

Recommendation Report for Planning Permission

REF NO: AL/75/19/PL

LOCATION: Bridge Cottage
Lidsey Road
Bognor Regis
PO22 9PH

PROPOSAL: Construction of 8 no. dwellings, alterations to access and associated works.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This planning application is for the erection of 8 dwellings on land within the curtilage of Bridge Cottage and The Old Cottage, in Lidsey.
SITE AREA	1.12 Hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	9 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	There are a large number of trees on the site, three of which an oak (T29), a maidenhair (T07) and a beech (T40) are of significance which are protected by a Tree Preservation Order.
BOUNDARY TREATMENT	The site boundaries have hedgerows interspersed with trees, together with a 2.0 metre high earth bund along part of the western boundary with the A29 (Lidsey Road).
SITE CHARACTERISTICS	The site forms part of the "Barnham, Eastergate, Westergate" (BEW) strategic allocation for 2,300 new homes.
CHARACTER OF LOCALITY	The site is currently occupied by two large detached dwellings, Bridge Cottage and The Old Cottage, associated outbuildings, areas of hard-standing and residential gardens. The site is located on the east side of Lidsey Road (the A29) and currently has three access points onto the A29; one serving Bridge House and two serving The Old Cottage. There is an industrial building known as Mission Hall to the north west of the application site. To the south, the site is bounded by a farm building which has recently been converted for residential use (AL/44/17/PD), together with industrial units; to the west by the A29 (Lidsey Road) and beyond by Lidsey Caravan Park; and to the east by farmland

RELEVANT SITE HISTORY

AL/20/18/OUT	Outline application for the demolition of 2 No. dwellings & associated outbuildings & the erection of up to 27 No.	Refused 13-12-18
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dwelling, of which 30% will be affordable, with associated open space & access. This application is a Departure from the Development Plan.

AL/89/02/	Outline application for the construction of new residential unit. Two storey with pitched roof. (Departure from the Development Plan)	Refused 15-11-02
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Appeal: Dismissed
16-05-03

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

Outline planning application (AL/20/18/OUT) was refused for reasons relating to the lack of comprehensive planning as the site is within the BEW strategic allocation; the lack of safe or convenient infrastructure from the site for non car access to local services; inadequate visibility splays at the entrance to the site; the unacceptable extent of tree loss on the site; and the lack of requisite bat and reptile surveys and mitigation strategies.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldingbourne Parish Council

Object.

The Parish Council considers the concerns previously raised with respect to application AL/20/18/OUT have not been adequately addressed and still apply:

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

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

- Unacceptable increase in traffic on the local highway network.
- The location of the site entrance on a blind corner would increase the risk of road accidents.
- There are no pavements or street lighting for pedestrians in the vicinity of the site.
- Footway improvements are required along Lidsey Lane in the vicinity of the site.
- The winding roads are unsuitable for cyclists to use.
- Clear links need to be planned from the site to the existing cycle network.
- Protect the Portsmouth/Arundel Canal and create a Green Corridor for use by cyclists and walkers.
- Secure cycle storage should be provided on the site.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and issues addressed in the Conclusions section.

CONSULTATIONS

Southern Water Planning
Engineering Services Manager
Engineers (Drainage)
Highways England
WSCC Strategic Planning
Surface Water Drainage Team
Arboriculturist
Parks and Landscapes
Planning and Housing Strategy
Environmental Health
Ecology Advisor
Environment Agency
NHS Coastal West Sussex CCG

CONSULTATION RESPONSES RECEIVED:

HIGHWAYS ENGLAND

No objection.

It may be appropriate for the Local Planning Authority to collect a proportionate contribution towards A27 improvements required to mitigate the cumulative impact of development in Arun.

LOCAL HIGHWAY AUTHORITY:

Object.

Insufficient information has been submitted to satisfy the Highway Authority that the proposal is acceptable in terms of design and safety of proposed road/junction layout, carriageway (and lane) width(s) and visibility splays (including forward visibility/stopping sight disturbance splays) and would therefore give rise to increased hazards to highway users contrary to the NPPF and adopted Local Plan policies. The forward visibility is reliant on land beyond that maintained as highway. The proposal does not provide safe nor convenient infrastructure for non-car access to and from goods, services, local facilities, schools and employment, nor does it encourage or enable an increase in environmentally sustainable means of travel such as walking, cycling and public transport contrary to the NPPF and the adopted Local Plan policies. The use of unsurfaced and unlit public rights of way are not considered to provide suitable day to day means of access for pedestrians. The substantial bund located on the eastern side of the A29 would make the delivery of a 2.0 metre wide footway challenging. The latest version of the WSCC Parking Demand Calculator should be used and the parking provision reviewed in terms of the number of parking spaces to be provided.

ADC HOUSING:

No consultation response submitted.

WSCC FLOOD RISK MANAGEMENT:

No objection.

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

SOUTHERN WATER:

Southern Water would not support the proposals for septic tank or private treatment plant in the presence of public foul sewerage network in close proximity to the site. It may be possible for the foul flows from the proposed development to be connected to a nearby public sewer and the applicant should investigate this option. A formal application for connection to the foul sewer needs to be made by the applicant. It is possible that a sewer now deemed to be public could be crossing the site. 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.

ENVIRONMENT AGENCY:

No comment to make.

ADC DRAINAGE:

No objection.

The supplied flood risk assessment indicates that some infiltration testing has been completed on site to date, further testing and ground water monitoring will be required. The strategy for surface water drainage set out within the flood risk assessment is acceptable as it outlines that the hierarchy for sustainable drainage will be followed and infiltration used where possible. Further investigations and detailed design will be required in due course. Surface water drainage conditions are requested.

ADC ENVIRONMENTAL HEALTH:

No objection.

Conditions are requested for the submission of a Construction Management Plan and to control the hours for demolition and construction activities.

ADC ECOLOGY:

Object.

There is potential for reptiles to be on site as detailed in the Preliminary Appraisal Survey. A reptile activity survey needs to be undertaken by a suitably qualified ecologist to determine if reptiles are on site. If reptiles are found, a mitigation strategy would also need to be produced. Both the reptile activity survey and the mitigation strategy, if a mitigation strategy is required, would need to be submitted prior to the determination of this application. The bat mitigation measures proposed in the Preliminary Ecological Appraisal Survey (January 2018) would be suitable, and should be conditioned. A Natural England Protected Species Licence would be required for the works and this would need to be obtained prior any works taking place. The lighting scheme for the site would need to consider the presence of bats and should minimise potential impacts. Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season. A bird box should be installed on the site.

ADC GREENSPACE:

No objection.

The on-site provision of open space and play areas would not be required for a development of 8 houses. Further landscape details should be provided by way of a condition, comprising a scheme that would maximise the biodiversity of the site; with a robust and suitable planting scheme, detailing species choice, quantities, planting densities and size at time of planting. The layout has no connectivity to the surrounding area. It is recommended that an early implementation of any new planted areas be undertaken within the first planting season following the construction of the houses.

ADC ARBORICULTURE:

No objection.

An Arboricultural Impact Assessment and Method Statement, together with a supporting Existing Tree Schedule and Tree Retention and Protection Plan have been submitted. There are a number of trees within the site that have great potential to complement the development which are accommodated in the proposed layout plan, including the Maidenhair (T07), Oak (T29) and Beech (T44), which are all the subject of an Order (TPO/AL/2/18). The overall quantity of tree and hedge removal is significant and would negatively impact the character of the area. Detailed landscape proposals should be submitted by means of condition, to ensure that adequate mitigation is to compensate for the amount of proposed tree loss. Tree protection conditions are also requested.

WSSC INFRASTRUCTURE:

WSSC is requesting developer contributions towards:

- Education: The contributions generated by this proposal shall go towards a new early years facility serving BEW; and a new primary school serving BEW, based on the provision of 8 dwellings. The secondary contributions will be spent on phase 1 of the new secondary school serving Arun. The further secondary contributions shall be spent on additional facilities at St Phillip Howard Catholic High School Sixth Form.
- Library: A contribution generated by this proposal shall go towards a new Tier 7 facility serving BEW.
- The Fire and Rescue Service Contribution should be used towards the supply and installation of additional fire safety equipment to vulnerable persons homes in Aldingbourne.

NHS COASTAL WEST SUSSEX CLINICAL COMMISSIONING GROUP (CCG):

Object.

A developer contribution is requested of £10,690, which would overcome this objection. The contribution would be used most likely towards the replacement Croft Surgery and the integrated services site, which would serve the catchment population of this proposed development.

SUSSEX POLICE:

No consultation response submitted.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and issues addressed in the Conclusions section.

POLICY CONTEXT

Designation applicable to site:

Within the Strategic Allocation site Barnham/Eastergate/Westergate (BEW - SD5) in the Local Plan for 2,300 homes within the plan period, with a total of up to 3,000 dwellings in total;

Within the Built Up Area Boundary (BUAB) in the Local Plan.

DEVELOPMENT PLAN POLICIES

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

AHSP2	AH SP2 Affordable Housing
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation

ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
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
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
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
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
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water

[Aldingbourne Neighbourhood Plan 2016 POLICY EH1](#)

	Resist development outside
Aldingbourne Neighbourhood Plan 2016 POLICY EH10	Unlit village status
Aldingbourne Neighbourhood Plan 2016 POLICY EH6	Protection of trees and hedgerows
Aldingbourne Neighbourhood Plan 2016 POLICY GA1	Promoting Sustainable movement
Aldingbourne Neighbourhood Plan 2016 POLICY GA2	Footpath and cycle network
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	Dwellings must have adequate private or shared

H8

amenity.

Outdoor space

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

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

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

The Neighbourhood Development Plan:

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

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

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

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

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

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE:

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

The starting point for determining this planning application is Policy H SP1, Policy H SP2 and Policy H SP2c of the Local Plan and Policy EH1 of the Aldingbourne Neighbourhood Plan (NP).

Policy H SP1 of the Local Plan sets out the overall provision of 20,000 new homes through the Local Plan phased over the plan period to 2031. This Policy allocates 2,300 units to be provided in the Barnham / Eastergate / Westergate (BEW) strategic allocation (SD5). The application site constitutes part of the BEW strategic allocation in Policy H SP1; and the 8 houses proposed in this planning application would contribute towards the overall total of 2,300 units (within the Plan period) and 3,000 units in total (i.e. 2,300 plus 700 units).

Policy H SP2 of the Local Plan says that "Development proposals within the Strategic Site Allocations must be comprehensively planned and should have regard to a masterplan endorsed by the Council for the respective areas which incorporates high quality imaginative design giving a sense of place and a permeable layout."

Policy H SP2c of the Local Plan focusses on "Inland Arun" and includes the Barnham, Eastergate and Westergate (BEW) Strategic Allocation (SD5) for at least 2,300 dwellings over the lifetime of the Local Plan, and up to 3,000 dwellings in total. Policy H SP2c(a) says that development proposals must "preserve the separate identities and avoid any further physical coalescence of the three villages of Barnham, Eastergate and Westergate through the delivery of green infrastructure. Eastergate and Barnham should be protected from a continuous urban form / coalescence along the north and south aspects of the B2233."

Policy H SP2c sets out specific criteria that planning applications within this specific allocation will be required to meet. The proposed development of 8 new homes on land within the curtilage of Bridge Cottage and the Old Cottage in Lidsey, which would constitute one of the sites that comprise the BEW Strategic Allocation in the Arun Local Plan, should play its part in the comprehensive development of the allocation by integrating appropriately with surrounding communities through an appropriate design. Policy H SP2c requires the proposed 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 the BEW strategic allocation and Fontwell. New transport requirements include a re-aligned A29 route with a bridge over the railway to the east of the current Woodgate crossing combined with improved access to Barnham railway station, bus services and cycle links. The requirements also include a new two-form entry primary school, a one-form entry primary school and nursery places, in addition, 2 new sports pitches with changing facilities and new employment provision. No information has been submitted with this planning application detailing any consideration of the incorporation of an area of Gypsy and Traveller Accommodation or self-build / custom build dwellings. Consequently, the proposal does not comply with Policy H SP2(p) and (q) of the Arun Local Plan.

The site is located outside the built-up area boundary as identified in the Neighbourhood Plan and is therefore contrary to Policy EH1 of the Aldingbourne NP. The application site is therefore classed as countryside by the Aldingbourne NP; and the outline planning application conflicts with the Aldingbourne NP and fails to protect the countryside in accordance with the policies in the NP. The test in Section 38(5) of the Planning and Compulsory Purchase Act, 2004: "If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document". As the Arun Local Plan was adopted by the Council on 18th July 2018, the policies in the Local Plan are to be considered in favour of those in the Neighbourhood Plan. As a statement of fact, the proposed development is contrary to the

Aldingbourne NP, but the BUAB boundary has been revised and the application site is now included in the BEW strategic allocation and the proposed residential development is therefore considered to be acceptable subject to the satisfactory resolution of the matters listed below.

The application site falls within the BEW Strategic Allocation (SD5) so it is acceptable in principle, subject to understanding how this site might work as part of the overall allocation, hence the need for a masterplan. The LPA requires the applicant/landowner to work with the Southern Consortium and ensure that the application site is incorporated within the Detailed Masterplan area for the BEW strategic allocation. However, for the LPA to agree any schemes within the Detailed Masterplan area, the LPA needs to be satisfied that the site fits within the larger masterplan under development and addresses the policy requirements. There are a number of outstanding issues in the draft Detailed Masterplan which will be subject to revisions and further consultation in Spring 2020. Until the site is incorporated into the Detailed Masterplan area, the LPA cannot agree that the scheme is policy compliant.

FIVE YEAR HOUSING LAND SUPPLY

The Arun Local Plan 2011-2031 was adopted on 18th July 2018, therefore the application should be determined on the basis of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the NPPF and the Development Plan, which is made up of the Arun Local Plan 2011-2031 and the Aldingbourne NP and there are no or insufficient material considerations to justify a departure from the Development Plan. The LPA's Annual Monitoring Report, 2018, says that the Five Year Housing Land Supply (HLS) is 4.7 years and the submitted Design and Access Statement says it is a 2.08 years. Consequently, the LPA accepts that it does not have a 5 year HLS and paragraph 11 of the NPPF is applicable.

The test in paragraph 11(d) needs to be applied "where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

It is considered that Paragraph 11(d)(ii) applies for the reasons set out in this report.

TECHNICAL MATTERS

AFFORDABLE HOUSING

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

This planning application is for the provision of 8 new dwellings and Policy AH SP2 would not normally apply. However, as the site is located within the BEW strategic allocation, any proposed development on the site should comply with Policy AH SP2 and make provision for 30% affordable housing.

Consequently, it is considered that the proposed development is contrary to Policy AH SP2 of the Local Plan, as it fails to provide affordable housing on the site.

HOUSING MIX

The housing mix comprises:

- 2 x 2 bed units;
- 2 x 3 bed units;
- 2 x 4 bed units; and

2 x 5 bed units.

The updated Coastal West Sussex SHMA, 2016 said that the evidence highlighted a direction towards the provision of 2 and 3 bed units for market units and smaller affordable units. The SHMA 2016 update acknowledges that the analysis clearly shows the different profiles in the different broad tenures with affordable (rented) need being more heavily skewed towards smaller dwellings and market housing predominantly homes with three or more dwellings. Consequently, it is considered that the proposed housing mix in this planning application which includes 25% provision of 5 bed units is not SHMA compliant.

LAYOUT AND DESIGN

The applicant has submitted a layout plan which accommodates 8 new dwellings and the provision of sufficient on-site car parking.

The Design and Access Statement says: "the scheme comprises a well-balanced layout and appropriate house design for its location within its semi-rural location. The amount of development is considered to be appropriate in context with the surrounding residential development and would make more efficient use of the land for residential use in line with development plan guidance." (paragraph 4.6 of the Design and Access Statement, August 2019).

Taken in isolation, it is considered that the layout of the proposed development, comprising 8 houses, situated alongside the existing dwellings of Bridge Cottage and the Old Cottage could be acceptable. The location of each individual house respects the stand-off distance with neighbouring dwellings on the site and with the two existing houses. In addition, the proposed design and materials to be used on the 8 houses are in keeping with housing developments in the vicinity. The Design and Access Statement says: "the architectural approach focusses on a traditional design with a simple appearance and a materials palette reflective of houses in the local area, such as a mix of slate and clay tiled roofs, painted weather boarding, render and red / orange brickwork, with feature windows and oak framed porches to add interest and variety within the street scene." (paragraph 4.2 of the Design and Access Statement, August 2019). Notwithstanding this, the application site is located within the BEW strategic allocation and the layout and design of any residential development on this site needs to be in accordance with an agreed masterplan (i.e. the Detailed Masterplan for the BEW strategic allocation).

No provision is made for an on-site Locally Equipped Area of Play (LEAP) or a Local Areas of Play (LAP). The provision of 8 dwellings at Bridge Cottage and the Old Cottage would not normally trigger the need for an off-site LAP or a LEAP. However, as the site is located within the BEW strategic allocation, it should make provision for play areas as part of the wider strategic development, in accordance with Policy OSR DM1(2a) of the Local Plan.

The proposed layout of the 8 houses fails to show any connectivity to the land to the east that constitutes part of the BEW strategic allocation. The layout has been prepared in isolation without any thought of including the site within the wider Detailed Masterplan for the BEW strategic allocation. In relation to the need for east-west connections, the proposed layout fails to indicate how an east-west vehicular / pedestrian route could be provided through the site to connect it with land to the east. The submitted layout plan includes a proposed pedestrian link to the existing footpath running along the site's northern boundary, which is retained on the layout plan.

Policy D DM1 of the Local Plan states that: "Development throughout the plan area should respect the particular characteristics and natural features of the relevant landscape character areas and seek, wherever possible, to reinforce or repair the character of those areas." The Proposed Site Plan includes the retention of trees and hedgerows along the northern and eastern boundary of the site, but this merely ensures that the proposed development on the application site turns its back on and is screened from the

main part of the BEW strategic allocation, which is located to the east of the site. The layout has no connectivity to the surrounding area. It is recommended that an early implementation of any new planted areas be undertaken within the first planting season following the construction of the houses. The proposed quantum and location of the landscaping on the layout plan is considered to be acceptable and complies with Policy D DM1 of the Local Plan.

The proposed layout (Drawing No. 1042/SK03 Rev. 01) incorporates the 3 trees - the Beech (T44), Oak (T29) and Maidenhair (T07) which are the subject of a Tree Preservation Order (TPO), in accordance with Policy ENV DM4 of the Local Plan.

Notwithstanding this, without a detailed masterplan for the entire BEW site, it is not possible to conclude that the submitted site layout would work, in accordance with Policy D DM1 of the Local Plan. For example, the site is located on the western periphery of BEW, it could function as a landscaped green space along the boundary of the strategic allocation rather than the location of up to 8 dwellings.

Therefore, it is considered that the applicant has failed to provide adequate information to demonstrate whether or not the proposed 8 dwellings on this site would undermine the delivery of a comprehensively planned settlement and consequently whether the proposal would provide a high quality development with a sense of place and permeable layout, which includes the surface water drainage features including attenuation basins and swales, the provision of cycleways and footways, together with blue and green infrastructure. Consequently, it is considered that the proposed layout is contrary to Policy H SP2, Policy OSR DM1(2a) and Policy W DM2 of the Local Plan.

TRANSPORT

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

Site Access

The proposed development includes the provision of an access to the site in the position of the existing access serving Bridge Cottage on the crown of the bend; and to permanently close the two existing accesses onto the A29 serving The Old Cottage, and to re-instate the latter as verge / landscape. A previous residential application which was refused in 2002 and dismissed at appeal in 2003 included two accesses onto the A29. The latest outline application (AL/20/18/OUT) for up to 27 dwellings which was refused in 2018 and is currently at appeal proposed one access onto the A29.

The proposal includes the widening of the A29 from 7.0 metres to 8.0 metres at the entrance to the site. The site access would be amended to include an 11.0 metre forward visibility splay.

However, adequate information has not been submitted to satisfy the Local Planning Authority in consultation with the Highway Authority that the proposal is acceptable in terms of forward visibility for northbound traffic on the A29 to vehicles turning right into the proposed development and would therefore give rise to increased hazards to highway users

Consequently, the proposal is contrary to Policy T SP1 of the Arun Local Plan and paragraph 108 (b and c) and 109 of the National Planning Policy Framework.

Parking Provision

The proposed development includes 16 car parking spaces to serve the 8 houses, together with the provision of 3 visitor parking spaces. The latest version of the WSCC Parking Demand Calculator should

be used and the parking provision reviewed in terms of the number of parking spaces to be provided.

Public Transport Provision

The nearest bus stops are located to the south of the application site along the A29. The bus stop for the northbound services is 240 metres from the application site; and the bus stop for the southbound services is 142 metres from the site. The bus stops provide connections to Bognor Regis railway station and Barnham railway station and the retail foodstores on Shripney Road at Bersted. The use of the bus is perhaps not a wholly realistic choice at the current moment in time as there are 6 north bound and 6 south bound services a day.

Footways and Cycleway Provision

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

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

The nearest railway stations are Bognor Regis and Barnham. Public Footpath 200_1 does provide an indirect link to Barnham Station. However, given the suitability of the route and distance of both stations from the site and lack of other walking and cycling routes, access to both would likely be by car.

The proposed site plan includes the provision of a link northwards to the existing public right of way and southwards to the southbound bus stop on the A29. The use of unsurfaced and unlit public rights of way are not considered to provide suitable day to day means of access for pedestrians. Those existing rights of way are also not particularly direct in terms of routes to existing services and facilities, the majority of which are located to the south and are in any case some distance from the application site. It is considered that the use of these routes would not be convenient, attractive, accessible and are unlikely to be perceived to be safe. The footpath route to the south does not appear to provide a continuous route to the bus stop; the bus stop is located opposite the entrance to the Lidsey Caravan Park. There is also no access shown to the northbound bus stop. The deliverability of the link is questionable with there being a substantial bund located on the eastern side of the A29 that would make the delivery of a 2.0 metre wide footway challenging.

It is considered that the proposed development does not provide safe nor convenient infrastructure for non-car access to and from goods, services, local facilities, schools and employment, nor does it encourage or enable an increase in environmentally sustainable means of travel such as walking, cycling and public transport,

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

TREES

Policy ENV DM4 of the Local Plan requires developers to provide land and tree surveys (d), a tree

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

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

The application site contains a large number of trees, with a heavy concentration located at the southern most point of the site. Of special note are a Maidenhair (T07), an Oak (T29) and a Beech(T40) which are now protected by a Tree Preservation Order; and they are accommodated within the proposed layout of the current planning application for the construction of 8 dwellings.

An Arboricultural Impact Assessment and Method Statement, together with an Existing Tree Schedule and a Tree Retention and Protection Plan have been submitted with the planning application. The Method Statement includes details of the design and appearance of the protective fencing which needs to be installed around the trees that are proposed to be retained, including the 3 trees that are protected by the TPO. The overall quantity of tree and hedge removal would be significant.

The extent of proposed tree loss at this site is acceptable, subject to the imposition of condition requiring detailed landscape proposals to mitigate for the proposed tree loss, in accordance with Policy ENV DM4 and Policy H SP2(c) of the Local Plan and Policy EH6 of the Aldingbourne NP.

ECOLOGY

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

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

The ADC Ecological Advisor has requested that the applicant arranges for a reptile activity survey to be undertaken and submitted prior to the determination of the planning application. If reptiles are found to be present on the site then a mitigation strategy will need to be submitted and approved prior to the determination of the application.

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

LIGHT POLLUTION

Policy QE DM2 of the Local Plan emphasises the need to consider the impact of light on neighbouring uses and wider landscape, particularly with regard the South Downs International Dark Sky Reserve designation (a), light levels should be the minimum required for security and working purposes (b), and minimise potential glare and spillage (c); and the degree to which outdoor lighting can be powered by on-site renewable sources (d).

The application site is in a semi-rural area of the district, in Lidsey. It is considered that a lighting condition be imposed requiring the submission of details of luminaires that are more suitable to semi-rural areas on the fringes of built-up areas. This is reinforced by the ADC's Ecological Advisor's request that the lighting scheme for the site will need to take into consideration the presence of bats in the local area through the use of directional light sources and shielding.

The imposition of a condition ensuring that the external lighting scheme meets the limits the environmental zone E2 (as set out in the Institute of Lighting Professionals Guidance for Reduction of Obtrusive Light) is proposed. The guidance sets out limits for the main sources of light pollution (sky glow, glare and spill) and would ensure that the lighting is appropriate to the wider landscape setting and minimises the impact of the development on the Dark Sky Reserve designation within the SDNP.

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

NOISE QUALITY

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

The application site is located immediately east of the A29 (Lidsey Road), south east of an industrial building known as Mission Hall and north of industrial units at Lidsey Farm. It is considered that conditions should be imposed to control construction activities and there is a need for the submission of a Construction Management Plan, to protect the amenity of neighbouring residents.

Therefore, subject to noise conditions to control construction activities and the submission of a Construction Management Plan, that the proposed residential development complies with Policy QE DM1 of the Local Plan and Policy H7 of the Aldingbourne NP.

RESIDENTIAL AMENITY

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

All of the proposed rear gardens of the 8 houses set out on the submitted layout plan (Drawing No. 1042/SK03 Rev. 01 - Proposed Site Plan) would measure at least 10 metres long, which is considered to be acceptable. The proposed layout plan only comprises houses; and there are no apartments proposed. As no apartments are proposed, there is no need for shared amenity areas to be provided as part of this residential development.

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

Consequently, it is considered that the proposed residential development complies with Policy D DM1(3)

of the Local Plan in terms of impact upon neighbouring residential amenity.

SURFACE WATER FLOODING

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

The site is located within Flood Zone 1 with a less than 1 in 1000 chance of flooding in a year.

The FRA which was submitted with the previous refused outline planning application (AL/20/18/OUT) for up to 27 dwellings has been re-submitted with the current planning application for 8 new dwellings, which confirms that the site is located within Flood Zone 1 with a less than 1 in 1000 chance of flooding in a year. There is a small risk of surface water flooding to the west of the application site, however, this can be mitigated with the external levels design. The use of permeable paving and soakaways are proposed which would provide surface water storage to protect the proposed dwellings and adjacent areas from a 1 in 100 year +40% storm. The removal of the existing septic tanks and connection into the main sewer would provide improvement to the current groundwater quality.

ADC Drainage has raised no objection to the proposed development, but has requested the imposition of surface water drainage conditions. Sufficient information has been provided to demonstrate that the hierarchy for sustainable drainage will be followed and infiltration used where possible.

The surface water drainage for the application site needs to be considered as part of the Detailed Masterplan for the BEW strategic allocation to ensure that all of the sites within the masterplan area can be drained effectively, and to ensure that the proposed development complies with Policy W DM2 and Policy HSP2 of the Local Plan.

FOUL WATER DRAINAGE

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

The Drainage Strategy that was submitted with the previous refused outline planning application (AL/20/18/OUT) for up to 27 dwellings has been re-submitted with the current planning application for 8 new dwellings. The Drainage Strategy includes the provision of a proposed foul water drain to serve the dwellings. The Drainage Strategy includes the removal of the existing septic tanks and connection into the main sewer.

Southern Water supports the connection of the proposed residential development to the existing foul water sewer in Lidsey Road (the A29). A formal application for connection to the foul sewer needs to be made by the applicant.

Subject to conditions requiring the submission of a detailed foul drainage scheme, the proposed development complies with Policy W DM1 of the Local Plan.

CLIMATE CHANGE

Policy ECC SP1 of the Local Plan says: "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 says: "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".

The proposed north / south orientation of the 8 new houses on the site layout plan submitted with the planning application would not ensure maximum solar gain and would therefore not comply with Policy ECC SP1 of the Local Plan. Whereas, if the houses were re-orientated east/west on the layout plan this would ensure maximum solar gain. The proposed residential development could comply with Policy ECC SP2 through the imposition of a condition requiring 10% on-site generation from renewable or low carbon energy generation, plus the fabric first approach.

SUPPORTING INFRASTRUCTURE

Development is only acceptable with the provision of or contributions to the necessary infrastructure and facilities to mitigate the impacts of the proposed residential development. 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 the BEW strategic allocation 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, Westergate cycle link scheme, regular bus services, access to Barnham Station.
- a new two-form entry primary school, a new one-form (expandable to two-form) entry primary school and nursery places.
- incorporate two new sports pitches and changing facilities and
- new employment provision.

As the application site is located within the BEW strategic allocation then it needs to demonstrate how the infrastructure requirements above will be delivered. The Section 106 Agreement for this scheme needs 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 proportion of the wider BEW strategic allocation, it would not be delivering any infrastructure on site that the wider site would then not need to deliver (thereby off-setting 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 a developer contribution of £10,690 which would be used most likely towards the replacement Croft Surgery and the integrated services site. The proposal is considered to be CIL compliant.

WSCC have confirmed that the present primary and secondary schools within the catchment areas of the proposal would not have spare capacity and would be unable to accommodate the children from the development. Accordingly, developer contributions are required. A contribution of £9,165 is required towards a new early years facility serving BEW; and a contribution of £57,739 towards a new primary school serving BEW, based on the provision of 8 houses. A formula based contribution is required towards fixtures, fittings and equipment for phase 1 of the new secondary school serving Arun -The secondary education contribution sought by the County Council of £48,831 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 result of the development. The further secondary education contribution of £9,441 shall be spent on additional facilities at St Phillip Howard Catholic High

School Sixth Form. These are all considered to be CIL compliant.

In addition the following contributions are considered to be CIL compliant and are required in order to mitigate the impact of the development:

- £348 towards a new Tier 7 (library) facility serving BEW.
- £312 towards supply and installation of additional fire safety equipment to vulnerable persons homes in Aldingbourne.

The site forms part of the BEW strategic allocation and, as such, should provide a proportional contribution of £9,043 per dwelling towards the strategic infrastructure highway infrastructure, specifically the A29 re-alignment, required to deliver development in and around the BEW Strategic Location. The applicant has not signalled whether they are willing to contribute to the re-alignment of the A29.

The affordable housing and open space requirements are set out in the relevant sections above.

No delivery contributions have been proposed or provided for community leisure facilities, even though the site is located within the BEW strategic allocation.

Consequently, it is considered that the applicant has failed to demonstrate that the obligations proposed would ensure that the infrastructure needed to support the development would be sufficient to meet the needs of occupiers and users of the development and the existing community, contrary to Policies H SP2, H SP2c and INF SP1 of the Arun Local Plan and the National Planning Policy Framework.

SUMMARY

It is considered that whilst the proposed development would deliver much needed housing, insufficient information has been submitted to demonstrate that the proposed development would contribute to the delivery of a comprehensively planned settlement and consequently whether the proposal would provide a high quality development with a sense of place and permeable layout to adjacent sites, which could accommodate adequate on site Green and Blue Infrastructure, including the provision of a cycleway/footway, with on-site play provision including a LEAP/LAP, together with surface water drainage such as attenuation basins and swales. In addition, adequate information has not been submitted to satisfy the Local Planning Authority in consultation with the Highway Authority that the proposal is acceptable in terms of access for vehicles turning right from the A29 into the development and would not therefore give rise to increased hazards to highway users. Additionally, there is the lack of a requisite reptile survey and mitigation strategy, which are required prior to determination of this planning application. No affordable housing is provided on the site; and the proposed housing mix is not SHMA compliant as it includes 25% provision of five bed houses. Consequently, it is considered that the proposed development is contrary to Policy D DM1, Policy H SP2, H SP2c, Policy INF SP1, Policy AH SP2, Policy OSR DM1(2a), Policy ENV DM5, Policy T SP1, and Policy W DM2 of the Local Plan, Policy GA1 and GA2 of the Aldingbourne Neighbourhood Plan and paragraphs 108 (a, b and c), 109 and 110 (a to c) of the National Planning Policy Framework.

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 high quality with a strong sense of place, having regard to such matters as green and blue infrastructure, the A29 re-alignment, non-car modes of transport, open space, play provision and landscape, other infrastructure provision and a high quality legible and permeable layout, contrary to Policy D DM1, Policy H SP2, H SP2c, Policy OSR DM1(2a) and Policy W DM2 of the Arun Local Plan.
- 2 The applicant has failed to demonstrate that the obligations proposed would ensure that the infrastructure needed to support the development would be sufficient to meet the needs of occupiers and users of the development and the existing community, contrary to Policies H SP2, H SP2c and INF SP1 of the Arun Local Plan and the National Planning Policy Framework.
- 3 The proposed development does not provide safe nor convenient infrastructure for non-car access to and from goods, services, local facilities, schools and employment, nor does it encourage or enable an increase in environmentally sustainable means of travel such as walking, cycling and public transport, contrary to Policy H SP2(a) and H SP2(j), Policy T SP1 and Policy T DM1 of the Arun Local Plan, Policy GA1 and Policy GA2 of the Aldingbourne Neighbourhood Plan and Section 9 of the revised NPPF (February 2019), paragraphs 108 (a and b), 109 and 110 (a-c).
- 4 Adequate information has not been submitted to satisfy the Local Planning Authority in consultation with the Highway Authority that the proposal is acceptable in terms of forward visibility for northbound traffic on the A29 to vehicles turning right into the proposed development and would therefore give rise to increased hazards to highway users contrary to Policy T SP1 of the Arun Local Plan and paragraph 108 (b and c) and 109 of the National Planning Policy Framework.
- 5 As the site is located within the Barnham, Eastergate and Westergate (BEW) strategic allocation, the proposed residential development should make provision for 30% provision for affordable housing on site, in compliance with Policy AH SP2 of the Arun Local Plan. Consequently, as the proposed residential development fails to provide 30% provision for affordable housing on the site, it is contrary to Policy AH SP2 of the Arun Local Plan. In addition, the housing mix include 25% provision of 5 bed houses which is not SHMA

compliant.

- 6 The lack of a requisite reptile survey and mitigation strategy submitted with the planning application in relation to the impact on protected species and the potential for the proposed development to protect existing habitats where possible and provide enhancements is unacceptable, and it is contrary to Policy ENV DM5 and Policy H SP2 of the Local Plan.
- 7 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.
- 8 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.