2031 and the National Planning Policy Framework.

- 2 The proposed access does not create a safe and secure layout for traffic, cyclists and pedestrians whilst avoiding street clutter or consider the needs of people with disabilities by all modes of transport contrary to policy T SP1 of the Arun Local Plan 2011-2031.
- 3 Insufficient information has been submitted to demonstrate that the proposed development would be able to accommodate the movement of a 12m long refuse vehicle to collect household waste and items for recycling, contrary to Policies D DM1 (10), T SP1 and WM DM1 of the Arun Local Plan 2011-2031.
- 4 Insufficient information has been submitted to demonstrate satisfactory foul and surface water drainage from the proposed development contrary to Policies W DM2 and W DM3 of the Arun Local Plan 2011-2031 and Policy EH5 of the Aldingbourne Neighbourhood Plan 2016.
- 5 The application fails to make provision for contributions towards the infrastructure needed to support the development contrary to Policies H SP2, H SP2c, INF SP1 and INF 2 of the Arun Local Plan 2011-2031.
- 6 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.
- 7 INFORMATIVE: If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.