

Recommendation Report for Outline Consent

REF NO: EG/46/17/OUT

LOCATION: Land north of Spode Cottage & West of Greenings & South of Fontwell Cottages
Eastergate Lane
Fontwell

PROPOSAL: Outline application with all matters reserved for up to 30 No. dwellings. This is a departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	All matters are reserved for up to 30 dwellings. However, access is indicated from Eastergate Lane and Fontwell Avenue. The application was initially submitted with access included but removed after Highways objections were received.
SITE AREA	1.16 hectares approximately.
RESIDENTIAL DEVELOPMENT DENSITY	29 dwellings per hectare approximately.
TOPOGRAPHY	Predominantly flat
TREES	Matures trees around the edge of the site. These have a positive impact on visual amenity.
BOUNDARY TREATMENT	Various mature trees near to north, west and east boundaries of the site. 1m ranch fence to part of south boundary. Some sections of the trees lining the west side boundary have a close boarded 2m fence behind.
SITE CHARACTERISTICS	Vacant field with vehicle access to south on Eastergate Lane and mature trees to some boundaries.
CHARACTER OF LOCALITY	Semi-rural area with low density housing to south and east, small housing estate to north (approx. 20 dph), Northfield and Greenfield Farms to the west with some residential dwellings. Agricultural & horticultural land and uses and other commercial uses nearby and Fontwell racecourse and the A27 in the wider area to the north.

RELEVANT SITE HISTORY

EG/97/80	Outline Application For Residential Development	Refused 29-10-80
EG/73/80	Residential Development Comprising Approx 50 No 2	Withdrawn

Storey Houses 2 3 & 4 Bedroom- Ed

08-07-80

EG/54/08/	Use of land as a private gypsy caravan site for single family occupation	Refused 29-04-09
EG/54/97	Continuation of use of land as small gypsy family site	Refused 14-01-98
EG/6/96	Small residential family site for small close-knit gypsy family - 3 pitches	Decline To Detm 15-04-96
EG/7/96	Small gypsy family residential caravan site for 4 pitches	Decline To Detm 15-04-96
EG/30/94	Change of use of land from grazing and stabling of horses to travellers camp site for itinerants	Refused 07-09-94 Appeal: Dismissed 05-10-95
EG/40/93	Proposed detached house	Refused 12-11-93 Appeal: Dismissed 15-06-94

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Eastergate Parish Council

The parish council supports and adopts the objections contained in letters from Mr and Mrs Godsmark, Mr R Blott and others. In particular the council considers the application to be in conflict with the Barnham and Eastergate made Neighbourhood Plan. The proposal is considered to be over intensive use of the land and to be completely out of character with a horticultural area close to the South Downs National Park. The design is inconsistent with the Neighbourhood Plan objectives. The proposed access ways are inappropriate with significant dangers to road users on the A29 with articulated lorries leaving that road and possibly facing obstruction from the access way. The impact of these houses on traffic flow, which is noted to be excessive for the existing infrastructure, whilst small (sites) must be considered by ADC within the cumulative effect of other proposals and approved developments in the locality. There is a clear deficiency in relation to multi mobile access ways and the development will encourage the use of motor vehicles to the detriment of environmental policies of the district council. The council also objects to the loss of agricultural ground and points out the complete lack of infrastructure for health care and education, amongst other such matters.

Walberton Parish Council

The above planning application directly impacts on Walberton Parish. The Parish Council objects to the application on the following grounds:

1. Insufficient evidence on several matters, including highways, environment, drainage and LVR.
2. Contrary to Eastergate and Barnham neighbourhood plans.
3. Unsatisfactory entry into and exit from A29 Fontwell Avenue.
4. Increased through-traffic using Walberton village.
5. Increased flood risk.

20 additional letters of representation received objecting on the grounds of:-

- Unviable and unachievable site.
- Unsustainable location and an unallocated site.
- Overdevelopment of the site.
- Rural site against Barnham & Eastergate NDP policies.
- Loss of Agricultural/Horticultural Land
- Highways danger from lack of safe access and visibility. Increase in traffic leading to congestion and danger to road and highway users.
- Flats are out of keeping with the village.
- Loss of strategic gap between settlements.
- Loss of trees
- No improvement of infrastructure for increase in population
- Sewers could not cope with new waste from housing
- Loss of wildlife
- Loss of residential amenity to Spode cottage from three storey block of flats.
- Lack of access to public transport or ' multi modal access ' to public services.
- Lack of public open space and private garden amenity space.
- New dwellings on this scale are out of character with this countryside location.
- Increase in ribbon development having detrimental impact on rural character.
- Increase in flood risk.
- Potential anti-social behaviour from proposed residents.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

Many of the points made will not be considered fully by this application as all matters are reserved. The officer agrees that the site is not in a sustainable location and the development out have a harmful impact on visual amenity and landscape of the area and other relevant issues raised will be addressed in the Conclusions section.

CONSULTATIONS

Engineering Services Manager
 Engineers (Drainage)
 Southern Water Planning
 WSCC Strategic Planning
 Environmental Health

Highways England
Parks and Landscapes
Planning and Housing Strategy
Sussex Police-Community Safety
Ecology Advisor
NHS Coastal West Sussex CCG
NHS Coastal West Sussex CCG
Mr Clavell-Bate
Head of Planning Policy & Cons
Natural England
Environment Agency
Surface Water Drainage Team
Arboriculturist
Economic Regeneration
Archaeology Advisor
Economic Regeneration
Environmental Health
Ecology Advisor
Parks and Landscapes

CONSULTATION RESPONSES RECEIVED:

(full comments available on www.arun.gov.uk/planning)

Economic development

No objection to this proposal. If permission is granted, the applicant is asked to sign up to the Developer and Partner Charter and to work with local suppliers on the build and fit out.

Highways England

Highways England will be concerned with proposals that have the potential to impact on the safe and efficient operation of the Strategic Road Network (SRN), in this case the A27.

Having examined the above application, it is noted that a supporting Transport Statement or Transport Assessment has not been provided. Ordinarily, Highways England requires the provision of such a report in support of such a planning application to be able to assess the development's impact on the Strategic Road Network (SRN). However, on the basis of the information supplied and following our own assessment, we are satisfied that the trips generated will be of a level that will not materially affect the safety and/or operation of the SRN. Therefore we do not object or require any conditions relating to the proposal, and I attach our formal response for your records.

Please note that while the impact of the proposed development is deemed negligible in its own right, it is noted that this development is a departure from the Development Plan, and thus if other similar sites are brought forward that are also outside of the Development Plan, the cumulative impacts could become noticeable. Therefore, in offering no objection to this site, Arun District Council should be mindful of any further such sites being brought forward as they will probably require further mitigation for the A27.

West Sussex County Council Strategic Planning

The application provides very limited highways information in that it can only be established that that one access is onto Eastergate Lane and the other onto the A29 Fontwell Avenue and that a total of 81 car parking spaces would be provided.

As such insufficient information is provided for the impacts of the development to be considered and an objection is raised.

The LHA raises an objection to the proposed development on the following grounds:

Adequate information has not been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of access, visibility splays, off-street parking, road layout and on site turning facilities and would not therefore give rise to increased hazards to highway users.

Tree officer

Objection. Insufficient information. Full tree survey and report required.

Archaeology

The general archaeological potential of this area is such that it would be appropriate for the site to be investigated prior to redevelopment in order that deposits of significance that are present might be properly preserved. I therefore recommend a version of standard condition ARC 1 as follows:

"No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority."

Designing out crime officer

The development has outward facing dwellings which has created good active frontage with the streets and the public areas being overlooked, this design has eliminated the need for vulnerable rear garden pathways. Parking has been provided for with in-curtilage, garage & an overlooked parking court, this should leave the street layout free and unobstructed.

As the first line of defence, perimeter fencing must be adequate with vulnerable areas such as side and rear gardens needing more robust defensive barriers by using walls or fencing to a minimum height of 1.8metres. Gates that provide access to the side of the dwelling or rear access to the gardens must be robustly constructed of timber, be the same height as the adjoining fence and be lockable from both sides. Such gates must be located on or as near to the front of the building line as possible.

Lighting throughout the development will be an important consideration and if implemented into the development, should conform to the recommendations within BS5489:2013.

I have no concerns from a crime prevention viewpoint regarding this application.

Southern Water

Please attach advised informatives.

Environmental Health

Environmental Health objects to this application based on insufficient information.

No assessment has been made of the impact of the A29 road noise on the proposed dwellings and their environs. A noise impact assessment should be submitted primarily to assess the impact of road noise from the A29 but also to take into account the construction phase and impacts of that on local residents (and new residents if they are present on the site), and any other noises which may impact on future residents.

No Air Quality assessment has been submitted, or discussed.

Environmental Health now has a requirement that each home should have an Electric Vehicle charge point. Reason: Petrol and diesel cars and vans will not be sold beyond 2040, and to mitigate against any potential adverse impact of the development on local air quality.

Ecology

Bats

The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

The hedgerows on site are used by bats for commuting and foraging and will need to be retained and enhanced for bats. This will include having a buffer strip around the hedgerows and during construction fencing should be used to ensure this area is undisturbed. Any gaps should also be filled in using native hedge species to improve connectivity. Where any hedge is to be removed at detailed within the survey, new hedgerow should be planted. Conditions should be used to ensure this.

Reptiles

Due to the current condition of the site, and as detailed within the ecology survey there is potential for reptiles onsite. Due to the protection reptiles hold we require that a reptile activity survey is undertaken by a suitably qualified ecologist and submitted with the planning application prior to determination. The mitigation strategy will need to include details of reptile fencing, translocation methods, the translocation site / enhancements and the timings of the works.

Nesting Birds

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

Natural England

Statutory nature conservation sites - no objection

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites.

Protected Landscapes

The proposed development is for a site within or close to a nationally designated landscape namely South Downs National Park. Natural England advises that the planning authority uses national and

local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraph 115 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 116 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

Protected Landscapes

Natural England has published Standing Advice on protected species.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

Local sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Landscape enhancements

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

Greenspace

The outline application layout shows no element of public open space within its proposals.

Developments are expected to provide open space on site. The Council's SPG guidelines which apply to developments of houses and are based broadly upon the National Playing Fields Association's (NPFA) "Six Acre Standard". The superseded Fields in Trust guidelines (FIT) 'Beyond the Six Acre Standard' recommends that 3.2 hectares of open space are provided for every 1,000 people ie 32 square metres of open space per person. We would require confirmation of the areas of public open space being proposed with this development, as a minimum proportionate to the proposed dwellings. Provision of children's play would be sought on site along with contribution towards MUGA provision. There is presently no indication of provision for this with the layout plans submitted.

Landscape - whilst there would not appear to be an significant trees within the proposed development site, there are trees and vegetation particularly to the boundary to the south/east adjoining Greenings which could be potentially impacted. Trees and vegetation that fall within the periphery of the development, may provide significant aesthetic impact to the location. Any trees in particular along the boundaries, which adjoin neighbouring properties could provide potential valuable screening and should be protected and retained. Any considered tree works within the site should be agreed with Arun District

Councils Tree Officer. Root protection Areas (RPA) from the tree cover clearly seen to the periphery of the site should extend into the development site. Before construction, a tree protection scheme must be in place for these adjacent trees whose root protection areas fall within the construction zone from neighbouring land.

The location of the proposed dwellings particularly plots 15-20 and 21-30 to the boundary would be considered as undesirable as over time the screening that falls adjacent to the proposals would be put under pressure to be removed due to the impact on sunlight that this dense shade over the rear gardens would create. There are trees in the highways verge off Fontwell Avenue which could also be put under pressure if their root protection areas are not respected and access carefully positioned.

There is a requirement for any scheme, in accordance with policy to be of High Quality Design, the nature and usage of this development should not compromise this requirement. The emerging landscape design aims should be:

- To design and implement a scheme that reflects and incorporates elements of its surroundings and enhances the atmosphere of local distinctiveness.
- To create a visually pleasing and interesting landscape for owners, employees and visitors to the development.
- To enhance the landscape quality of the site when viewed from the surrounding area.
- To provide a planting scheme that includes native species to blend with the surrounding location, enhance biodiversity and create enhanced wildlife corridor opportunity.
- To provide a sense of flow and cohesion between the different elements of the landscape, buildings, open areas and surrounding environment.

We would therefore conclude that we would object to the plans as proposed due to the above open space provision, play and tree constraint reasons.

Further Greenspace comment.

We have drawn up a calculation which provides the basis for MUGA contributions therefore for an application of 30 dwellings a contribution of £21,750 would be required.

We are also in the process of creating catchment plans for existing facilities but in the meantime I have quickly produced a plan for this application (see attached). The 15 minute walk catchment area for the application shows there are no existing MUGAs in close proximity or suitable sites owned by ADC which could accommodate a new MUGA.

There is a parish recreation ground largely used for cricket so I am uncertain at this stage whether the Parish Council would welcome a MUGA on their land - this would need a conversation with them.

There are other parish sites just outside the catchment zone (Oliver's Meadow at Aldingbourne/ Murrells Field at Barnham) which either have an existing MUGA (for potential enhancement) or might be able to accommodate one, but again would need investigation to determine specifics.

The only other option is to allocate the money to a new site that you are aware of, within the catchment zone, where a larger development is providing a useful quantity of open space.

Contaminated Land Officer (Environmental Health)

Please provide a ground gas risk assessment as the land to the north comprises a former landfill.

Please Apply the condition below;

ENV3 Condition for development on land affected by contamination, ENV 5 Unsuspected contamination and ENV 6 Verification report.

We consider that planning permission should only be granted to the proposed development as submitted if the following planning conditions is imposed as set out above. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application.

WSCC Section 106 consultation response

The basis for my advice is contained in the adopted Supplementary Planning Guidance document "The Provision of Service Infrastructure Related to New Development in West Sussex - Part 1.

The planning obligation formulae below are understood to accord with the Secretary of State's policy tests outlined by the in the National Planning Policy Framework, 2012.

The advice is as follows:

Appears that primary/secondary/further secondary schools within the catchment area of the proposal currently would not have spare capacity and would not be able to accommodate the children generated by the assumed potential residential development from this proposal. Contributions to be requested.

The financial contribution sought by the County Council would be based on: the estimated additional population that would be generated by the proposed development, reduced to reflect any affordable dwellings (by which we mean Social Rented dwellings, but NOT Shared Equity, Intermediate or Key Worker status dwellings) for occupation by persons already residing in the education catchment area; the County Council's adopted floor space standard for education provision; and the estimated costs of providing additional education floor space. As the housing mix is not known at this stage, I propose the insertion of a formula into any legal Agreement in order that the school infrastructure contribution may be calculated at a later date.

The formula should read as attached.

The County Fire Officer advises that a financial contribution from the proposed development towards the cost of fire and rescue infrastructure, principally fire stations and services serving the area within which the proposal stands, would be required. This is necessary due to proposed development in the Southern division and the resultant need to improve service provision across the area. The proposed development should proportionately contribute towards the cost of necessary infrastructure needed to support development.

The Owner and the Developer covenant with the County Council that upon Commencement of Development the Owner and/or the Developer shall pay to the County Council the Fire and Rescue Infrastructure Contribution as calculated by the County Council in accordance with the attached formula.

General points

Please ensure that the applicants and their agents are advised that any alteration to the housing mix, either size, nature or tenure, may generate a different population and require re-assessment of contributions. Such re-assessment should be sought as soon as the housing mix is known and not be left until signing of the section 106 Agreement is imminent.

It should be noted that the figures quoted in this letter are based on current information and will be adhered to for 3 months. Thereafter, if they are not consolidated in a signed S106 agreement they will be subject to revision as necessary to reflect the latest information as to cost and need.

Review of the contribution towards the provision of additional County Council services should be by reference to an appropriate index, preferably RICS BCIS All-In TPI. This figure is subject to annual review.

Should you require further general information or assistance in relation to the requirements for contributions towards the provision of County Council service infrastructure please contact, in the first instance, the Planning Applications Team officer, named above.

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

Where land is to be transferred to the County Council as part of the development (e.g. a school site) that we will require the developer to provide CAD drawings of the site to aid design/layout and to ensure that there is no accidental encroachment by either the developer or ourselves.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

The application is for outline permission with all matters reserved. Whilst all consultee comments are noted, many of them would not be directly relevant at this level but advisory and could be covered by condition but in this instance approval will not be recommended.

Contributions are noted and required for affordable housing Public open space, education, libraries and fire & rescue but no S106 has been agreed.

Insufficient information has been submitted with regards to highways and air pollution impacts and has led to objections from WSCC and Environmental Health. The application will be refused on these grounds.

POLICY CONTEXT

Designation applicable to site:

Outside the built up area boundary
Lidsey Treatment Catchment Area
Grade 2 agricultural land (Best and most versatile)

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

AREA17	Sites of Archaeological Interest
DEV3	Horticulture
GEN11	Inland Flooding
GEN12	Parking in New Development
GEN14	Public Transport

GEN15	Cycling and Walking
GEN18	Crime Prevention
GEN2	Built-up Area Boundary
GEN20	Provision of Public Open Space within New Development
GEN21	Renewable Energy
GEN25	Water Resources
GEN26	Water Quality
GEN28	Trees and Woodlands
GEN29	Nature and Conservation Across the District
GEN3	Protection of the Countryside
GEN32	Noise Pollution
GEN34	Air Pollution
GEN5	Provision of New Residential Development
GEN7	The Form of New Development
GEN8	Development and the Provision of Infrastructure
GEN9	Foul and Surface Water Drainage

Publication Version of the Local Plan (October 2014):

QE DM3 Air Pollution
 QE DM1 Noise Pollution
 C SP1 Countryside
 D DM1 Aspects of Form and Design Quality
 D DM2 Internal Space Standards
 D DM3 External Space Standards
 D DM4 Extensions & Alterations to Existing Buildings
 D SP1 Design
 ECC DM1 Renewable Energy
 ECC SP1 Adapting to Climate Change
 ECC SP2 Energy and climate change mitigation
 ENV DM4 Protection of Trees
 ENV DM5 Development and Biodiversity
 SO DM1 Soils
 HER DM6 Sites of Archaeological Interest
 HOR DM1 Horticulture
 H SP1 Strategic housing, parish and town council allocations
 H SP2 Affordable Housing
 H SP3 Rural Housing and Exception Sites
 HWB SP1 Health & Wellbeing
 OSR DM1 Open Space, Sport & Recreation
 QE SP1 Quality of the Environment
 SD SP1 Sustainable Development

SD SP2 Built -Up Area Boundary
 T DM1 Sustainable Travel and Public Rights of Way
 T SP1 Transport and Development
 W DM2 Flood Risk
 W DM3 Sustainable Urban Drainage Systems
 WM DM1 Waste Management
 W SP1 Water

Main Modifications of the Local Plan (April 2017):

Housing Allocations

<u>Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES1</u>	Applications for new development must meet the local drainage requirements
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES3	The Local Gap/Green Infrastructure Corridor
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES5	Quality of design
Barnham & Eastergate Neighbourhood Plan 2014 POLICY GA1	Connection to sustainable transport
Barnham & Eastergate Neighbourhood Plan 2014 POLICY GA2	Footpath and cycle path network
Barnham & Eastergate Neighbourhood Plan 2014 POLICY GA3	Contributions to maintain and improve the network
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES11	Energy efficiency of new development
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES2	Water courses
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES6	Contribution to local character
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES8	Buildings should be designed to reflect the three-dimensional qualities of traditional buildings
Barnham & Eastergate Neighbourhood Plan 2014 POLICY GA4	Parking and new development
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H2	Windfall sites
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H3	Housing mix
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H4	Integration of new housing into surroundings
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H5	Outdoor space
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H6	Attention to detail

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD1	Open Space & Recreation Standards
SPD3	Parking Standards
SPD6	Archaeology

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 is 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.

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. The examination was completed in September 2017.

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 development is considered to conflict with Barnham & Eastergate NDP policies ES6, H1, H2 and H4 for reasons to be addressed in the Conclusions section.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to conflict with relevant Development Plan policies in that it would have materially adverse effect on the landscape of the locality and is not considered to be sustainable development due to it's location outside of a settlement. The development would also fail to make contributions to affordable housing, education, libraries and fire & rescue services. No assessment of the impact on air quality or noise assessment or impact on the highways network has been provided and it cannot be demonstrated, positively that the development will not have a detrimental impact on air quality of the area, noise impacts on the future residents of the houses and an adverse impact on the surrounding highways network including highways safety.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

Emerging Local Plan Policies

The Council's current Local Plan is out of date with many of its policies saved. The emerging Local Plan (eALP) has been to examination twice and is currently being considered by an Inspector. It is anticipated that the plan will be found sound by Spring 2018. Given the emerging policies have now been at examination twice they do carry more weight but are not fully material. The position of the Barnham & Eastergate NP (B&ENP) policies will be considered in Principle and sustainable development.

The application is for outline consent, as such only relevant issues will be considered at this stage. These include:-

- Principle and sustainable development
- Visual Impact
- Design
- Planning obligations
- Flood Risk

PRINCIPLE AND SUSTAINABLE DEVELOPMENT

The development plan for Arun District currently comprises the Arun District Local Plan (2003) (saved policies) and the Barnham and Eastergate Neighbourhood Plan (2014).

Arun Local Plan 2003

The policies of most relevance are saved policies GEN2 and GEN3 of the Arun Local Plan (ALP). This site is outside the built-up area boundary identified by Policy GEN2 "Built Up Area Boundary (BUAB)". Outside the BUAB, development will not be permitted unless it is consistent with other ALP policies. Policy GEN3 - Protection of the Countryside states that except for certain categories of development, none of which relate to the application proposal, development will not be permitted outside the BUAB. As this site lies outside the BUAB it is categorised as countryside and the scheme would conflict with ALP Policies GEN2 and GEN3.

Barnham & Eastergate Neighbourhood Plan May 2014

The Barnham & Eastergate Neighbourhood Plan (B&ENP) was made in May 2014 on the basis of the saved policies in the ALP and the draft policies in the 2014 publication version of the emerging Arun Local Plan (eALP).

Policy H1 sets out residential site specific allocation for one site for 60 dwellings which has already been granted outline permission and some reserved matters have been approved. Policy H2 allows for an additional windfall sites for residential development over the existing housing allocations within the B&ENP but states that this should be infill or redevelopment land. The site is not an infill or redevelopment land.

The development would therefore conflict with B&ENP policies H1 and H2.

Emerging local plan

This includes the emerging Arun Local Plan 2011-2031 Publication Version October 2014 (eALP) as modified in March 2017 (the modified eALP). It is the modified eALP that will be taken forward to examination.

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 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.

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. The relevant part is H SP2 (c) "Inland Arun" and this allocates seven sites for residential development. Your site does not form part of any of the proposed allocations. An allocation is proposed for Fontwell but this will adjoin the BUAB on the southwestern side of Fontwell and will therefore be closely related to the existing settlement. This site is not.

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.

Agricultural land

Emerging policy SO DM1 states:-

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

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

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

The development would result in the loss of Grade 'Best and most versatile agricultural land'. However, given the District's lack of 5 year housing land supply the need for housing is considered to outweigh the need to protect this relatively small area of land. Although, (as examined later in this section) the site has not been demonstrated as the 'best and most sustainable option' and fails to meet existing countryside policy GEN3 and emerging countryside policy CSP1 so will be refused in line with emerging policy SO DM1 section b and c as it does not meet these sections of the policy. Whilst the principle of the use of grade 2 agricultural land for residential is acceptable; the site in itself is not sustainable and the development of the site would not meet other countryside policies GEN2 and emerging policy C SP1. Thus the development would not meet sections b and c of SO DM1.

Planning Balance

For reasons given above, the development is not in accordance with ALP policies GEN2 & GEN3. 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 housing land supply figure is only approximately 2 years. This demonstrates that there is a pressing need to identify and bring forward deliverable sites for housing and that Arun DC cannot demonstrate a 3 or 5 year supply of deliverable housing sites. In recognition of this, the Local Plan Sub-Committee resolved in December 2016 to invite planning applications for the first phases of sites being investigated at potential strategic allocations. Given the absence of a 5 year housing land supply, paragraph 14 of the National Planning Policy Framework (NPPF) is engaged.

In accordance with paragraph 14 of the NPPF, planning permission should be granted unless (a) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed

against the policies in the Framework as a whole or (b) specific policies in the Framework indicate development should be restricted. Furthermore, as the Council cannot demonstrate a 3 year supply, the Written Ministerial Statement on Neighbourhood Planning does not apply. Paragraph 49 of the NPPF is also engaged, which states that the relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a 5-year housing land supply.

Given the significant shortfall in housing supply, only limited weight can be given to the conflict with out-of-date ALP Policies GEN2 & GEN3 and B&ENDP policies H1 & H2. 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). Therefore this supports the position that the policies are out-of-date and can only be afforded limited weight.

In addition, an Inspector's decision for a 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 aLP 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.

Furthermore, in allowing the Burndell Road call-in, the Secretary of State confirmed that policies GEN2 & GEN3 are out of date and given that the housing land supply is only approximately 2 years, that these policies carry limited weight.

The Publication Version of the eALP (2015) (on which the B&ENDP and Yapton Neighbourhood Plan (YNP) was based) was prepared to address the OAN at the time and has been subject to major change to meet the requirements of the significantly increased OAN and therefore should be given limited weight.

Policy H2 of the B&ENDP were made in 2014 and are based on an OAN that is approximately 50% less than the current figure. The Ford Lane, Yapton (Y/60/14/OUT) decision is relevant in as much as the Inspector found that a site for up to 100 dwellings could be supported on the basis that the OAN at that time was 758 dpa. The Secretary of State (SoS) disagreed with his Inspector and concluded that while the YNP is currently underpinned by an outdated OAN (IR11.9), policy H1 has flexibility to allow any shortfall in housing supply to be met. As such, the SoS gave significant weight to the housing policies of the YNP. The SoS agreed that in the absence of a 5 year HLS, policy BB1 (of the Yapton NP) is out of date (IR11.10). However, given his conclusions on Policy H1 (of the Yapton NP) he gave it significant weight. The Secretary of State considers that neighbourhood plans, once made part of the development plan, should be upheld as an effective means to shape and direct development in the neighbourhood planning area in question. Consequently, in view of NPPF paragraphs 198 and 185, and guidance on neighbourhood planning, even in the absence of a 5 year housing land supply, the Secretary of State placed very substantial negative weight on the conflict between the proposal and Yapton NP policy BB1. The decision was to refuse Ford Lane. It must be noted that this proposal would not significantly assist in the Council meeting its housing shortfall in comparison to the Ford Lane refusal and this does not weigh as strongly in favour of development.

The B&ENDP identifies one site (for at least 60 units) to meet its housing requirement for the parishes (for a minimum of 200 units, including sites already with permission and permissions being implemented). The B&ENDP relies on an OAN figure from the previous version of the eALP, which is approximately 50% lower than the present figure. Therefore, it is no longer consistent with the latest

housing supply situation. The B&ENDP allocated site has had outline permission granted but has not been commenced and as such, has not made a contribution to the housing supply in the parish. As far as I am aware, Barnham & Eastergate Parish Councils have no intention of renewing or updating the NP at this time and have a preference for the LPA to prepare a small sites DPD which would cover the parishes. This means that whilst Policy H2 does have flexibility to allow any shortfall of supply to be met, there is no evidence to suggest that this is taking place at the moment. The OAN figure has also increased since the SoS made his decision and the housing land supply figure reduced further.

For the reasons set out above, Policy H1 and H2 are considered to be out of date and are therefore afforded limited weight.

Presumption in favour of sustainable development

Regard should also be had to the policies contained in the National Planning Policy Framework (NPPF) which are 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 in 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.

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

In terms of site sustainability, the facilities and local amenities are available in the local area within a walking distance of 800m from either of the two proposed site entrances (note that the 800m is measured using roads and is not 'as the crow flies'):

Bus route 85 and 85a provide an hourly (approx.) service to Fontwell, Littlehampton and Barnham and the bus stop for this service is near to this site. Whilst this is a relatively infrequent service it does demonstrate that the site would be connected in some way to the current public transport service. The site is located more than 2.6km (approximately 1.7 miles) by road from the mainline railway station at Barnham. This is beyond a reasonable walking distance for most, taking an estimated 32 minutes to walk or 8 minutes to cycle.

Although, no account has been taken of local footpaths, it is not considered that the use of these would bring any additional facilities closer to the site.

It should also be noted that there is no street lighting for large sections of the routes between the site and Fontwell & Barnham.

In summary, although it would be possible to walk to a bus stop & take a bus or cycle to nearby facilities, there are no realistic opportunities for walking as an alternative to the private car. Furthermore, it is considered unlikely that new residents would consider cycling or waiting for a relatively infrequent bus service to be an attractive alternative to the use of the private car. It is therefore not considered that this site is a sustainable location for new residential development.

It is also considered that there would be other environmental issues to consider which will be addressed later in this section.

(2) Social Role

It is considered the proposal could support the local community by providing up to 30 new homes to help meet future needs. This factor weighs 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:

- * An increase in Council Tax receipts;
- * Potential 'New Homes Bonus' payments from the Government;
- * Creating/Maintaining Construction Jobs; and
- * Additional spending by new residents on local goods & services.

Assessment of Sustainable Development

It is not considered that the proposal is environmentally sustainable. Although the development would result in social benefits and some economic benefits (as weighed against the costs mentioned above), the development cannot be considered to be sustainable development without also being environmentally sustainable. Therefore, the proposal is not considered to be sustainable development and does not therefore benefit from the NPPF presumption in favour of such sustainable development.

Conclusion on matters of principle:

Overall, the principle of development on this site is contrary to the development plan, however, as Arun Local Plan policies GEN2 & GEN3 are out of date and the weight to be afforded to the Barnham & Eastergate Neighbourhood Development Plan in relation to housing supply policies is very limited then in accordance with paragraph 49 of the NPPF, the development plan policies carry reduced weight. Although, the proposal would contribute modestly to the Council's housing land supply and this is a material consideration, it is necessary to consider the proposal in the context of the presumption in favour of sustainable development. As set out above, it is considered that the proposal would not represent sustainable development due to its location outside of a settlement. There are also adverse impacts arising from the harm to the local landscape.

This assessment will now consider other policy considerations and whether this gives rise to any adverse impacts.

VISUAL IMPACT

Section 7 of the NPPF 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 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.

Policy GEN7(i) requires new developments to respond positively to the identified characteristics of a particular site to create developments which respect local characteristics. Central Government advice

further indicates that more intensive development is not always appropriate and that design which is inappropriate in its context should not be accepted. Furthermore new development should be well integrated with and complement the local area in terms of, for example, layout.

Emerging policy LAN DM1 states:-

"Development throughout the plan area should respect the particular characteristics and natural features of the relevant landscape character areas and seek, wherever possible, to reinforce or repair the character of those areas.

The historic character and development pattern of settlements within the District should be respected, taking into account their distinct identity and setting." And the development would be contrary to this owing to its character being out of character with the low density semi-rural local landscape.

The proposed development is considered unacceptable by reason of conflict with saved policies GEN3, GEN7 of the Arun District Local Plan 2003 and ES6 & H4 of the B&ENP and emerging policy LAN DM1.

The area is rural in character with low density development of some houses and commercial buildings within a largely undeveloped location. An estate development of up to 30 residential units is not considered to reflect the character of the surrounding rural area and would have a detrimental impact on the local landscape. Policy ES6 of the B&ENP states:-

"New development should contribute positively to the character of the two villages, and should reflect the design qualities of their time, so that the richness of varied character continues and is extended into the future."

Furthermore, policy H4 of the B&ENP states:

"Proposals for residential development should be of high quality, and designed so that the new housing integrates into its surroundings and is well connected to the village."

As such, whilst GEN3 and GEN7 have limited weight as they are out of date, NDP policies ES6 and H4 also seek to restrict residential development that does not positively contribute and integrate into the surroundings and the development is considered to be contrary to these policies.

Therefore, the development will also be refused on the grounds of detrimental impact on the visual amenities of the local landscape within this rural area, outside of an established settlement which is contrary to saved policies GEN3 and GEN7 and B&ENP.

SECTION 106 REQUIREMENTS:

This application generates the need for provisions in respect of a contribution towards the provision/maintenance of existing off-site public open space/children's play facilities, either the provision of on-site affordable houses or an equivalent commuted sum and contributions towards local infrastructure. This includes education, libraries and fire and rescue services contributions. These provisions are all in accordance with development plan policies within both the adopted Local Plan and the Emerging Local Plan. The applicant has agreed to providing a Section 106 to cover these requirements but at the time of this recommendation the agreement has not yet been signed.

FLOOD RISK

The site is in flood zone 1, at low risk from flooding from fluvial sources and as such is considered to be acceptable in terms of flooding from fluvial sources in compliance with B&ENP policy ES1.

The site is located within the Lidsey Treatment Catchment Area and at high risk from Surface water flooding. The Council's drainage engineers have not objected but suggested pre-commencement conditions, as such it is not considered that the application should be reused on these grounds as conditions can potentially, adequately drain the site in compliance with saved policy GEN9.

Therefore, it is necessary to refuse the application on the grounds of insufficient information in respect of a signed Section 106 legal agreement.

AIR & NOISE POLLUTION

No information has been submitted regarding noise pollution or an air quality survey. A sufficient consideration of air pollution can not be carried out by the Local Authority and as such the development is contrary to saved policies GEN32 & GEN34 and emerging Arun Local Plan policies QE DM1 and QE DM3.

HIGHWAYS

Insufficient information has been submitted regarding impacts of the development to be considered on surrounding highways and wider network. Whilst access is a reserved matter, the wider impacts of development can not be considered owing to lack of information and an objection is raised.

As such the application will be refused on the grounds of detrimental impact on the surrounding highways and potential highways danger and safety impacts contrary to saved policy GEN7 (vii), and emerging policies T SP1, TDM1 and paragraph 32 of the National Planning Policy Framework.

The development is considered to be contrary to Development plan policies and is refused for the following reasons:

HUMAN RIGHTS ACT

Human Rights Act:

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the

following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

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

RECOMMENDATION

REFUSE

- 1 The proposal being unrelated to the built up area would constitute an unsatisfactory form of residential development and an over-intensive use of the site adversely affecting the existing low density & semi-rural character of Fontwell Avenue and Eastergate Lane and contrary to saved policies GEN2, GEN3 and section (ii) and (iv) of GEN7 of the Arun District Local Plan (2003), emerging policies SD SP2, CSP1, LAN DM1, section c of SO DM1, HSP3, D SP1 and D DM1 of the Arun Local Plan 2011 - 2031 (Publication Version), policies ES6 and H4 of the made Barnham & Eastergate Neighbourhood Plan.
- 2 The development by reason of its location on Grade 2 agricultural land, outside of an identified built up area boundary with limited access to local facilities and services by foot or public transport would encourage the use of private car and is not considered to be sustainable development contrary to section (iii) saved policy GEN7, emerging policy SD SP1, section b of SO DM1, sections 1, 13 & 14 of DDM1 of the Arun Local Plan 2011 - 2031 (Publication Version).
- 3 In the absence of a signed Section 106 legal agreement, the proposed development makes no contribution towards public open space or children's play equipment, local infrastructure (education, libraries and fire & rescue services) and affordable housing and is thereby contrary to the aims and objectives of policies GEN20 and GEN8 of the adopted Local Plan, policies AH SP2, HWB SP1, OSR DM1, INF SP1 Arun Local Plan 2011-2031 (Publication Version including amendments) and the related Supplementary Planning Document SPD1.
- 4 In the absence of sufficient highways and transport information it has not been proved positively that the development would not have an adverse impact on the surrounding highways and potential highways danger and safety impacts contrary to saved policy GEN7 (vii), and emerging policies T SP1 and TDM1 of the Arun Local Plan 2011-2031 (Publication Version) and paragraph 32 of the National Planning Policy Framework.
- 5 In the absence of assessments regarding to impact on air quality and potential impact from road noise of the A29 on the future residents of the dwellings, it has not been demonstrated positively that the development would have no detrimental impact on air quality or the proposed residents may be detrimentally impacted by the road noise from the A29 contrary to saved Arun District Council Policies GEN32 & GEN34 and emerging policies QE DM3 and QE DM1 of the Arun Local Plan 2011-2031 (Publication Version).
- 6 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.