

REPORT UPDATE

Application No: AL/83/16/OUT

Reason for the Update / Changes

Reason for Update/Changes:

Aldingbourne Parish Council submitted the following comments on the 27th February:

- (1) The site was agricultural land prior to its current ownership
- (2) The APC NDP seeks to protect agricultural land
- (3) Arun District Council now has a 5 year Housing Land supply
- (4) The development is contrary to policy GEN 7 of the Arun Local Plan and policies H1 and H3 of the APC NDP which is attached for reference.
- (5) If the Parish Council had more notice the policies within the NP could have been expanded however I note that today is the last date for comments and therefore the Plan is attached in its entirety."

A further response was then issued on the 5th March and states that:

"The Parish Council has now had an opportunity to review your report to Committee in respect of this application which was the subject of a judicial review in December 2017.

The Parish Council understands you have recommended approval of application AL/83/16/OUT and wishes the Committee members to be aware of The Parish Council's concerns and those of parishioners. Specifically:

- That the Aldingbourne Neighbourhood Plan is a recently made plan which was approved at referendum in 2016, just 18 months ago with over 90% support.
- That the Neighbourhood Plan specifically resists the loss of Best and Most Versatile land (pp.32 - 33) and that a special policy test applies to this (i.e. whether the loss of Best and Most Versatile land is clearly outweighed by 8 units).

Aldingbourne Parish Council considers that

- i. The housing proposed is not specifically to support an agricultural enterprise or other land-based rural business as required by policy EH3.
- ii) Given that the proposal is to build 8 units, the weight that can be attached to that benefit is small and will be a drop in the ocean of Arun's overall housing land situation.
- iii) The loss of BMV land is something national policy resists and is important for the local economy, it should therefore carry significant weight,
- (iv) the NPPF places great weight on neighbourhood plans (paras.184-185) and the Parish Council considers that significant harm that will be caused to public confidence in plan making locally will be great. Therefore there is a conflict with EH3 which should carry substantial weight in the planning balance.

The Parish Council considers as such, those harms do significantly and demonstrably outweigh the modest benefit of 8 new units and planning permission should therefore be refused.

Officers Comment:

In response to point (1) above, it is understood from Land Registry records that the owners bought the property in 2012. Also, aerial photography from 2010 suggests that the majority of the application site land was at that time in arable use. Otherwise, the issues raised are already considered within the officers report.

There are no changes to the recommendation or conditions

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.

Recommendation Report for Outline Consent

REF NO: AL/83/16/OUT

LOCATION: Land south & west of Barnside
& east of pond
Hook Lane
Aldingbourne

PROPOSAL: Outline application with all matters reserved for residential development of up to 8No. dwellings & associated works including access, landscaping & open space. This application is a Departure from the development plan. Resubmission of AL/8/16/OUT

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	All matters are reserved. The application is accompanied by an illustrative layout/landscaping drawing.
SITE AREA	0.97 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	8.2 dwellings per hectare.
TOPOGRAPHY	The site is generally flat.
TREES	Trees T4 & T5 are to be felled but neither are considered to possess the attributes to be worthy of a TPO.
BOUNDARY TREATMENT	- A line of 4-5m high Fir Trees to the southern boundary; - Low hedge interspersed with trees to the western and eastern boundaries; - 1.9m high brick wall to Barnside's rear garden (no current side boundary to the dwelling itself) - 1.9m high close boarded fence to the northern boundary with "Banff". There is a ditch just beyond the hedge at the edge of the field

(western boundary).

SITE CHARACTERISTICS

The site has an access from Hook Lane. The site comprises a mix of open mown grassed areas and 6 no. single storey timber/block work barns. There is a pond in the south west corner.

CHARACTER OF LOCALITY

The site lies to the west of Hook Lane which has some residential development fronting on to it. There is a horticultural nursery with reservoir to the south, the land to the west is agricultural.

Barnside has rear first floor windows which face west and south. It has a 1.5 storey sun room to the rear and a side facing first floor narrow window. The next property to the North is "Banff" and has a first floor rear window but views of it are obscured by trees along the boundary.

RELEVANT SITE HISTORY

AL/107/16/RES	Application for Reserved Matters application following Outline Planning Permission AL/39/13 for the demolition of Oakdene and all other structures within the site and the erection of 79 dwellings, public open space, children's play areas, landscaping, drainage measures, sub-station, pumping station and all other associated works.	ApproveConditionally 24-05-17
AL/8/16/OUT	Outline application with all matters reserved for a residential development of up to 14 No. dwellings & associated works including access, landscaping & open space. This application is a Departure from the Development Plan.	Refused 16-05-16
AL/39/13/	Outline application for the proposed demolition of Oakdene and all other structures within this site and the erection of a residential development of up to 79 dwellings, public open space, childrens play areas, landscaping, drainage measures and all other associated works (means of access into the site to be considered, appearance landscaping, layout, scale and access within the site to be reserved) - This is a Departure from the Development Plan	Refused 14-02-14
AL/32/13/	Construct vehicle access from Hook Lane previously permitted under AL/24/02	ApproveConditionally 04-07-13

Planning permission was granted in July 2013 for a new access into the site following a lapsed permission from 2002. The 2013 permission expired on the 5th of July 2016.

AL/8/16/OUT sought outline permission for a development of 14 dwellings on this site. It was refused in May 2016 for four reasons, three of which related to the lack of a signed Section 106 legal agreement and the other was as follows:

"The proposal would constitute an unsatisfactory form of development and an over-intensive use of the site which would adversely affect the existing low density & semi-rural character of Hook Lane contrary to policy GEN7 of the Arun District Local Plan (2003), policy D DM1 of the Arun Local Plan 2011 - 2031 (Publication Version), policies H1 & H3 of the Emerging Aldingbourne Neighbourhood Plan and the good design principles in the National Planning Policy Framework.

This decision was subsequently appealed and allowed by the Inspector on the 24th May 2017 (ref APP/C3810/W/16/3155330). However, a judicial review of the Inspectors decision was then lodged by Aldingbourne Parish Council (ref CO/2105/2017) and this claim succeeded with the effect that the appeal decision was quashed on the 14th November 2017. This appeal is now being re-determined by the Planning Inspectorate.

Application AL/83/16/OUT was previously decided by the Development Control Committee on the 2nd of November 2016. Following completion of the Section 106 legal agreement, a decision notice was issued on the 9th of January 2017.

However, subsequently, Aldingbourne Parish Council lodged a judicial review of the decision. This was heard at the Planning Court on the 7th of December under ref CO/901/17 where it was decided that the claim be allowed solely on Ground 1.

This Ground was that "the officers' report to committee failed to take into account policies dealing with the loss of best and most versatile agricultural land". The officer report stated in this regard that:

"In respect of agricultural land, although according to DEFRA's Mapping ... the site is located in an area designated as Grade 2, the land itself is not being used for farming and there is no reasonable prospect that it will in the future be farmed. It is not therefore considered that a refusal could be sustained on these grounds."

The High Court Judge held that the bare assertion contained in the report (that there is no reasonable prospect that the site will be farmed) required some evidence behind it and that the judicial review process with its opportunity for the Council to point to evidence had not been taken.

On this basis, the planning permission ref AL/83/16/OUT was quashed.

The officers report to committee has therefore been amended in order to (a) properly take account of the agricultural policy and (b) update the other sections of the report to reflect the current policy position. The recommendation remains to approve subject to conditions and the signed Section 106 Agreement.

It is also considered that regard should be had to applications AL/39/13 and AL/107/16/RES which concern a 79 dwelling planning permission on land between Hook Lane and Westergate Street. The entrance to that site is almost opposite to the site access to the application site.

REPRESENTATIONS RECEIVED:

Aldingbourne Parish Council

Aldingbourne Parish Council

"Objection:

1. Outside the settlement boundary;
2. Contrary to policies in the emerging Aldingbourne NDP (referendum date 18/10/16);
3. Not sustainable - over reliance on car for mode of travel;
4. Additional traffic movements generated will be detrimental to quite nature of existing Lane and contrary to the community desire for this areas to be designated as a quiet Lane;
5. Contrary to the NDP dark skies policy;
6. Contrary to the NDP policy on protecting agricultural land; and
7. Contrary to policy EH7.3 safeguarding the countryside and protected species in this designated biodiversity corridor."

In addition, 20 letters of objection were received raising the following concerns:

- (1) High density urban style development out of keeping with the scattered rural nature of the area;
- (2) Conflicts with NPPF Sustainability test;
- (3) Outside the settlement boundary and a departure from the Local Plan;
- (4) Hook Lane is unsuitable in highway safety/convenience terms for any more houses - in terms of its narrowness, no footpaths, damaged road edges, traffic speeds, traffic build up back from the A29 junction/level crossing;
- (5) Unsustainable location - no footpaths, cycle paths, limited bus services, no bus stops in walking distance;
- (6) Increased surface water flooding particularly as the land already floods;
- (7) Local Doctors & Schools are struggling to cope with all the new houses;
- (8) Relationship of this site to the proposed site opposite - highway impact;
- (9) Loss of wildlife/wildlife habitat including Great Crested Newts, Bats;
- (10) Contravenes the Neighbourhood Plan; and
- (11) Aldingbourne NP originally promoted 30 dwellings and 79 have since been approved on land east of Hook Lane - is there a need for a further 8.

COMMENTS ON REPRESENTATIONS RECEIVED:

Regarding point 7 of the Parish Council comments, the policy reference has changed and is now EH2.

In respect of comments about local infrastructure, there is no provision within the development plan to seek contributions on schemes of this size for improving hospitals or doctors. As the number of dwellings falls below 10, it is not possible to seek education contributions. A contribution will be sought in respect of public open space/play facilities.

The report's conclusions section will deal with the other issues raised including agricultural land.

CONSULTATIONS

WSCC Strategic Planning

Ecology Advisor

Planning and Housing Strategy

Environmental Health
Arboriculturist
WSCC Strategic Planning
Highways England
Engineers (Drainage)
Surface Water Drainage Team
Parks and Landscapes
Southern Water Planning
Engineering Services Manager

CONSULTATION RESPONSES RECEIVED:

HIGHWAYS ENGLAND - raised no objection.

SOUTHERN WATER - raised no objection subject to an informative regarding connections to the local sewer system and a condition requiring approval of the foul & surface water drainage scheme.

WSCC HIGHWAYS - did not consider that the proposal would have a 'severe' impact on the operation of the highway network and therefore would not be contrary to the NPPF (para 32). Stated that there were no transport grounds to resist the proposal. Recommended conditions in respect of the site access, visibility, a Construction Management Plan and an updated Safety Audit.

CHICHESTER DC ENVIRONMENTAL MANAGEMENT - no response received. However, in respect of application AL/8/16/OUT, they raised no objections subject to mitigation measures in respect of bats, Great Crested Newts and nesting birds being secured by planning condition.

ADC DRAINAGE - raised no objection and requested drainage conditions ENGD2A, ENGD4A, ENGD5A and ENGD6A.

ADC GREENSPACE - raised no objection subject to conditions on tree protection and landscaping.

ADC ENVIRONMENTAL HEALTH - raised no objection subject to contamination conditions and a restriction on construction working hours.

ADC ARBORICULTURALIST - objected on the grounds that the applicant had not provided an Arboricultural Method Statement & Tree Protection Plan.

COMMENTS ON CONSULTATION RESPONSES:

Given the size of the site and the number of people potentially affected, it is not considered reasonable to control the working hours of the construction period.

The applicant had provided the documents required by the Councils Tree Officer but no response to these had been received. It is considered that a suitable condition would protect the remaining trees.

All other consultee comments noted.

POLICY CONTEXT

Designations applicable to site:

Outside of the Built Up Area Boundary;
Lidsey Treatment Catchment Area;
Area of Special Control of Adverts;
Archaeological Notification Area;
Grade 2 Agricultural Land; and
Class C Road.

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

GEN2	Built-up Area Boundary
GEN3	Protection of the Countryside
GEN5	Provision of New Residential Development
GEN7	The Form of New Development
GEN9	Foul and Surface Water Drainage
GEN11	Inland Flooding
GEN12	Parking in New Development
GEN20	Provision of Public Open Space within New Development
GEN28	Trees and Woodlands
GEN29	Nature and Conservation Across the District
GEN32	Noise Pollution
GEN33	Light Pollution

Publication Version of the Local Plan (October 2014):

C SP1	Countryside
D DM2	Internal Space Standards
QE SP1	Quality of the Environment
SD SP1	Sustainable Development
SD SP2	Built -Up Area Boundary
SO DM1	Soils
T DM1	Sustainable Travel and Public Rights of Way
D DM1	Aspects of Form and Design Quality
D SP1	Design
ECC SP2	Energy and climate change mitigation
ENV DM4	Protection of Trees
ENV DM5	Development and Biodiversity
H DM1	Housing Mix
LAN DM1	Protection of Landscape Character
OSR DM1	Open Space, Sport & Recreation
QE DM1	Noise Pollution
QE DM2	Light Pollution
T SP1	Transport and Development
W DM2	Flood Risk

W DM3 Sustainable Urban Drainage Systems

Main Modifications of the Local Plan (April 2017):

H SP1 Housing Allocations
 H SP2 Strategic Site Allocations
 H SP2c Inland Arun
 SD SP1a Strategic Approach

Aldingbourne Neighbourhood Plan 2016 POLICY EH1

Resist development outside

Aldingbourne Neighbourhood Plan 2016 POLICY EH2

Support adjacent to biodiversity corridors only if demonstrate no harm.

Aldingbourne Neighbourhood Plan 2016 POLICY EH3

Green infrastructure and Ecosystem services
 Best and most versatile resisted unless...

Aldingbourne Neighbourhood Plan 2016 POLICY EH5

Development on Agricultural Land
 Development in Flood risk areas will not be supported unless...

Aldingbourne Neighbourhood Plan 2016 POLICY EH6

Surface Water Management
 Protection of trees and hedgerows

Aldingbourne Neighbourhood Plan 2016 POLICY EH10

Unlit village status

Aldingbourne Neighbourhood Plan 2016 POLICY EH11

Flint walls

Aldingbourne Neighbourhood Plan 2016 POLICY GA1

Promoting Sustainable movement

Aldingbourne Neighbourhood Plan 2016 POLICY GA2

Footpath and cycle network

Aldingbourne Neighbourhood Plan 2016 POLICY GA3

Parking and new development

Aldingbourne Neighbourhood Plan 2016 POLICY H1

New housing or altering dwellings

Aldingbourne Neighbourhood Plan 2016 POLICY H2

Quality of Design
 Range of house types

Aldingbourne Neighbourhood Plan 2016 POLICY H3

Housing Mix
 Housing density

Aldingbourne Neighbourhood Plan 2016 POLICY H8

Dwellings must have adequate private or shared amenity.

Aldingbourne Neighbourhood Plan 2016 POLICY H9

Outdoor space
 Items to consider e.g. - bin stores
 Attention to detail

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD1	Open Space & Recreation Standards
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POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new Local Plan is in preparation and constitutes a material consideration when determining planning applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was suspended whilst Arun District Council addressed matters raised by the Inspector but it resumed on 17th September 2017 and has now concluded. The District Council is awaiting the Inspector's report which is due out in Spring 2018. The Main Modifications to the Arun Local Plan and evidence base are being made available for public consultation. Representations can be submitted to the council over a six week period starting on Friday 12 January until 5pm on Friday 23 February. This follows on from the Arun Local Plan examination hearings held in September 2017.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account. The examination ended in Autumn 2017 following publication of modifications to the Plan.

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. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

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.

The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

The relevant policies of the Aldingbourne Neighbourhood Plan are discussed in this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposed development is located outside the built up area boundary (BUAB) of Aldingbourne and is therefore considered to be contrary to the relevant Development Plan policies. However, there are significant material considerations that would weigh in favour of the proposals and the policies within the development plan that relate to the supply of housing are out-of-date.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background as detailed in the Conclusion section.

- The fact that the Council cannot currently demonstrate a 5-year housing land supply;
- The National Planning Policy Framework (NPPF) and associated guidance particularly in respect of Sustainable Development;
- The Written Ministerial Statement of December 2016;
- The Secretary of State's recent decisions concerning the Call-in Inquiries for the Fontwell (WA/22/15/OUT), Burndell Road (Y/19/16/OUT), Ford Lane (Y/80/16/OUT) and New Barn Lane (BE/77/16/OUT) applications;
- The Supreme Court Ruling dated 10th May 2017 on the application of Paragraphs 14 & 49 of the NPPF in respect of how they relate to the lack of a 5-year housing land supply (Suffolk Coastal District Council v Hopkins Homes Ltd and another Richborough Estates Partnership LLP and another v Cheshire East Borough Council);
- The planning permission which has been granted for 79 dwellings on the land to the other side of Hook Lane (planning refs AL/39/13 and AL/107/16/RES); and
- The planning history of the site namely that planning permission for AL/83/16/OUT was previously granted by the Council and that the judicial review against this decision only succeeded on the basis that no evidence had been provided to support the lack of weight given to the agricultural land policies.

CONCLUSIONS

PRINCIPLE:

It is noted that the Parish Council object on the grounds that the application site is outside the built up

area, is therefore contrary to the policies of the Aldingbourne Neighbourhood Plan (ANP) and is an unsustainable site location. In addition local residents object on the basis that the proposal conflicts with the NPPF Sustainability test, is outside the settlement boundary and is a departure from the Local Plan, and contravenes the Neighbourhood Plan. Residents also state that there is not a need for 8 dwellings given the number of dwelling approved elsewhere in the parish.

The Development Plan

The development plan for the Arun District currently comprises the Arun District Local Plan (2003) (saved policies), the Aldingbourne Neighbourhood Plan or ANP (October 2016) and the West Sussex Waste and Minerals Plan.

Arun District Local Plan 2003

The policies of most relevance are saved policies GEN2 and GEN3 of the Arun District Local Plan (ADLP). Policy GEN2 states that outside of the built up area boundary (BUAB), development will not be permitted unless it is consistent with other ADLP policies.

ADLP Policy GEN3 "Protection of the Countryside" states that except for various categories of development (of which none apply to the application proposal), development within the countryside will not be permitted. As this site lies outside the nearest BUAB, it is categorised as being within the countryside and the scheme would therefore conflict with ADLP Policies GEN2 and GEN3.

Aldingbourne Neighbourhood Development Plan

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

Map E of the ANP includes a BUAB drawn around the settlement of Westergate. The closest part of the application site lies approximately 90m northwest of the edge of the defined Westergate built up area boundary. However, despite its proximity, the site is clearly outside classified as countryside.

ANP policy EH1 states that development will not be allowed on sites outside of the built up area boundary except where it is in accordance with development plan policies in respect of the countryside. Policy H6 (residential windfall sites) only applies to sites within the built up area boundary. It is also noted that policy GA1 states that proposals that increase travel demand are to be located in places accessible to public and community transport.

As set out above, the proposal would conflict with ADLP policies GEN2 and GEN3 and therefore also conflicts with policies EH1 & H6 of the ANP as the proposal would fail to protect countryside in accordance with those policies.

Emerging Development Plans

This includes the emerging Arun Local Plan 2011-2031 Publication Version October 2014 (eALP) as modified March 2017 ('the modified eALP'); and the main modifications published in January 2018.

The eALP was submitted for examination in January 2015. However, following a material increase in the Objectively Assessed Need (OAN) for housing, the eALP examination was suspended to allow ADC to review potential additional locations for housing development. The proposed Modifications were approved by Full Council and consultation took place on the new document ("Arun Local Plan 2011-2031

Publication Version showing Modifications") between 10 April and 30 May 2017.

The hearing sessions into the examination of the Arun District Local Plan ended on Thursday 28 September 2017 and the Inspector has since written to the Council to set out his 'Interim Views following the Hearings'. The Council responded to this document on 22/11/17.

Policy H SP1 "Housing Allocation" of the modified eALP sets out the overall provision of 20,000 new homes through the Local Plan phased over the plan period to 2031. It includes a reference to additional allocations for small sites being made across the District through emerging Neighbourhood Plans or reviews of made Neighbourhood Plans.

Policy H SP2 "Strategic Site Allocations" is split into 3 sections covering different areas of the District. An allocation is proposed by Policy H SP2c for 2300-3000 dwellings between the settlements of Barnham, Eastergate and Westergate. The application site does not form part of this allocation.

Policy SD SP2 "Built up Area Boundary" states that outside the BUAB, apart from Strategic, Site Specific and Broad Allocations, development will not be permitted unless consistent with other plan policies. In addition, Policy C SP1 "Countryside" states that residential development in the countryside outside of the BUAB will not be permitted unless in accordance with policies in the Plan which refer to a specific use or type of development. As the proposed site does not form part of a proposed allocation and is not in accordance with another policy within the eALP, the exception would not apply and the proposal would be contrary to eALP policies SD SP2 and C SP1.

The proposed development is not located in a strategic, site specific or broad allocation in the eALP, so the application will need to be considered alongside other plan policies.

Planning Balance

For reasons given above, the proposal is not in accordance with ADLP Policies GEN2 & GEN3 or policies EH1 & H6 of the ANP. As set out below, these policies are all out-of-date and carry reduced weight. The following sets out whether there are any material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

There has been an almost doubling of the objectively assessed need (OAN) for the Arun District to 919 dwellings per annum (dpa) and the current reported housing land supply figure for Arun District is only around 2.07 years (as at 31/03/17). This demonstrates that there is a pressing need to identify and bring forward deliverable sites for housing and that ADC cannot currently demonstrate a 3 or 5 year supply of deliverable housing sites.

In recognition of this, the Local Plan Sub-Committee (LPSC) resolved in December 2016 to invite planning applications for the first phases of sites being investigated at potential strategic allocations. It was also resolved to invite planning applications on sites identified as being 'deliverable' within the Housing and Employment Land and Availability Assessment (HELAA) where they are considered sustainable and will not prejudice the emerging local plan and/or infrastructure delivery.

The application site was assessed as part of the HELAA (ref WE2) as being:

"Outside but adjoining the settlement boundary. Currently development on this site would contravene policy and therefore the site would not be considered to be suitable. However, the site could be considered as part of a comprehensive development including adjacent land. If planned comprehensively this could contribute to the creation of a sustainable, mixed community. The site is has landscape, access and flooding constraints which, although not insurmountable, will require further investigation."

However, the HELAA is not planning policy and the resolution of the LPSC was only to 'invite' applications. This does not imply that an approval would follow.

The development plan is neither silent or absent of relevant policies in the determination of the application. However, given the significant shortfall in housing supply, only limited weight can be given to the conflict with out-of-date ADLP Policies GEN2 & GEN3 and reduced weight to policies EH1 & H6 of the ANP. Policy GEN2 is clear that the boundaries of the built-up area were defined 'for the purposes of the West Sussex Structure Plan and this District Local Plan'. The built-up areas were drawn for the purposes of defining the extent of the built-up areas and countryside. This was done with the background of the required number of dwellings for the plan making period being provided within the built-up areas or on allocated sites (up to 2011).

It should also be noted that the Inspectors decision for the called-in Inquiry concerning 108 residential dwellings at Burndell Road (Ref APP/C3810/V/16/3158261) stated that policies GEN2 & GEN3 are out of date in that the eALP does not plan for housing beyond 2011, that they pre-date the NPPF and do not seek to establish an Objectively Assessed Need (OAN). Both policies also do not accord with the NPPF in that they protect the countryside for its own sake. The Inspector considered this to be a material consideration weighing against the policy to which was attributed significant weight. In allowing the Burndell Road call-in, the Secretary of State confirmed the Inspectors position that policies GEN2 & GEN3 are out of date and, given that the housing land supply is approximately 2 years, that these policies carry only limited weight.

Regard should also be had to the Inspectors decision for the called-in Inquiry concerning 50 residential dwellings on Land West of New Barn Lane (Ref APP/C3810/V/17/3166900). In that decision, the Inspector stated that on the basis that the Council cannot currently demonstrate a 5 year housing land supply and that the Written Ministerial Statement on Neighbourhood Planning is not applicable, paragraphs 49 & 14 of the NPPF are engaged. As a result, it was necessary to apply the paragraph 14 'tilted balance' argument to the application. The Secretary of State agreed with these statements and concluded that the weight attributed to the benefits of the development outweighed that given to the costs. Therefore, the planning permission was granted.

The ANP was produced based on both the Local Plan (Summer 2013) and the Publication Version of the Local Plan (excluding the spatial portrait, employment and enterprise, housing allocations, transport, monitoring and implementation sections) dated 14 February 2014. This version of the eALP was tested at Examination and subsequently revised into the modified version. Both of these documents predate the version of the eALP which was tested at Examination and subsequently revised into the modified version. Therefore only limited weight can be given to the conflict with the ANP to protect the countryside, as the context within which the ANP was prepared has significantly changed.

As a result of out of date development plan policies and the absence of a 5 year housing land supply, paragraph 14 of the NPPF is engaged and this states that:

"At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. It is considered that the relevant development plan policies (GEN2, GEN3, EH1 & H6) are out-of-date because of:

- (a) the state of the Councils Housing Land Supply (HLS) at 2.07 years;
- (b) the fact that the Written Ministerial Statement (WMS) on Neighbourhood Planning (12 December 2016) does not apply;
- (c) Paragraph 49 of the NPPF which states that "Relevant policies for the supply of housing should not

be considered up-to-date if the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites"; and

(d) the recent call-in appeal decisions concerning Burndell, Ford Lane (both Yapton) and New Barn Lane (Bersted).

For decision-taking this means:

- approving development proposals that accord with the development plan without delay and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: (i) 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 or (ii) specific policies in this Framework indicate development should be restricted"

Therefore it is necessary to apply the tilted balance argument (granting permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole).

Presumption in favour of Sustainable Development

The National Planning Policy Framework (NPPF) is a material consideration in the determination of this proposal. In the event of conflicts between policies in the development plans or with Government policy, it is the most recent policy which takes precedence. With this in mind, the NPPF, which was issued in March 2012, is materially relevant and should be afforded significant weight.

As set out above, the policies for the protection of the countryside within the development plan are out of date and can be afforded limited weight and this means that the presumption in favour of sustainable development set out in paragraph 14 of the National Planning Policy Framework (NPPF) applies. The following considers the proposals against the presumption in favour of sustainable development. It should be noted that paragraph 7 of the NPPF states that in order to achieve sustainable development; economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

(1) Environmental Role

The Institute of Highway and Transportation (IHT) publication 'Guidelines for Providing Journeys on Foot (2000)' sets out recommended guidelines for walking distances and provide desirable, acceptable & preferred maximum distances. For town centres these range between 200 to 800 metres, for commuting/school 500 to 2000 metres and elsewhere 400 to 1200 metres. As this is not a town centre location the relevant distances would be 400m-1200m for day to day journeys and in respect of school/work commuting, 500m-2000m.

All of the following distances are measured from the position of the proposed access onto Hook Lane and then using existing local roads. All of these routes necessitate walking along Hook Lane which has no pavement beyond the nursery access to the south of the application site. However, the proposed development will partially improve this aspect by providing a footpath along its frontage. It is also noted that there is a wide verge to the frontage of the nursery which would then, in dry conditions, allow pedestrians to walk off the road between the site access and the start of the pavement to the south.

It should also be noted that as a result of the 79 dwelling development by David Wilson Homes on the eastern side of Hook Lane (planning refs AL/39/13 and AL/107/16/RES), improvements will be made to an existing footpath link between Hook Lane and Meadow Way (which in turn leads onto Westergate Street). The start of this footpath is only 130m to the north of the proposed site access. As such, future

residents will benefit from this improved footpath. However, the following distances do not take account of this footpath.

The nearest schools would be:

- Aldingbourne Primary School - 0.7km;
- Ormiston Six Villages Academy, Westergate - 2.2km; and
- St Phillip Howard, Catholic School (6th Form), Barnham - 3.8km.

Although there is a primary school within close proximity, older pupils would need to travel to either Barnham or Westergate. However, it would be possible to access these places by bus. Service 66A/66C, operate a circular route between Bognor Regis, Westergate, Barnham, Yapton and Bognor Regis every 1-2 hours on Mondays to Saturdays. This is considered to be acceptable having regard to paragraphs 29 & 34 of the NPPF:

29 - "... different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas".

34 - "Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas".

In terms of employment, it is considered that Westergate, Eastergate, Lidsey Caravan Park, Park Lane Farm and Greenwood Nursery are all within around 2km of the site:

There are no facilities within 400m of the site. However, the following facilities are available in the local area within a walking distance of between 400m and 1200m from the access onto Hook Lane:

- Aldingbourne Post Office & Shop (500m);
- Prince of Wales Public House (590m);
- A northbound bus stop on Westergate Street (550m); and
- A southbound bus stop on Westergate Street (520m).

Although the site is only within walking distance of a local shop, bus stops, a pub and a primary school and is not within a 2km distance of a secondary school or doctors surgery (the nearest doctors is the Croft Surgery (2.5km), regard should be had to the 79 dwelling development concerning the land to the east of Hook Lane (ADC ref AL/39/13). This was approved on appeal in February 2015.

In that decision, the Inspector agreed that the local bus service is not good enough and the opportunities for using public transport would be limited. However, she went on to conclude that "... whilst some of the occupants of the new development would be likely to use the private car for journeys to the main employment and retail locations, these journeys would be relatively short and, whilst not ideal, the location of the site would not be so unsustainable as to warrant refusal of planning permission for this reason alone".

The other environmental aspects of sustainable development such as trees, ecology and flooding/drainage are considered in detail in the report below but the report concludes that there are no adverse environmental impacts associated with these matters. It is also noted in particular that the development will retain the on-site pond.

(2) Social Role

It is considered the proposal will support the local community by providing eight new houses to help meet future needs and by improving pedestrian facilities on Hook Lane. These factors weigh in the scheme's favour.

(3) Economic Role

It is considered the proposal would likely result in economic benefits to the local area in the form of the following:

- A small increase in Council Tax receipts;
- Potential 'New Homes Bonus' payments from the Government;
- The creation/maintenance of construction jobs; and
- Additional spending by new residents on local goods & services.

However, the proposal would also result in the loss of 0.1799 hectares of agricultural land graded as 3a ("Very good").

Assessment of Sustainable Development

It is considered that the proposal is, on balance environmentally sustainable. It is also socially sustainable. Furthermore, the associated economic and social benefits would override the loss of the small area of agricultural land (as discussed elsewhere in this report). The proposal would therefore benefit from the NPPF presumption in favour of sustainable development.

Conclusion on Matters of Principle:

Overall, the principle of residential development on this site is contrary to the development plan, however, as Arun District Local Plan policies GEN2 and GEN3 and the intention of the ANP to protect countryside (policies EH1 & GA1) are out of date, in accordance with paragraph 49 of the NPPF they carry reduced weight.

The proposed development would provide an additional eight houses which are needed in the Arun District. The proposed development should therefore be considered in the context of the presumption in favour of sustainable development. It is considered that the development would have a positive effect upon the supply and location of housing and therefore, the principle of residential development on this site would, in current policy circumstances and as set out in the NPPF, be acceptable. The assessment will now consider other policy considerations and whether this gives rise to any adverse impacts.

Some policies of the Framework are cast in terms which indicate that in certain circumstances planning permission should be restricted. These, in this case, relate principally to landscape, flooding, access/highway safety and the natural environment. Having regard to the tests set out in the NPPF in relation to these issues, and in the context of the content of this report, it is considered that the circumstances are such that none of these issues amount to a reason for withholding planning permission either because the matter can be controlled by suitable conditions or because the public benefit outweighs the harm in respect of any such issues.

It is therefore considered that the objections on the grounds of principle raised by both the Parish Council and by local residents have been resolved by the above analysis.

AGRICULTURAL LAND:

One of the Parish Council objections is that the development is contrary to the ANP policy on protecting agricultural land.

ANP Policy EH3 states that:

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

The ANP includes an Agricultural Land Classification Map (Map B). However, this is based on the "Post 1988 Agricultural Land Classification (England)" dataset and is incomplete for large parts of the district. As such, the map does not provide any grading for the application site. Therefore, based on the plan within the ANP, it is not clear that policy EH3 should apply. However, the policy also makes reference to the latest available classification map which, whilst not shown on Map B in the ANP, has clearly different designations to the ANP. This data suggests that the site is either Grade 1, 2 or 3 and is therefore likely to be considered as 'best and most versatile agricultural land'.

Regard should also be taken in respect of the advice in the NPPF and in respect of emerging Local Plan Policy (eALP).

Paragraph 112 of the NPPF states that: "Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality."

Policy SO DM1 of the eALP considers soils and states that:

"Unless designated by this Plan or a Neighbourhood Development Plan, the use of Grades 1, 2 and 3a of the Agricultural Land Classification for any form of development not associated with agriculture, horticulture or forestry will not be permitted unless need for the development outweighs the need to protect such land in the long term."

The applicant has submitted an Agricultural Land Classification report which states that the site is classified as in part Grade 2 (very good quality agricultural land), in part non-agricultural land (such as buildings, covered mounds of artificial materials) and in part a pond. This assessment was made using both desktop research (the Defra mapping) and on-site fieldwork.

Although the agricultural land grade is noted, it is considered that this is a very small area of land (less than 1 hectare) and it is noted that according to the application submissions, the site was last used for agricultural purposes over 20 years ago. It is also currently used in association with Barnside and the site is maintained by regular mowing undertaken by the owner.

It is not considered that there would be a conflict with ANP policy EH3 as it is considered that the benefits of 8 dwellings would outweigh the harm to agriculture.

CHARACTER & DESIGN:

It is noted that local residents raise objection with regard to the character of the development not being appropriate to this rural location.

Arun Local Plan Policy GEN7 (ii) requires that new developments respond positively to the identified

characteristics of a particular site to create developments which respect local characteristics.

Aldingbourne Neighbourhood Plan (ANP) policies H1 and H3 are both relevant. H1 requires that new housing should be of a high quality design that reflects the local character and reinforces local distinctiveness. Meanwhile, H3 states that the density of new development should be appropriate to its location by virtue of size, siting and relationship to existing properties.

It is also necessary to consider the guidance within the National Planning Policy Framework. Section 7 states that good design is a key aspect of sustainable development (paragraph 56), and that developments should respond to local character & history, reflect the identity of local surroundings & materials, establish a strong sense of place and be visually attractive as a result of good architecture (paragraph 58). Paragraph 60 advises that local planning authorities should promote or reinforce local distinctiveness. Paragraph 64 then confirms that planning permission should be refused for poor design that fails to improve the character or quality of an area.

It is noted that although the application is in outline and does not seek approval of layout, given the size of the site and the number of dwellings proposed, it is highly likely that any future scheme seeking to accommodate 8 dwellings as well as open space, parking, roads, access, a retained pond and landscaping is likely to adopt a very similar form.

The existing character of this section of Hook Lane (this section being defined as the straight section between the northern and southern bends and being the extent of views taken from the front of the appeal site) is of residential dwellings fronting onto Hook Lane with deep rear gardens together with the more open land currently associated with the application site and the horticultural nursery site to the south of it. This low density form of development is appropriate given that this is an edge of settlement semi-rural area. It is considered there are no current instances of backland development within this section of Hook Lane.

It was considered that the previous scheme of 14 dwellings was unacceptable by reason of (a) it being backland development, (b) the loss of an open area of land which contributes to the semi-rural character of the Lane; (c) the urbanising effect on the street; and (d) the amount of dwellings proposed compared to the existing low density nature of the area.

Given the dwellings located on the eastern side of Hook Lane, it would not be possible, to argue that the row of dwellings fronting the road are out of character with the area. The illustrative scheme presents dwellings which are set back from the road, have deep rear gardens and which are relatively spaciouly sited with respect to boundaries. Although the loss of this area will affect the semi-rural character of Hook Lane, the scheme has been designed to match with the character of the existing houses opposite.

Although the three houses in the rear part of the site do represent backland development and are therefore out of character with Hook Lane, it is considered that these are acceptable having regard to the existing location of outbuildings within the rear part of the site. Furthermore, these three houses will be well set back from Hook Lane and with the addition of a good landscaping scheme, will not be particularly visible to pedestrian views from Hook Lane. It is not considered that the backland nature of these three dwellings is harmful to the character and appearance of the area.

The scheme preserves part of the existing open space and together with the pond (which is also retained) will form an attractive public amenity space/wildlife habitat.

It is therefore considered that the proposal would be in accordance with policy GEN7 of the ADLP, policies H1 and H3 of the ANP and the guidance on design in the National Planning Policy Framework.

RESIDENTIAL AMENITY:

Arun District Local Plan Policy GEN7 (iv) indicates that development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. None of the ANP policies specifically refer to residential amenity issues. However, one of the 'core planning principles' of the NPPF is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17).

It is not possible to properly assess the residential amenity implications of the proposed layout due to the lack of elevation or floor plan drawings. Such an assessment would take place at the reserved matters application stage. It would appear that the dwellings on the illustrative layout are far enough away from existing dwellings (Barnside & Banff) to preserve their privacy and not result in any adverse loss of light issues. It is noted that Banff is currently protected by boundary planting such that only glimpsed views are possible from within the application site. The only exception might be the treatment of the northern flank elevation of Plot H01 but this could be mitigated through appropriate fenestration conditions.

It is therefore considered that the proposal would be in accordance with policy GEN7 of the ADLP and the guidance on residential amenity within the National Planning Policy Framework.

HIGHWAY SAFETY, CONVENIENCE & PARKING

It is noted that local residents and the Parish Council raise objection with regard to the suitability of Hook Lane to take more traffic. In addition, local residents are concerned with the relationship of this site to the approved 79 dwelling site on the eastern side of Hook Lane.

Policy GA1 of the ANP requires that where new development increases traffic demand, this is directed to places accessible by public transport and that walking routes are improved. Policy GA2 gives support to proposals which improve or extend existing footpaths.

Policy GA3 of the ANP states that: "Proposals must provide adequate parking in accordance with the standards adopted at the time." Arun Local Plan policy GEN12 refers to the need to provide sufficient off-street parking. However, the standards within the appendices to the Local Plan which it refers to have been superseded by the West Sussex (Residential) Parking Demand Calculator or in this case the advice of West Sussex County Highways.

Regard should be had to paragraph 32 of the National Planning Policy Framework which states that: "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".

The applicants provided a Road Safety Audit (RSA) & Designers Response and this was assessed by WSCC Highways. As a result, Highways do not have any objections to the use of the access and do not consider that the impact of the proposals on the operation of the highway network will be extreme. The application is therefore considered to comply with paragraph 32 of the NPPF.

With regard to the objections of local residents, it is noted that WSCC Highways do not raise any specific objections to the suitability of Hook Lane, its width, lack of footpaths, road edges, traffic speeds or existing levels of congestion. In addition, WSCC do not consider that the trip generation associated with the proposal will result in a severe impact to existing highway capacity levels. The application proposes a new length of pedestrian footpath along the site frontage and this will be a benefit to pedestrians using this section of Hook Lane. Furthermore, as is shown elsewhere in this report, the site is only around 500m from local bus stops, a shop and a public house.

In terms of car parking, WSCC comment that the layout as presented is likely to provide an acceptable level of car parking. In respect of those houses that will have access directly from Hook Lane, it is noted that they all have driveways capable of allowing for the parking of 1 car. It is expected then that these houses would also have integrated garages. It is likely that 2 spaces each would be sufficient to meet the anticipated demand.

It is not therefore considered that there is any conflict with the adopted development plan policies or with the NPPF.

FLOODING & SURFACE WATER DRAINAGE:

It is noted that a number of residents consider that the proposals will increase surface water flooding at or adjacent to the site.

Arun Local Plan policy GEN9 states that:

"Planning permission for development which will materially increase foul and/or surface water discharges will be refused unless the Local Planning Authority is satisfied that either adequate drainage capacity exists or appropriate drainage capacity can be provided as part of the development. Consideration should also be given to the use of Sustainable Urban Drainage Systems (SUDS) as alternatives to conventional drainage where appropriate."

In addition, policy EH5 of the ANP states that:

"New development, within areas at risk from flooding, will not be permitted unless it is supported by a site-specific Flood Risk Assessment which provides clear evidence to demonstrate that the proposal:

- a). Would not give rise to additional risk of flooding, either to the development site or to other land, arising from the carrying out or use of the development; and
- b). Would make appropriate provision for accommodating the surface water and foul water arising from the development."

The site lies within a low risk zone (Flood Zone 1) and given that the site area is less than a hectare, there was no statutory requirement for the submission of a Flood Risk Assessment - and therefore, no Environment Agency involvement in the application.

Furthermore, Arun District Council Drainage Engineers do not raise any objection to the scheme and instead recommend that conditions will be appropriate and will ensure that the site is satisfactorily drained.

On this basis, the application is considered to comply with the relevant development plan policies.

ECOLOGY:

Objections have been raised by local residents and the Parish Council on the grounds of loss of wildlife (bats, Great Crested Newts) and wildlife habitat; and that the proposal is contrary to policy EH2 of the ANP as it will adversely affect a designated biodiversity corridor.

This site borders open countryside and contains an existing pond. The western boundary to the field is formed by part hedgerow, part trees and with a ditch on the other side. The ANP designates this field boundary as part of a biodiversity corridor. It is considered therefore that there is potential for wildlife species to either be residing within the site or using the western boundary as a route through the area.

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

The application acknowledges these issues and includes an Ecological Appraisal which provides an extensive mitigation strategy for Great Crested Newts. The Councils ecologist has assessed these documents and finds no reason to object. Conditions would be required to enforce the mitigation measures and to protect bats and nesting birds. There is no evidence for use of the site by Water voles, dormice or other protected species. It should be noted that the biodiversity corridor will not be affected by the development in that existing landscaping along the affected boundary and also the pond will all be retained.

LIGHT POLLUTION:

The Parish Council consider the development to be contrary to the dark skies policy.

ANP Policy EH10 states that:

"Development proposals which detract from the unlit environments of the Parish will not be supported. New lighting will be required to conform to the highest standard of light pollution restrictions in force at the time. Security and other outside lighting on private and public premises will be restricted or regulated to be neighbourly in its use including floodlighting at equine establishments and on sports fields or sports grounds."

It is not considered that the proposed development will adversely harm the existing environment at night (or after 4pm in winter). This is because, the site is located between residential development to the north, glasshouse development to the south and further residential development, forming part of a settlement to the east. Therefore, the site cannot be said to be located within an existing unlit isolated rural location. A planning condition has been proposed to require approval of future lighting. This is principally required to protect local bat populations and will also ensure that lighting is kept to a minimum.

It is therefore considered that the application complies with the ANP in this respect.

INTERNAL & EXTERNAL SPACE STANDARDS:

It is not considered possible to assess the internal space standards with this outline application. This is because the application is not accompanied by any floor plans. In respect of external standards, although at the time of the previous determination, policy D DM3 of the eALP was being used for development management purposes, the current version of the eALP proposes to delete the policy in favour of inclusion within a future design guide). It is not therefore considered appropriate to now refer to this policy.

PLAY SPACE CONTRIBUTION:

The Council's Supplementary Planning Guidance "Open Space and Recreational Standards" (October 2000) sets out advice on the provision of open space and play equipment within new residential developments. In respect of small development, it is not always appropriate or possible to include on-site play provision and instead contributions towards existing facilities elsewhere are required.

This decision is to be subject to a Section 106 legal agreement relating to a contribution of £12,800

towards off-site play facilities. The Section 106 Agreement was finalised and signed shortly after the first determination of this application. It states that the contribution will be spent on new play equipment for the open space at Olivers Meadow, Aldingbourne.

Planning obligations can only be secured where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly & reasonably related in scale and kind. In addition, it is not possible to pool more than 5 contributions towards a specific project. It is considered that this obligation meets these test and it is noted that there is only one other signed S.106 which allocates contributions to play area equipment at Olivers Meadow - and in any case, this concerns application AL/8/16/OUT for 14 dwellings, also on the Barnside site.

SUMMARY:

The application site is outside the defined built-up area boundaries of Westergate and is therefore contrary to policies GEN2 & GEN3 of the ADLP and policies EH1 & H6 of the ANP which seek to protect the countryside from non-related development. It is therefore necessary to consider whether there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

The site is considered to be sustainable development and in the absence of a 5-year supply of housing land, paragraph 14 of the NPPF indicates that planning permission should be granted unless (a) any adverse impacts of doing so significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework as a whole or (b) specific policies in the Framework indicate development should be restricted.

It is considered that the harm in respect of the land suitable for agriculture or horticulture carries limited weight. It is considered that the proposal would make a decent contribution to housing in a district where there is a severe housing shortage and this attracts significant weight. The proposal would also bring economic benefits by creating jobs during construction, by increasing Council Tax receipt, new Homes bonus payments and through spending on local facilities by new residents. These factors attract moderate weight.

It is not considered that there are any specific policies within the NPPF which indicate that this development should be restricted. It is not considered that the adverse impacts of the proposal will significantly and demonstrably outweigh the benefits. Therefore, it is considered that there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

The proposed development is therefore recommended for approval together with the following conditions and agreed Section 106 legal agreement.

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

- 1 The permission hereby granted is an outline permission under s92 of the Town and Country Planning Act 1990 (as amended) and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 3 years beginning with the date of this permission:-

- (a) Layout;
- (b) Scale;
- (c) Appearance;
- (d) Access;
- (e) Landscaping.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 3 The development hereby approved shall be carried out in accordance with the following approved plans:

Site Location Plan as Existing ref 1265-X01 Rev C;
 Topographical Survey as Existing & Demolition ref 1265-X02 Rev C;
 Illustrative Site Layout as Proposed ref 1265-P11 Rev F;
 Drainage Strategy ref 15074-01 Rev B;
 Tree Protection Plan Phase 1 ref B/1030/16; and
 Tree Protection Plan Phase 2 ref B/1030/16.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 4 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be

restricted to the following matters,

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- measures to control the emission of dust and dirt during demolition and construction, lighting for construction and security.

Reason: In the interests of highway safety and the amenities of the area in accordance with Arun District Local Plan policy GEN7 and the National Planning Policy Framework. It is considered necessary for this to be a pre-commencement condition because the purpose of the condition is to mitigate the impact of construction.

- 5 No development shall commence until such time as revised plans and details incorporating the recommendations given in the Stage 1 Road Safety Audit and accepted in the Designers Response have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interests of road safety and in accordance with Arun District Local Plan policy GEN7 and the National Planning Policy Framework. It is considered necessary for this to be a pre-commencement condition because road safety is at the heart of the planning permission.

- 6 Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The design should 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, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan. It is considered necessary for this to be a pre-commencement condition because it would not be possible to implement a surface drainage scheme once development had commenced.

- 7 The development shall not proceed until formal consent has been approved in writing from the Lead Local Flood Authority (WSCC) or its agent (ADC) for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site.

Any discharge to a watercourse must be at a rate no greater than the pre-development run off values.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan. It is considered necessary for this to be a pre-commencement condition because surface water drainage goes to the heart of the planning permission.

- 8 Development shall not commence until full details of the maintenance and management of the SuDS system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include (a) details of financial management of the site including arrangements made in the event that the management company (or any subsequent management company) is no longer able to fulfil its duties; and (b) arrangements for the replacement of major components at the end of the manufacturers recommended design life.

Reason: To ensure the efficient maintenance and on-going operation of the SuDS system and to ensure the best practice in line with guidance set out in 'The SuDS Manual' CIRIA publication ref: C753 Chapter 32. It is considered necessary for this to be a pre-commencement condition because surface water drainage goes to the heart of the planning permission.

- 9 The development layout shall not be agreed until such time that arrangements for the future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site has been submitted and approved in writing by the Local Planning Authority.

No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent to the site.

Reason: To ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion. It is considered necessary for this to be a pre-commencement condition because surface water drainage goes to the heart of the planning permission.

- 10 Construction of the development shall not commence unless and until details of the proposed means of foul sewerage disposal has been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. The scheme as approved shall be implemented prior to the first occupation of the dwellings and maintained in good working order.

Reason: To ensure that the proposed development has a satisfactory means of disposing of foul sewerage in accordance with policy GEN9 of the Arun District Council Local Plan. It is considered necessary for this to be a pre-commencement condition because it would not be possible to implement a foul drainage scheme once development had commenced.

- 11 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors

- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun District Local Plan policy GEN7. It is considered necessary for this to be a pre-commencement condition because contamination goes to the heart of the planning permission.

- 12 No development including site access, demolition or associated construction activities, shall take place on the site unless and until the tree retention & protection scheme as contained within the submitted Arboricultural Method Statement by Beechdown (Ref B/0130/16) (September 2016) has been implemented for all retained trees including trees whose root protection areas fall within the construction zone from neighbouring land. All tree protection works shall be in accordance with BS 5837:20012 "Trees in relation to construction"

Reason: To ensure the retention and maintenance of trees and vegetation which are an important feature of the area in accordance with policy GEN7 of the Arun District Local Plan. It is considered necessary for this to be a pre-commencement condition because otherwise trees might be harmed during the construction process.

- 13 Upon completed construction of the SuDS System but prior to occupation of any part of the scheme, the owner or management company shall either provide the local planning authority with an updated copy of the management manual incorporating any changes as a result of construction/implementation or confirm in writing that no changes are required to the manual.

No further changes shall be made to the approved SuDS Maintenance & Management Plan/Regime including the management company responsible or the financial arrangements between the owners of the dwellings & the management company other than with the written consent of the Local Planning Authority.

The owner or management company shall thereafter strictly adhere to and implement the recommendations contained within the manual to ensure that the system is maintained in perpetuity.

Reason: To ensure the efficient maintenance and on-going operation of the SuDS system and to ensure the best practice in line with guidance set out in 'The SuDS Manual' CIRIA publication ref: C753 Chapter 32.

- 14 No part of the development shall be first occupied until such time as the vehicular access has been constructed in accordance with plans and details submitted to and approved in writing by

the Local Planning Authority.

Reason: In the interests of road safety in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

- 15 No part of the development shall be first occupied until visibility splays of 2.4 metres by 47 to the north and 2.4 by 49 metres to the south have been provided at the proposed site vehicular access onto Hook Lane in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

- 16 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun District Plan policy GEN7.

- 17 Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Reason: To protect the environment and prevent harm to human health by ensuring that the remediated site has been reclaimed in an appropriate standard in accordance with Arun District Local Plan policy GEN7.

- 18 The development must be carried out in accordance with the recommendations and mitigation measures as set out within sections 4.0 and 5.0 of the FPCR Ecological Appraisal dated July 2016 and also in accordance with the following additional measures as set out in the comments of the Council's Ecologist:

(1) Any works to the trees or clearance of vegetation on the site shall only be undertaken outside of the bird breeding season which takes place between 01 March and 01 October. If works are required within this time then an ecologist shall be instructed to check the site at least 24 hours prior to any works taking place.

(2) Demolition of the outbuildings shall be undertaken by hand with careful stripping of the internal and external roof space in the presence of a suitably qualified ecologist. If any bats are found then all works must stop and Natural England should be consulted. This demolition work should only take place between October and March.

The enhancements and mitigation measures shall be retained and thereafter maintained as fit for purpose.

Reason: In accordance with Arun District Local Plan policy GEN29 and the National Planning Policy Framework.

- 19 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The scheme should also minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the area, the site biodiversity (particularly in respect of bats) and to minimise unnecessary light spillage outside the development site in accordance with Policies GEN7, GEN29 & GEN33 of the Arun District Local Plan.

- 20 If any root structures with a diameter over 25mm are exposed during the excavation of the foundations for the new dwelling then these should be retained unless otherwise agreed in writing with the Local Planning Authority. Any removal of roots over 25mm in diameter that has been agreed with the Local Planning Authority shall then be carried out under the supervision of the Council's Arboricultural Officer.

Reason: To ensure the retention and maintenance of trees and vegetation which are an important feature of the area in accordance with policy GEN7 of the Arun District Local Plan.

- 21 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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 22 INFORMATIVE: The applicant is advised to enter into a Section 59 Agreement under the 1980 Highways Act, to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The Applicant is advised to contact the Highway Officer (01243 642105) in order to commence this process.
- 23 INFORMATIVE: The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
- 24 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.
- 25 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are

discovered during the work, you must stop immediately and contact Natural England before continuing.

- 26 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.
- 27 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to a contribution of £8,000 to be spent on new play equipment for the open space at Olivers Meadow, Aldingbourne.