

Recommendation Report for Planning Permission

REF NO:	AL/81/21/PL
LOCATION:	Ryefields Farmhouse Oak Tree Lane Woodgate PO20 3GU
PROPOSAL:	Demolition of existing building & erection of 5 No houses comprising 1 No 4-bed detached, 2 No 4-bed link detached & 2 No 3-bed detached houses with associated access & parking (resubmission following AL/72/19/PL). This site is in CIL Zone 1 & is Zero Rated.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Full permission is sought for demolition of the existing building & erection of 5 houses comprising 1 4-bed detached, 2 4-bed link detached & 2 3-bed detached houses with associated access & parking (resubmission following AL/72/19/PL).
SITE AREA	0.23 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	1 dwelling per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	There is a mix of larger mature and semi-mature trees growing on and adjacent to the site's boundaries. Some trees are subject to a made TPO (AL/63/21/TPO).
BOUNDARY TREATMENT	The site is bounded on all sides by a mixture of trees and hedgerow of varying height. The condition of this vegetation is sparse which allows visibility into the site.
SITE CHARACTERISTICS	The site forms part of the garden associated with Ryefields Farmhouse. The site is predominantly amenity grass with ornamental planting. Access to the land is from an unmade private track which forms part of Oak Tree Lane.
CHARACTER OF LOCALITY	The character of the locality to the west is built up and residential. To the east the character is rural, with the 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. To the south of the site are open fields and the southeast is a light industrial development. Land to the south is subject to the Strategic Site Barnham, Eastergate and Westergate (SD5 BEW) which has been comprehensively master planned. Once the land to the south is developed as part of the delivery of the BEW Masterplan, greater access to nearby facilities will be achieved.

Application AL/72/19/PL was refused for five reasons summarised as follows:

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.
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.

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.
4. Insufficient information has been submitted to demonstrate satisfactory foul and surface water drainage from the proposed development.
5. The application fails to make provision for contributions towards the infrastructure needed to support the development.

An Appeal pursuant to S78 was lodged and was dismissed by the Planning Inspector. The Inspector upheld reasons for refusal 2, 3 and 4. As part of this Appeal, the Appellant submitted a planning obligation which set out a number of financial contributions to be made in line with the development. As the Inspector was upholding reasons for refusal 2, 3 and 4, they did not consider the contents of the obligation in any detail.

The Appeal Inspector's concluding comments were:

"I have found that the proposed development would not be accessible to all users other than by vehicle and would not meet the needs of vulnerable users. Furthermore, the proposal fails to demonstrate that there would be satisfactory arrangements for the collection of refuse and capable of providing satisfactory foul and surface water drainage. I afford substantial weight to these matters as part of the determination of this appeal noting conflict with both development plan and Framework policies. Although, I have found that the proposed development would not prejudice the comprehensive delivery of development in respect of the BEW strategic allocation, this is a matter of neutral consequence in the overall planning balance".

REPRESENTATIONS

ALDINGBOURNE PARISH COUNCIL

- The development would be outside the Built-up Area Boundary.
- Part of the strategic allocation but does not contribute to infrastructure requirements and is not cohesive with the Masterplan (policy EH1).
- Contravenes dark skies policy (policy EH10).
- No biodiversity net gain (policy EH2) and impact on protected bat species.
- Does not contribute to housing mix in the Village (policy H2) as it consists of 3 and 4 bed properties.
- Access is insufficient for construction and will adversely impact on residents in Oak Tree Lane.

OTHER REPRESENTATIONS

- Wear and tear of Oak Tree Lane which residents pay to maintain with no contribution from future residents.
- Oak Tree Lane could not support heavy construction vehicles.
- The unmade lane is inaccessible to pedestrians with prams and mobility issues, this is particularly relevant at night with no street lighting.
- The footpath the developers will build is a problem for because the unmade road will be narrower and difficult for fire engines etc to pass (as two vehicles cannot pass to together already).
- 3 and 4 bed houses are proposed when the local plan requires 2 and 3 bedroom houses.
- The application is ill thought out.
- Premature when considering what is planned for the Barnham, Eastergate and Westergate strategic development.
- It will contribute to an already overly busy lane and will add to traffic congestion.

- Oak Tree Lane has people parking on pavement and double parking which impedes access for emergency vehicles.
- Heavy vehicles and delivery vehicles would add to the already overburdened traffic lanes.
- Increased traffic will increase the risk of road accidents.
- There will be pressure on overstretched local facilities.
- The Southern Consortium, an ongoing plan for the area, is to consolidate applications to enable a holistic approach, to agree this one off application would be premature and damaging to the already fragile infrastructure.
- The reasons for refusing previous applications on the site should be taken into consideration.
- The developer assumes that access to the site via Oak Tree Lane, relying on the easement afforded to the owners of Ryefield Farmhouse, being transferable to them and the future occupants of the site. Any transfer of easement is by no means certain.
- Neighbours have not been contacted by the Applicant about the application.
- The developer could consider using the Woodgate Road access, which is part of the future east / west road from the re-aligned A29. This would provide the development with all service facilities.
- The houses would be dissimilar from housing on Oak Tree Lane which would spoil the current cohesive design.
- Large construction vehicles will be required, what provision will be made for the turning of these vehicles?
- Where will the builders intend to park their large vehicles.
- Who will be responsible for clearing the dust and dirt from the Oak Tree Lane?
- It will provide a precedent for developers applying for future developments prior to completion of the A29 link road accessing these sites via Oak Tree Lane.
- Reeds Lane is only 3m wide and does not comply with Building Regulations for the access for fire services in the event of an emergency.
- The swept path analysis for a large refuse vehicles looks very tight.
- As regards the plans for drainage Southern Water S106 agreement requires permission from the land owner before works can be carried out. No permission has been granted, this goes against the requirements of Southern Water. This is the same regarding gas supply and electricity supply permission has not be sought or granted from National Grid.
- The Applicant has answered "No" instead of "Yes" to the last question of Part 8 Pedestrian and Vehicles Access Roads and Rights of way of the application form - Do the proposals require diversions / extinguishments and / or creations of public rights of way?.
- They have plans to remove two Oak trees (T20 & T29, a Sliver Birch (T)5 and a Hawthorne (T30) which is on someone else's land.
- It would make sense if the site is accessed or integrated from the proposed Pye Homes site.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments are noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

SOUTHERN WATER

- Possible increased risk of flooding to the sewer network. Any network reinforcement that is necessary to mitigate this will be provided by Southern Water.
- A condition is recommended requiring the occupation of the development to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement.

WSCC HIGHWAYS AUTHORITY

- As the site is in the Barnham-Eastergate-Westergate (BEW) Strategic Allocation proportional financial contributions will be required to provide for the necessary infrastructure to deliver the overall allocation to be secured via a S106 Agreement.
- Conditions recommended relating to access, visibility splays, car parking spaces, electric vehicle charging parking spaces, cycle parking, turning space and construction management plan.
- Informatives recommended relating to private roads, temporary works required during construction and temporary developer signage.

ADC DRAINAGE ENGINEER

- Objection based on the proposal to pump surface water the foul water sewer in Oak Tree Lane (Lidsey Treatment Catchment).
- This is unsustainable and may increase the risk of foul water flooding/pollution off-site. The risk of pump failure will also increase the risk of surface water flooding on-site.
- Recommend application is withdrawn or refused, but if you are minded to approve conditions are recommended so we can work with the Applicant to minimise the flood risk that will likely be increased by approval of the development.

ABORICULTURAL OFFICER

- I cannot support the removal of principal off-site tree (oak - T20) to facilitate any scheme for this plot.
- A development that respects and accommodates the higher quality trees and those of long-established landscape value is achievable.
- Trees of lesser quality and landscape value could be sacrificed to allow sympathetic development although a reduction of units may need to be accepted. That would not incur undue detriment to the visual amenity of surrounding area, which together with adequate mitigation (native tree and hedgerow planting) I could support.
- Recommend refusal of the application.

LANDSCAPE OFFICER

- It is recommended that further information is submitted about how connectivity to the wider community will be addressed.
- A landscape scheme should be submitted for approval to demonstrate how the development integrates with the location.
- Information on Biodiversity net gain needs to be provided.

ENVIRONMENTAL HEALTH OFFICER

- Recommend a condition requiring a noise report assessing the noise impact of the external noise sources (from Woodgate Autos) on proposed residential development.

COMMENTS ON CONSULTATION RESPONSES:

ENVIRONMENTAL HEALTH

The Case Officer has had discussions with the Applicant's Agent and it has been agreed that a noise report will not required to be submitted as requested because Woodgate Autos is no longer in operation and there is no potential for noise disturbance to the future residents of the development.

POLICY CONTEXT

Local Plan designations relevant to the determination of this application:

- Lidsey Treatment Catchment
- Built-up Area Boundary
- Strategic Housing Site Allocations (H SP2)

- TPO (TPO/AL/3/20)
- Archaeological Notification Area (HER DM6)
- HRA Buffer (SD 10)

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

SDSP1	SD SP1 Sustainable Development
HSP2	H SP2 Strategic Site Allocations
HSP2C	H SP2c Inland Arun
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
ENVSP1	ENV SP1 Natural Environment
HSP1	HSP1 Housing allocation the housing requirement
QEDM1	QE DM1 Noise Pollution
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WMDM1	WM DM1 Waste Management

Aldingbourne Neighbourhood Plan 2019-31 Policy EH2 Green infrastructure and eco systems.

Aldingbourne Neighbourhood Plan 2019-31 Policy EH5	Surface water management
Aldingbourne Neighbourhood Plan 2019-31 Policy EH6	Protection of trees and hedgerows
Aldingbourne Neighbourhood Plan 2019-31 Policy GA3	Parking and new developments
Aldingbourne Neighbourhood Plan 2019-31 Policy H2	Housing Mix
Aldingbourne Neighbourhood Plan 2019-31 Policy H3	Housing Density
Aldingbourne Neighbourhood Plan 2019-31 Policy H8	Outdoor space
Aldingbourne Neighbourhood Plan 2019-31 Policy H9	Attention to detail

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
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SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
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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 Made Neighbourhood Development Plan in this instance comprises the Aldingbourne Neighbourhood Plan (Revised Version) (14 July 2021).

The Made Neighbourhood Development Plan was originally adopted by Arun District Council in 2016 following a referendum. It was then latterly updated in 2020. Following successful Examination the Revised Version was adopted by Arun District Council on 14 July 2021.

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

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to fail to comply with the relevant Development Plan policies in regard to impact upon trees, impact on foul sewerage and drainage, lack of accessibility for non-motorised users to BEW and layout and design. In respect of each of these matters the latterly updated NPPF (14 July 2021) supports the Development Plan's position on these.

Following the adoption of the Revised Aldingbourne Neighbourhood Development Plan on 14 July 2021, with the Council's 5 Year Housing Land Supply sitting at 3.3 years, the presumption in favour of sustainable development under paragraph 11(d) is not triggered.

This assessment concludes that there are no other material considerations (including the contents of the NPPF) that would outweigh the lack of accordance with the Development Plan, in this instance.

CONCLUSIONS**1. PRINCIPLE**

The site falls in the identified Built-Up Area Boundary as identified in the Aldingbourne Neighbourhood Development Plan. Policy SD SP2 (Built-Up Area Boundary) ALP supports development within these areas.

The Arun Local Plan allocated the Barnham, Eastergate and Westergate (BEW) strategic development site upon adoption of the Local Plan. This site falls in the BEW red line. Policy H SP2 (Strategic Site Allocations) ALP makes clear 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 permeable layout'.

Whilst the site falls in the BEW red line, in accordance with the adopted Local Plan, the area was not

detailed as being central, nor integral, to the delivery of BEW. The intent behind this was to allow for this parcel to come forward at an appropriate time. However, the principles contained in the endorsed Framework Masterplan, and requirements of Policy H SP2 (a sense of place and permeable layout) still remain equally applicable.

The principle of residential development coming forward on this site is deemed to be acceptable, subject to the development delivering the policy requirements, detailed in Policy H SP2 of the adopted Local Plan.

2. DESIGN/LAYOUT

Since the Appeals decisions detailed above were issued, there have been a number of changes in local and national policy that all implicate upon the assessment of design of development. In summary, these policy shift changes which are now applicable to the determination of this application comprise:

1. Endorsement of the Barnham, Eastergate and Westergate Framework Masterplan (November 2020)
2. Adoption of the Arun District Council Design Guide (January 2021)
3. Revision of the National Planning Policy Framework (July 2021)

The endorsed Framework Masterplan (FM) contains a number of High Level Development Principles (HLDP). In summary, HLDP SDP 7 requires development to exemplify high standards of urban design to create a distinctive and attractive place with legible character areas that maximise the potential for sustainable design and non-car based travel. Finally, HLDP SDP 8 makes a firm commitment that 'the place-making objectives will be supported by the Arun Design Guide'.

The Arun Design Guide was adopted as a formal Supplementary Planning Document in January 2021. Chapter P specifically details how infill development should be assessed, in the application of the Arun Local Plan policies. Page 36 makes clear that 'surrounding buildings and spaces must inform an appropriate infill design response in order to contribute to a sense of cohesion and unity'. It makes clear that 'new schemes should emulate the established pattern of building height, scale, plot width, boundary treatment and building line along the edge of the plot'.

Oak Tree Lane is characterised by residential plots fronting onto Oak Tree Lane. There is an established set back of dwellings from their primary building line to the road of c. 10m. This gives the appearance of a suburban street with an established and coherent width. This creates a continuity in the sense of place. All properties accommodate their parking requirements in the form of off-street parking between Oak Tree Lane and the primary elevation of the dwellings.

In this area, there are no examples of either side elevations fronting Oak Tree Lane, or continuous runs of bay parking.

Conversely, the application proposal seeks a different urban form of a cul-de-sac development where the side elevation of plot 1 would be situated some 2.5m from Oak Tree Lane would be readily visible from Oak Tree Lane. This would erode the established form, continuity and cohesion of the street scape along Oak Tree Lane.

The design and layout of the site is further exacerbated through the inclusion of the visitor parking bays along the boundary of Oak Tree Lane, which comprises 6 no. spaces arranged in a bay parking formation. Such a parking arrangement directly conflicts with the established parking layout of residential buildings off Oak Tree Lane, where off-street parking is accommodated forward of the primary elevations of dwellings.

The provision of bay parking being provided is at odds with the established character of the local area is

symbiotic of development proposals which seek too much development on a site which simply cannot accommodate this quantum of development. An appropriate quantum of development is normally indicated by the layout being harmonious and coherent with the established local character of the area. This is reiterated by page 128 of the Council's Design Guide that makes clear:

'Intensification must not result in cramming. Design proposals should maintain the scale, alignment, building patterns and location character'.

The provision of the bay parking arrangements, combined with the absence of an established set back which defines the character and appearance of the area, is an erosion of a clear and consistent character and appearance of the area and is indicative of intensification of development resulting in cramming.

The purpose of the Local Plan policies and supporting Design Guidance and NPPF's focus on applying design guides in the assessment of development proposals, is to ensure development comes forward in a manner which sufficiently reflects the character and appearance of the area.

In short, it seeks to prevent developments from coming forward which overdevelop a site.

Whilst sites should be used effectively and efficiently, the NPPF makes clear that regard should be given to adopted Design Guides to prevent the effective use of a site from eroding established characters of areas, avoiding long term harm to the character of an area.

The site could comfortably accommodate 3 - 4 no. residential dwellings in a manner which reflects the established character of the area; with the established set backs and parking provisions being accommodated. There is no overriding need for the District Council to give greater weight to the provision of an additional unit, given the established and demonstrable conflicts with the adopted Design Guide.

On the basis of the above, the development would therefore not reflect the established character and appearance of the area and therefore conflicts with Policies D SP1, H SP2 and H SP2c, the endorsed BEW Framework Masterplan and the adopted Arun Design Guide.

3. ACCESSIBILITY AND CONNECTIVITY

Policy H SP2 (Strategic Site Allocations) ALP requires development to give a sense of place and permeable layout. Criteria (a) of Policy H SP2 requires development to integrate appropriately with surrounding communities through connectivity of transport modes including walking, cycling and public transport.

HLDP SDP 1 requires 'the new community at BEW will have a permeable layout that integrates and maximises and prioritises sustainable patterns of movement.' HLDP SDP 4 requires 'a comprehensive local network of Green Infrastructure including secondary pedestrian and cycle links will be provided throughout the allocation linking the area to the wider community.'

The remainder of the BEW site falls to the south of the site. Whilst the BEW site could be accessed by residents of the application site, this would be contingent upon users travelling along Oak Tree Lane, travelling south down Woodgate Road, then approaching the development along Woodgate Lane.

The land to the south has been master planned as required by Policy H SP2 and provides for direct connections to the local centre to BEW to the south. This will enable residents of Aldingbourne to access these new local centres being delivered at BEW through non-motorised forms of transport. However, such benefits to user's travel choices is contingent upon these connections to the wider area being

provided.

The site falls in the BEW allocation and the applicants seek to rely upon its allocation for the establishing the principle of development. In all other regards, the development seeks to ignore the wider connectivity principles enshrined within both the Local Plan and supporting Design Guide.

The result of this selective approach is that the development would not be well connected to the surrounding area where the community facilities and services required for day to day living will be located.

Whilst it is acknowledged that the Inspector considered that when the BEW development comes online, the sustainability concerns would be overcome. However, we are now in a position following the endorsement of the Framework Masterplan to know where these services are going to be located, and how individual parcels need to connect non-motorised forms of transport, to enable the sustainability of these sites.

The Council acknowledges that users will benefit from access along Oak Tree Lane into the adjacent parcels. However, the condition of this road is somewhat deteriorated, evidenced by the plethora of inadequate surfacing and potholes. As such, this route is not considered sufficient or adequate for the broad range of users who would use non-motorised forms of transport including the disabled, elderly and families pushing prams. The applicant has not provided for any scheme of works in order to upgrade this route to make it safe and accessible for non-motorised forms of transport.

As a result, the development seeks to rely on the fact that it has proximity to the BEW services and facilities, but does not actually provide for any meaningful or demonstrable non-motorised connections to these facilities.

Such an approach is entirely discordant and in conflict with the master planned led approach required by Policy H SP2 of the Arun Local Plan. This approach is specifically required in the wording of the Local Plan to ensure that situations such as these do not arise, when piecemeal development is proposed.

On the basis of the above, in the absence of adequate connections for non-motorised forms of transport, the development would not be accessible to services required for day to day living and therefore in conflict with Policy H SP2 and T SP1 and the endorsed BEW Framework Masterplan and Arun District Council Design Guide.

4. TREES

Policy ENV DM4 (Protection of Trees) ALP requires development to demonstrate that trees protected by a Tree Preservation Order(s) (TPO) identified as Ancient Woodland, in a Conservation Area or contributing to local amenity, will not be damaged or destroyed now and as they reach maturity unless the three point criteria is adhered to.

The Council's Tree Officer was formally consulted within the public consultation period of the application. Their response concluded that:

'It is acknowledged that a large number of trees would be removed to facilitate the development, including a mature oak (subject of Preservation Order). Proposed mitigation measures are not sufficient to compensate for their loss and it is hard to see how they could achieve that with such a configuration of units and parking area. Those trees, particularly roadside, contribute to the character of the area.

Several are off-site and appear to be in third party ownership. Notwithstanding the above, if approval is given for this application in current form without adequate mitigation for construction within Root

Protection Areas and third parties do not consent to the removal of their trees - significant damage to those trees is highly likely to occur.'

In conclusion, the Tree Officer recommended that:

'I find this latest application to be ill-conceived in arboricultural terms and layout inferior to that previously submitted. I cannot support the removal of principal off-site tree (oak - T20) to facilitate any scheme for this plot. A development that respects and accommodates the higher quality trees and those of long-established landscape value is achievable, yet there is no aspiration to do so here.

Trees of lesser quality and landscape value could be sacrificed to allow a sympathetic development although a reduction of units may need to be accepted. That is reasonable and of itself would not incur undue detriment to the visual amenity of surrounding area, which together with adequate mitigation (native tree and hedgerow planting) I could support.'

There has been no evidence or information submitted in the course of this application that would warrant coming to any different conclusion than advised by the Tree Officer in their formal consultation response.

On this basis, the development would result in the loss of a protected tree and result in unnecessary and undue harm on adjacent protected trees which is not permitted by the three criteria set out in Policy ENV DM5 of the Arun Local Plan.

5. FOUL SEWERAGE & WASTE WATER

Policy W DM3 (Sustainable Urban Drainage Systems) ALP seeks to ensure SUDS discharge water from developments to be at a lesser rate, as prior to construction. To achieve this, criteria (f) requires development to follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations and the SUDS manual produced by CIRIA.

The applicant in this case has undertaken groundwater monitoring and infiltration testing which has shown that infiltration as a means of surface water disposal is not viable (due to high groundwater).

The hierarchy for sustainable drainage states that if infiltration is not viable then discharge to a watercourse should be investigated, followed by discharge to a surface water sewer, and then a combined sewer where there are absolutely no other options.

The applicant appears to have made no attempt to investigate a gravity connection to either open or culverted (piped) watercourses to the east or south of the site, assumably as this will require permission from adjacent landowners for the connecting pipes to cross their land.

Instead they submitted a drainage strategy which proposes to pump surface water to the foul sewer. Irrespective of that foul sewer location (within the Lidsey Treatment Catchment), WSCC SUDS Policy states that "surface water must not be discharged into the foul sewer system". However, in this particular location, the addition of surface water to the foul sewer is likely to increase sewer flood risk to properties/roads and increased pollution to watercourses within the Lidsey Treatment Catchment. To do so would be in contradiction of WSCC SUDS Policy 2.

WSCC SUDS Policy 3 also stipulates that "pumps should therefore not form part of drainage schemes". This is to mimic natural flows and drainage flow paths, an important aspect of SUDS design. The use of pumps is not considered to be sustainable due to the risk of failure and consequential increased risk of onsite surface water flooding as a result of such failure. The WSCC SUDS Policy emphasises that; "working with existing natural gradients also avoids any reliance on pumped drainage, with its associated

energy use and failure risk".

The increased flood risk both off site and onsite as a result of the proposed surface water drainage strategy is in direct contravention of WSCC SUDS Policy 2 and the NPPF.

By not fully investigating the option of discharging surface water via a gravity solution to a watercourse, the applicant is not following the hierarchy for sustainable drainage. This fails to meet the requirements of Policies W DM1 and W DM3 of the Arun Local Plan and WSCC SUDS Policy 1.

6. ECOLOGY AND PROTECTED SPECIES

The site falls in the 12km buffer of the Singleton and Cocking Tunnels Special Area of Conservation (SAC). The submitted Ecological Appraisal notes in Table no.2 the Statutory Protected sites that were included in the baseline of the Appraisal. This omits the statutory protected site of the Singleton and Cocking Tunnels SAC.

The Appraisal concluded that six bat species were recorded in 2km of the site. The Appraisal confirms that 'trees and hedges are likely used by bats as commuting and foraging feature. The site is likely to be of site value for bats'. No Phase 2 surveys have been undertaken, or recommended in the Appraisal.

In line with the Habitats Regulations Assessment, the Local Planning Authority (acting as the Competent Authority) are required to undertake an Appropriate Assessment in order to conclude that the development works would not result in 'likely significant effects' on the foraging of bats deriving from the Singleton and Cocking Tunnels SAC.

This statutory designation is clear on the Council's online mapping system and more widely publicly accessible mapping system for habitat designations; however, the submitted Appraisal wholly negates this European designated site.

On the basis of the above, insufficient information has been submitted to allow the Local Planning Authority, as the Competent Authority, to conclude that the development will not result in likely significant effects on the Singleton and Cocking Tunnels SAC.

7. HOUSING MIX

Policy H DM1 (Housing Mix) ALP requires the Council to seek a mix of dwelling types and sizes that adhere to the latest Homes England design guidance. The SHMA (Updated Housing Needs Evidence - Final Report) undertaken in September 2016 by GL Hearn, on behalf of Arun District Council, assessed the housing needs of the District. This included the broad mix of dwelling sizes anticipated on sites.

This 2016 SHMA concluded that there was a need in the District for the following market housing needs:

1 Bedroom: 5 - 10 %
 2 Bedrooms: 40 - 45%
 3 Bedrooms: 35 - 40%
 4+ Bedrooms: 10 - 15%

In contrast, the housing mix on the proposed site comprises;

1 Bedrooms: 0%
 2 Bedrooms: 0%
 3 Bedrooms: 40%
 4+ Bedrooms: 60%

As demonstrated above, the provision of 3 bedroom units falls within the 35-40% band for the provision of 3 bedroom units. Therefore, it is concluded that the quantum of 3 bedroom dwellings would accord with the 3 bedroom needs of the District.

However, the remainder of the housing units should be split between 2 and 4 bedroom houses, with a greater emphasis upon smaller units. The intent of this is to encourage first time home owners and downsizers; where there is a demonstrable need within the District as identified within the 2016 SHMA.

In contrast, the remainder of the housing units is solely taken up by 4+ bedrooms. The SHMA recognises a need for 15% of units on housing sites to comprise 4+ bedroom units; whereas the application site provides for 60% housing units.

The effect of this overprovision of 4+ bedroom properties by 35% impacts upon the ability for first time home owners and down sizers to have their needs met within the housing market in the District. This is specifically what the conclusions of the 2016 SHMA and subsequent adopted Policy H DM1 of the Arun Local Plan seeks to prevent.

On the basis of the above, the development would fail to provide for the recognised housing needs of the District as set out in the 2016 SHMA and Policy H DM1 of the Arun Local Plan.

8. INTERNAL SPACE STANDARDS/AMENITY SPACE

Policy D DM2 (Internal Space Standards) ALP requires internal spaces to be an appropriate size to meet the requirements of all occupants and their changing needs.

Within the application period the LPA requested confirmation that some units will meet Lifetimes Homes standards. The applicants provided updated plans confirming this was the case.

The internal layouts of the properties appear to accord with the Nationally Described Space Standards and the use of a condition securing the development of these units to these specifications would be sufficient had all the former matters been deemed acceptable.

9. PARKING, HIGHWAYS SAFETY AND REFUSE STORAGE

Policy T SP1 (Transport and Development) ALP requires developments to incorporate appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide, taking into consideration the impact of development upon on-street parking.

The Arun District Council Parking Standards Supplementary Planning Document (SPD) January 2020 sets out the parking demands for residential developments within Parking Behaviour Zone 2. For 3 bedroom houses 2 no. vehicular spaces are required. For 4 bed houses 3 no. vehicular spaces are required.

The parking provision accords with the standards set out in the Arun District Council Parking Standards Supplementary Planning Document (SPD).

10. HISTORIC ENVIRONMENT

There are no statutory or locally listed buildings located in the vicinity of the application site. Further, there are no Conservation Areas, or settings of, that would be affected by the development proposals.

The site falls within a designated Archaeological Notification Area. Therefore, had all other matters been deemed acceptable then a simple condition requiring trial trenches would have been and/or a watching brief would have been sufficient to address any such concerns.

11. TILTED BALANCE & OTHER MATERIAL CONSIDERATIONS

Paragraph 14 of the NPPF makes clear that 'in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbouring plan is likely to significantly and demonstrably outweigh the benefits, provided all of the criteria applies. This criteria includes:

- a) The neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;
- c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 74); and
- d) the local planning authority's housing delivery was at least 45% of that required over the previous three years

In this instance, the Local Planning Authority and Aldingbourne Parish Council fulfil the criteria (a) - (d) and therefore the presumption under paragraph 11(d) does not apply.

Notwithstanding this position, the NPPF contains a number of material considerations. In its latest revision on 20 July 2021, the Government significantly strengthened its position on the use and application of design guides in the determination of planning applications. Specifically, paragraph 128 now makes clear that 'to provide maximum clarity about design expectations at an early stage, all local planning authorities should prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code, which reflect local character and design preferences.' In this instance, the Local Planning Authority has undertaken this extensive work which aligns with the requirements of the NPPF.

Paragraph 129 of the NPPF details how such Design Guides should be applied at decision taking level. 'Design guides and codes can be prepared at an area-wide, neighbourhood or site-specific scale, and to carry weight in decision-making should be produced either as part of a plan or as a supplementary planning documents'. In this instance, the ADC Design Guide comprises a formally adopted SPD. Following paragraph 129, it therefore carries weight in decision-making.

To make this position abundantly clear, paragraph 134 states:

'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.'

Whilst the LPA acknowledges the applicants intention of using the site effectively, safeguards such as Design Guides are adopted by Local Planning Authorities to specifically ensure that sites are not overdeveloped. The way in which they work is that if too much development is proposed, then it simply cannot accord with the contents of the adopted Design Guides.

In this instance, whilst the LPA appreciates the aspiration to use the site effectively, this is not an absolute overriding requirement; particularly owing to the absence of the tilted balance. Further, the Government's introduction of assessing the design of development against adopted Design Guides is clear, highlighted through its specific introduction in the most recent iterations of the NPPF.

12. CONCLUSION

This application has assessed the proposed development against the policies contained within the Development Plan. It has found demonstrable harm to arise from the design of the development, connectivity of development, loss of trees as a result of development, inadequate foul sewerage

arrangements, insufficient information relating to Internally Designated Special Areas of Conservation and inadequate housing mix.

This report has balanced this harm against other material considerations, including that of the contents of the NPPF. However, it has found that the contents of the NPPF supports the determination in accordance with the Development Plan. Whilst it is acknowledged that the NPPF does give some support to using sites effectively, this material consideration is not of sufficient weight to demonstrably outweigh the 6 areas of harm identified above.

On the basis of the above, planning permission is therefore unable to be granted.

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

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.

SECTION 106 DETAILS

The site falls in the BEW Strategic Development Site. As a result, it falls in a Zero CIL Zone. The anticipation is for any funding for infrastructure to be sought through S106. Policy INF SP1 (Infrastructure Provision and Implementation) ALP requires the LPA to support development proposals which provide or contribute towards the infrastructure and services needed to support development to meet the needs of occupiers and users of the development and the existing community.

The applicant did not provide any Draft S106 Agreement as part of their submission. The LPA notes that the applicant is the same as that of BN/135/20/PL where this site also fell in the BEW Strategic Development site. On this basis, the applicant was wholly aware of the position of the LPA and their approach towards S106 Agreements on the BEW strategic development site; however, no such Agreement nor Heads of Terms has been set out.

The infrastructure requirements associated with BEW are set out in the 'Updated County Mitigation requirements for Barnham, Eastergate and Westergate - November 2020' which relates to non-highways matters. All strategic wide highways matters are set out in the LPA's jointly prepared Apportionment

Study.

Notwithstanding this absence, the LPA would have sought contributions towards the following items on the basis of the site contributing to 0.1% of the total infrastructure cost (0.1% comprising 5 units of a 4,300 units allocation):

- Primary Education
- Early Years Education
- SEND Education
- Secondary Education
- Sixth Form Education

- Off-Site Flood Risk & Drainage
- Libraries
- Fire & Rescue

- A29 Realignment
- East-West Link to Barnham Railway Station
- Travel Plan Measures
- Barnham Village Centre Enhancements
- B2233 Pedestrian Improvement Measures
- Bus Service Improvements
- Barnham - Bognor Regis Cycle Route
- Barnham - Tangmere Cycle Route
- A29/B2233 War Memorial Roundabout Junction Improvements
- Westergate Cycle Link Scheme
- A27/B2233 Nyton Road Junction Improvement
- A27/A29 Fontwell Eastern Roundabout
- Additional Cycle Parking at Barnham Railway Station
- Cycle Links between BEW and the South Downs National Park
- Dedicated NMU grade-separated Railway Crossing - Rife Valley Park
- Dedicated NMU grade-separated Railway Crossing - PROWs
- Dedicated NMU grade-separated crossing of the A29 link road for NMUs
- A259 Oyster Catcher junction
- A25 Corridor Improvement Bognor Regis to Littlehampton
- Additional Transport Improvement identified by Transport Assessment/Statements

Please note the above list comprises a starting point and any S106 Agreement would require full accordance with Regulation 122 of the CIL Regs.

CIL DETAILS

This application is CIL Liable therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply)

RECOMMENDATION

REFUSE

- 1 The development fails to accord with the contents of the adopted Arun District Council Design Guide in reference to the layout, orientation and siting of the dwellings. The development results in an incongruous form of development in contrast to the existing defined character of

the area. The development is contrary to Policies D SP1 and H SP2c of the Arun Local Plan, the endorsed BEW Framework Masterplan, adopted Arun District Council Design Guide and NPPF.

- 2 The development fails to demonstrate how the site provides for sustainable, non-motorised forms of connections, to the future services contained on BEW. The development is contrary to the masterplan led approach required by Policies T SP1 and H SP2 of the Arun Local Plan, the endorsed BEW Framework Masterplan, adopted Arun District Council Design Guide and NPPF.
- 3 The development results in the direct loss of protected trees without overriding justification having been demonstrated contrary to Policy ENV DM4 of the Arun Local Plan.
- 4 The foul water arrangements seek to discharge directly to the foul sewer without following the necessary hierarchy of discharge. Such an approach is likely to impact on the Lidsey Waste Water Treatment plant. The development fails to provide a Drainage Impact Assessment that takes account of the individual and cumulative impact upon foul water disposal; flood storage capacity and surface water drainage within the Lidsey Wastewater Treatment Catchment Area; contrary to Policies W DM1 and W DM3 of the Arun Local Plan and WSCC SUDs Policy 1.
- 5 The applicant has provided no information, nor any Shadow Habitat Regulations Assessment, in reference to the Singleton and Cocking Tunnels SAC. Therefore, the Local Planning Authority is unable to conclude that the development would not result in likely significant effects on the Singleton and Cocking Tunnels Special Area of Conservation (SAC), contrary to Policies ENV DM1 and ENV DM5 of the Arun Local Plan and the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations).
- 6 The housing mix would result in a dominance of 4 bedroom properties in a District that has an identified and demonstrable need for 2 - 3 bedroom properties. The development fails to accord with Policy H DM1 of the Arun Local Plan and the 2016 Updated Housing Needs Evidence - Final Report (SHMA).
- 7 The applicant has not provided a Draft S106 Agreement, nor any indicative Heads of Terms, to enable the Local Planning Authority to enter into a S106 Agreement to secure the necessary infrastructure relating to the development; contrary to Policies H SP2, H SP2c and INF SP1 of the Arun Local Plan.
- 8 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. Whilst some of these matters have been overcome within the application, the remaining issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.