

Recommendation Report for Outline Consent

REF NO:	WA/2/22/OUT
LOCATION:	Land West Of Yapton Lane Walberton
PROPOSAL:	Outline planning application with all matters reserved, other than means of access, for the construction of up to 48 dwellings (30% affordable homes) and dental/doctors' surgery (Use Class E (e)). (This application may affect the setting of a listed building & may affect the Walberton Village Conservation Area).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is for the construction of up to 48 dwellings and dental/doctors' surgery (Use Class E (e)) in outline form with all matters reserved, other than means of access. 30% affordable housing provision is proposed. There are no details of the surgery included within the application. The site would be served via a single vehicular access point onto Yapton Lane.
SITE AREA	2.46 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	19.5 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	Part of the site includes a linear copse to the east, located to the west of Yapton Lane which comprises predominantly Sycamore, with occasional Beech, Hornbeam and Lime.
BOUNDARY TREATMENT	Flint walling and trees along road frontage. Vegetation along north, south and east boundaries.
SITE CHARACTERISTICS	The proposal comprises the northern part of an agricultural field to the west of Yapton Lane. There is a permissive footpath located within the site, running along the eastern boundary, through the copse.
CHARACTER OF LOCALITY	Predominantly rural. In the north-west corner of the site is a care home, Walberton Place. To the north of the site is a large wooded copse which extends from Walberton House to the north west of the site, to Yapton Lane to the east. The copse, and the land to the north of it is in the Walberton Conservation Area. In the north-east corner of the site is a commercial business (chainsaw/lawnmower) which is bounded by a mixed belt of low scrubby vegetation. To the south are community allotments, (a Local Green Space) and an area of open space, to the south of which are greenhouses and packaging buildings for horticultural use.

REPRESENTATIONS

The following is a summary of the representations received. Full comments are available to view on the Council's website.

Walberton Parish Council - Objection.

- The site is not part of the recently made Walberton Neighbourhood Plan (WNP) which allocates in excess of the required number of dwellings for the current Plan period.
- The site is outside the built-up area boundary, in conflict with Arun Local Plan (ALP) Policy SD SP2 and WNP policy HP1.
- The extension further south encroaches on the gap between settlements, contrary to ALP Policy SD SP3.
- The site entrance may lead to the loss of a length of flint wall along Yapton Lane, to the detriment of the rural character of the road and the approach to the Conservation Area, contrary to WNP Policy VE12 2020 - Flint walls. It will lead to the loss of an area of woodland with many mature and varied trees.
- The development will have a harmful impact on the setting of the Conservation Area, in conflict with WNP Policy VE4.
- Traffic modelling underestimates the number of vehicle trips.
- Pedestrian access is unclear. There are no pavements along Yapton Lane and the 'permissive path' in its current form is not practical for general use.
- Dispute that the local highway network is completely safe for cyclists to use.
- The site is grade 1 agricultural land. Use for development as required by ALP Policy SO DM1 has not been demonstrated. No consideration to DEFRA's Soil Strategy for England is referenced.
- Close proximity to a Biodiversity Corridor (WNP Policy VE10 2020) - corridor 5 in the Plan with its colony of Pipistrelle bats. Detail of how biodiversity will be protected (and net gain achieved) as required by ALP Policy ENV DM5 is not evident.

23 Objections

- Not part of the WNP which allocates in excess of the required number of dwellings.
- Outside the built up area boundary in conflict with Arun Local Plan and WNP.
- The extension further south encroaches on the gap between settlements, contrary to Policy.
- Increased traffic volumes will be detrimental to the village.
- Grade 1 agricultural land. Use for development as required by ALP Policy SO DM1 has not been demonstrated. No consideration to DEFRA's Soil Strategy for England is referenced.
- Close proximity to Biodiversity Corridor with colony of Pipistrelle bats. No evidence of how biodiversity will be protected and net gain will be achieved..
- Adversely impacts the Walberton Village Conservation area and the adjacent Listed nursing home.
- Walberton has a dental surgery.
- The bus services are limited and shopping requires travel outside of the village. All 48 units will have at least one vehicle which would increase the already heavy rat running on Yapton Lane.
- Living on Yapton Lane disagree with assumption the site would be safe to encourage cyclists.
- Given the proximity to site of a Roman Villa on the opposite side of Yapton Lane this site should be investigated for similar archaeological finds.
- Noise complaints arising from existing business could impede operation of adjacent business in the future. The noise assessment was undertaken when the business was not fully operational because of covid restrictions.
- Pedestrian access is unclear. There are no pavements along Yapton Lane and the 'permissive path' is not practical for general use being no more than a muddy footpath permitting single use with very few passing places.
- The provision of a doctor's surgery has no convenient access to the local population. None of the local surgeries have any interest in expansion to the village. Provision of a building will not address the shortage of medical professionals that exist, so staffing will be a challenge. It can be discounted as a

benefit to the site.

- Will have a negative impact on the rural and ancient landscape.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and will be covered in the Conclusions section.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

The following is a summary of the consultee comments which can be viewed in full on the Council's website.

Greenspace Officer - Objection.

A landscape led development would be advised to blend this development proposal into the character of this local area.

There would be a requirement for confirmation of the areas of public open space being proposed with this development, and clarification re quantum. There would be a requirement for 3,960m² of usable POS provision excluding SuDS are to be provided with this application.

The open indicated area of POS would appear to be heavily dominant with SuDS features, it would need to be demonstrated that these do not compromise the POS available and existing vegetated tree buffers whilst providing green infrastructure for the proposed development should not be relied upon as serving the POS requirement. This development will trigger the requirement for play in the form of onsite LAP and LEAP provision, only one LAP is presently indicated which would not meet out SPD requirements.

Environmental Health - No Objection.

Request conditions relating to contamination, construction hours/noise levels, air quality and EVPs.

Ecology Officer - Objection.

Great crested newts were confirmed as being present in the pond on the southern boundary. As per the PEA (Jan 2021), a full suite of surveys population are required to be undertaken by a suitably trained ecologist. The results of these surveys along with a detailed mitigation strategy should be submitted prior to the determination of the outline application.

Regarding bats, records from the SxBRC confirm the presence of rare (Annexe II) and light sensitive species close by. Require surveys to be completed as per the PEA (Jan 2021) by a suitably qualified ecologist during the active breeding period (May - September). These surveys must be submitted for approval prior to determination.

Dormice - As per the PEA (Jan 2021), a nesting tube survey should be undertaken as per best practice guidelines and by a suitably trained ecologist. The results of these surveys along with a mitigation strategy should be submitted prior to the determination of this outline application.

Southern Water - No Objection.

Southern Water has undertaken a desktop study of the impact that the additional foul sewerage flows from the development will have on the existing public sewer network. This study indicates additional flows may lead to an increased risk of foul flooding from the sewer network. Any network reinforcement that is deemed necessary to mitigate this will be provided by Southern Water. Condition requested.

Fire Service - No Objection.

There is a requirement of additional fire hydrant(s) for the development. This is to ensure all dwellings on the site are within 150m of a fire hydrant for the supply of water for firefighting.

Archaeologist - No Objection.

The archaeological potential of this site should be further evaluated by field investigation to identify deposits of interest that might be present and to enable the implementation of appropriate measures to mitigate the effects of development on them. This process would be most appropriately secured via the implementation of a version of a planning condition.

Drainage Engineer - No Objection.

Winter groundwater monitoring has been completed, as has some infiltration testing. Groundwater was observed to be relatively shallow and infiltration rates were observed to be variable. It is clear that surface water drainage will require very careful consideration. Winter infiltration testing in accordance with BRE365 should be completed at the locations of infiltrating features. Pre commencement conditions requested.

Lead Flood Authority - No Objection.

Natural England - No Objection.

The development will not have significant adverse impacts on statutorily protected nature conservation sites.

County Highways - Objection.

There is insufficient information to comment further or accept the access arrangement. A Stage One Road Safety Audit which must include a Designers Response. Further information is needed to address cycle routes. In order for cyclists to join The Street, it would be highly desirable to upgrade the permissive footpath, or at least the section north of the proposed vehicular access, to accommodate cyclists. Such an arrangement would require cyclists to use a short section of Yapton Lane when travelling north. The applicant should demonstrate in principle that such works are achievable. The layout plan indicates a potential doctors/dentist surgery. There is no consideration of this in the TS nor is it referenced in the application description. This is understood to fall outside of the application. No assessment has been given to the potential transport impacts that may result from this.

County Minerals and Waste - No Objection subject to submission of further information.

The applicant has not submitted any first hand evidence to demonstrate mineral quality/quantity at the site (e.g. by way of digging of trial pits etc.), and so it is unknown as to the true potential quality and quantity of the resource at the site. It is evident that mineral sterilisation will occur as a result of the development as the proposal is in a mineral safeguarding area.

Suggest the applicant conducts a more detailed assessment of the deposits in the site and their potential uses in the site or by nearby operators if a full application is submitted. No Objection to the application subject to the above concerns being met and the determining authority being satisfied there is an overriding need for the non-mineral development that outweighs the safeguarded resource as per Policy M9 (b) (iii) of the JMLP (2018). Should the overriding need not be demonstrable then the MWPA would be open to discussing a condition or informative.

Conservation Area Advisory Panel - Objection.

- The proposal represents an unfortunate southward extension of the village into the countryside, detracting from its compactness, rural character and setting.
- The new access together with its visibility splays and possible pavements and lighting will detract from the rural character of this section of Yapton Lane.
- It is unknown whether the visibility splays shown on the concept plan will impact on the existing, attractive, low flint wall along the Yapton Lane frontage which again is important to the rural approach into and setting of the Conservation Area.
- There may be some possible obstructions or detriment to the settings of Listed Buildings and the

Conservation Area when viewed northwards from public footpaths to the south of the site.

- The proposal will conflict with the relevant paragraphs of the NPPF and policies contained in the ALP relating to the protection of designated heritage assets and their settings.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and are considered in the conclusions section of the report.

POLICY CONTEXT

Designation applicable to site:

Outside Built Up Area Boundary

Walberton to Barnham Settlement Gap

Adjoining Conservation Area

Sharp Sand and Gravel Area

Grade 1 Agricultural Land

Tree Preservation Order

DEVELOPMENT PLAN POLICIES

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

AHSP2	AH SP2 Affordable Housing
CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCDM1	ECC DM1 Renewable Energy
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
HDM1	H DM1 Housing mix
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
GISP1	GI SP1 Green Infrastructure and Development
INFSP1	INF SP1 Infrastructure provision and implementation
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
HERDM6	HER DM6 Sites of Archaeological Interest
HERSP1	HER SP1 The Historic Environment
LANDM1	LAN DM1 Protection of landscape character
OSRDM1	Protection of open space, outdoor sport, comm& rec facilities
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
SDSP1	SD SP1 Sustainable Development
SODM1	SO DM1 Soils
HWBSP1	HWB SP1 Health and Wellbeing

QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
WMDM1	WM DM1 Waste Management
SDSP3	SD SP3 Gaps Between Settlements
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
SKILLSSP	SKILLS SP1 Employment and Skills
1	

Joint Minerals Local Plan 2018:

	Joint West Sussex M9 Safeguarding Minerals
Walberton Neighbourhood Plan Policy 2017 HP13	Design Guidance
Walberton Neighbourhood Plan Policy 2017 VE7	Surface Water Management
Walberton Neighbourhood Plan Policy 2019-2031 HP1	Built up boundary (BUAB)
Walberton Neighbourhood Plan Policy 2019-2031 VE13	Distinct views and vistas
Walberton Neighbourhood Plan Policy 2019-2031 VE4	Conservation Areas and Areas of Special Character
Walberton Neighbourhood Plan Policy 2019-2031 VE3	Protection of Trees and Hedgerows
Walberton Neighbourhood Plan Policy 2019-2031 HP6	Housing mix and construction
Walberton Neighbourhood Plan Policy 2019-2031 GA5	Traffic Management
Walberton Neighbourhood Plan Policy 2019-2031 CL6	Health Care
Walberton Neighbourhood Plan Policy 2019-2031 CL7	Recreation Facilities
Walberton Neighbourhood Plan Policy 2019-2031 GA1	Open Access and Permissive Paths
Walberton Neighbourhood Plan Policy 2019-2031 GA2	Footpath Bridleway and Cycle Patch Network
Walberton Neighbourhood Plan Policy 2019-2031 GA6	A27/A29 Junction West, and Other Strategic Junctions
Walberton Neighbourhood Plan Policy 2017 HP10	Affordable Housing
Walberton Neighbourhood Plan Policy 2019-2031 HP11	Housing Density

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework

NPPG National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13 Arun District Design Guide (SPD) January 2021
 SPD1 Open Space & Recreation Standards
 SPD11 Arun Parking Standards 2020

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The revised Walberton Neighbourhood Development Plan was made on 14/07/21 and its policies are referred to 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 proposal is considered to conflict with relevant Development Plan policies in that it would have an adverse effect on the visual amenities of the locality and would have an adverse impact upon the established character of the surrounding area and the Settlement Gap and would result in the loss of good quality farmland.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -
 (a) the provisions of the development plan, so far as material to the application, a post examination draft neighbourhood development plan, so far as material to the application,
 (b) any local finance considerations, so far as material to the application, and
 (c) any other material considerations.

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

"In considering whether to grant Listed Building Consent for any works, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Where the building is located in a Conservation Area, Section 71(1) of the Act states:

In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposal is considered to comply with these criteria in that it is not considered to materially affect the character or the setting of the character of the Conservation Area or nearby Listed Buildings.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications should be determined in accordance with the plan unless material considerations indicate otherwise. The Development Plan for the Arun District currently comprises the Arun Local Plan 2011-2031 ("ALP"), the Walberton Neighbourhood Development Plan made in 2021 ("WNDP") and the West Sussex Waste and Minerals Plans.

Section 38 (5) of the Planning and Compulsory Purchase Act 2004 states: "If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document". Any conflict between the current WNDP and the ALP, should therefore be resolved in favour of the former.

Paragraph 14 of the NPPF states in situations where the 'presumption in favour of sustainable development' applies to applications involving the provision of housing, then the adverse impact of allowing development that conflicts with the neighbourhood plan will not significantly and demonstrably outweigh the benefits if four specific criteria apply. In this case the criteria on housing supply does not apply as there is less than 3 years supply of housing and para 14 is not triggered.

The Council published its Authority Monitoring Report (AMR) for 2020/21 and this shows the Housing Land Supply (HLS) decreased from 3.3 years to 2.42 years. This reflects a more rigorous assessment of housing trajectories following recent appeals including the very recent appeal concerning Land South of Barnham Station.

On the basis of the new AMR, the policies most important for the determination in the ALP (C SP1) have reduced weight as Arun cannot demonstrate an adequate supply of housing land. The revised WNDP has recently been made (14/07/21) and does have greater weight but due to the HLS being below 3 years does not benefit from the weight given to recently made plans from para 14 of the NPPF and so the presumption in favour of sustainable development would be unaffected by the WNDP.

Arun Local Plan:

Policy H SP1 sets out an overall provision of 20,000 new homes through the Local Plan phased over the plan period to 2031. It includes reference to additional non-strategic allocations being made across the District, through reviews of Neighbourhood Plans and in cases where there is no up-to-date Neighbourhood Plan, through the publication of a "Non-Strategic Site Allocations Development Plan Document". It is no longer planned to prepare this document. The Local Plan is to be subject to a formal review. The ANDP has been reviewed and allocated additional land for housing.

Policy C SP1 states residential development in the countryside outside the BUAB will not be permitted unless it accords with policies in the Plan which refer to a specific use or type of development. None of these relate to the proposal. Policy SD SP2 states development should be focused within the BUAB. The proposal conflicts with ALP policies C SP1 and SD SP2.

The National Planning Policy Framework (NPPF):

The NPPF is an important material consideration in determining planning applications. As the Council cannot demonstrate a 5-year HLS, para 11(d) of the NPPF and the application of the 'presumption' for

sustainable development is triggered.

This states where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date (including for applications involving the provision of housing where a 5-year HLS cannot be demonstrated), planning permission should be granted unless (i) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

Part (i) does not apply to this determination as the site does not lie in a protected area. The part (ii) test will be applied at the end of this report.

Other Material Considerations

In January 2022 the government published Arun's most recent Housing Delivery Test (HDT) results and showed that Arun achieved 65% triggering the application of the presumption in favour of sustainable development (although this is already being applied due to the HLS shortfall).

In February 2021, Arun published an Interim Policy Statement for Housing Delivery (IHS). This is not policy, but it meant as a guide for developers proposing development on sites outside the BUAB and to inform planning decisions. The IHS applies to sites adjacent to settlement boundaries and this site is adjacent (opposite to) two different areas of BUAB. The IHS sets out criteria to help speed up determinations of suitable residential developments. The applicant states the proposals meets all but one of the criteria (the exception being the site is not within the BUAB) and so scores very highly against the criteria.

Sustainability

ALP policy SD SP1 "Sustainable Development" states the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Para 8 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.

The proposal, despite being outside the BUAB, is sustainably located as it lies on the southern edge of Walberton and it will be possible for residents to use non-car means of transport to access schools, pubs, shops and other services, subject to acceptable footpath provision being incorporated within the scheme.

There are economic gains from the development in that construction jobs would be generated from the proposal.

Social gains would result from the provision of affordable housing; a mix of house types; and the increased use of local services and facilities and the provision of a surgery, but there are no details submitted to determine the contribution the dental/doctor's surgery would make to the local community. It has not been identified and evidenced that there is a practice/doctor/dentist with an interest in setting up, staffing and running a new business.

All of above would be offset by the significant environmental harm that would arise. Although adjacent to the BUAB, the site is in the open countryside and visually separate from the village with far ranging views across open countryside to the site, particularly from the west. The development would change the character of the open countryside irrevocably, reduce the gap between the village and the adjacent

village and the new development would be urban in character and would result in unnecessary loss of productive good quality soils.

The proposal is contrary to policies S SP1 and SD SP2 of Arun Local Plan and NPPF paras 8 and 11.

SETTLEMENT GAP POLICY

Policy SD SP3 of the Arun Local Plan sets out the criteria for assessing development in the Gaps and states that such proposals will only be permitted if they maintain the character of the undeveloped coastline. The policy states that the generally open and undeveloped nature of the Gaps between settlements, will be protected to prevent coalescence and retain their separate identity. This proposal is in an undeveloped gap between Walberton and Barnham which forms an important break in built form and visual separation between the 2 villages. It would detrimentally visually expand built form into an open area. Physically the gap would be diminished, and reduced in depth by approximately half. The width of the Gap is already tapered in this eastern section. The proposal would change the appearance of the area which is currently occupied by two distinctly separate buildings in this part of the Gap by infilling the space between them and expanding 2 storey development across the site. This would be all the more evident because of the views available from footpaths within and close to the site and that the access would require felling of trees along the site frontage. The edge of the Gap is defined as the limit of the rear boundaries of properties within the village of Walberton. The site forms a buffer to the development to the north and south. It provides a clear distinction to the urban uses to the north. To the east and west of the site arable fields retain the countryside setting.

The proposal would not be readily assimilated into the landscape and would not respect the pattern of development in the locality where residential development is located in close proximity of the road frontages and generally has a linear form which does not encroach into the open countryside beyond. This proposal would provide an expansive form of development which would harmfully detract from the rural character. The amelioration offered in the form of tree planting and landscaping would not adequately screen or enhance the appearance of the development. The proposal would cause a permanent loss to the key feature of the landscape which is its undeveloped form and would disrupt established views across the area.

Although the scheme would be adjacent to some development to the north, it would not be particularly well integrated with this development and the village of Walberton beyond which is separated by open space. The development would form an unrelated outlier to the existing pattern of development. Its separation is accentuated by the isolation from any development on the eastern and western sides at the southern end of the site.

This proposal would result in the loss of trees on the eastern boundary and would result in an urbanising form of development in a rural area which would be prominent and readily visible and would undermine the visual separation of settlements contrary to policy SD SP3. Para 174(c) of the NPPF refers to a need for decisions to contribute and enhance the natural environment by maintaining the character of the undeveloped coastline. The development would be contrary to this advice.

The proposal would be clearly visible from adjoining roads and footpaths when viewed from the south and west by virtue of its height and site coverage. The development would have a significant and unacceptable impact on the character of the locality by virtue of its scale and height contrary to policies D SP1, D DM1 and SD SP3 of the Arun Local Plan.

HERITAGE

ALP Policy HER SP1 seeks to conserve the historic environment through protecting designated and non-designated heritage assets. It states developments that prejudice the conservation of the assets or their setting will be refused. Policy HER DM3 outlines how the Council will preserve and enhance the

character and appearance of the setting of Conservation Areas and important views into or out of the Conservation Area should not be harmed. Policy HER DM1 set out criteria for assessing the impact on proposals in relation to the setting of Listed Buildings.

WNP Policy VE 4 states that proposals that adversely affect the setting of the Conservation Areas will not be supported. New development must protect the open/rural character of the Conservation Area's setting and sustain or enhance the visual connections between the village's core and its rural hinterland, including longer views to the South Downs, which contribute to the character of the Conservation Area.

Paragraph 197 of the NPPF requires decision taking to take account of the desirability of preserving the significance of a heritage asset and the positive contribution that the conservation of the asset can make to sustainable communities. Paras 199 - 200 set out how the significance of an asset will be assessed and para 201-202 confirm how harm to assets will be quantified.

The site is not in the Conservation Area. However there is some impact on the setting of Walberton Village Conservation Area. The site is also close to various Listed Buildings, but their curtilages do not directly abut the site and given the distances involved and intervening open space and buildings their settings are not adversely affected.

A Heritage Statement has been submitted to fulfil the requirements of paragraph 194 of the NPPF. The site is in the immediate setting of the and Walberton Village Conservation Area and the broader setting of St Mary's Church and Walberton House, now known as Walberton Park. A setting assessment has been undertaken which concluded that the setting of the Church and House would not be directly affected by the development, but that the close setting of the conservation area would experience harm.

The significance of the Conservation Area's setting is as former parkland within a designed landscape, some of the features of which are retained in the conservation area. These include the entrance gates, tree-lined drive and the boundary wall to Yapton Lane. The setting contributes to the experience of the conservation area and also the appreciation of this area as part of the broader historic development of Walberton House.

The National Planning Policy Framework (NPPF) sets out the Government's policy for the Historic Environment. It states that harm to the significance of heritage assets should be avoided or minimised, which includes any harmful changes to an asset's setting (para 195). Where harm is incurred, clear and convincing justification is required (para 200). In assessing applications, the NPPF stipulates that great weight should be given to the conservation of designated heritage assets and the more important the asset the greater the weight should be (para 199).

A level of potential harm to the setting of the Conservation Area will occur as this is a rural and largely tranquil setting. Whilst this is screened from the road, it would be experienced from the footpath and the drive, as well as the fields. This harm does not result in a total loss of significance and results in less than substantial harm. As a consequence, the scheme should be subject to the public benefit test outlined in the NPPF. The benefits of 48 dwellings outweigh the negative impacts on the heritage asset associated with character and the proposals accord with the requirement to preserve and enhance the character of the setting of the Conservation Area given the distance and position of the development site in relation to the Conservation Area, but it does not follow that it is sustainable development for the purposes of paras 8, 11d and 14 as argued above.

In accordance with Historic England guidance, mitigation has been provided as part of the setting assessment which will help to reduce the impact of a scheme. This should encourage the design to be more sympathetic within its setting and that of the conservation area and in turn help to better conserve its special interest. The mitigation includes some brief design advice which could be developed further at

reserved matters stage.

The creation of an opening to provide for the means of access will have a dominating impact based on the design features required of a modern junction and loss of part of an established and visually important hedge line and flint wall which runs along the road frontage to the Conservation Area.

The proposal is therefore compliant with policies HER SP1, HER DM1 and HER DM3 of Arun Local Plan and policy VE4 of Walberton Neighbourhood Plan.

CHARACTER & DESIGN

Policy D DM1 of the Arun Local Plan requires the Council seek to make the best possible use of land by reflecting or improving on the character of the site and the surrounding area. It is necessary that development demonstrates a high standard of architectural principles, use of building materials and hard and soft landscaping to reflect the local area. New housing should make efficient use of land while providing a mix of dwelling types and maintaining character & local distinctiveness. Higher densities will be more appropriate in the most accessible locations. The policy requires the scale of development to keep within the general confines of the overall character of a locality. ALP policy D SP1 "Design" requires development to make efficient use of land and reflect local character.

Policy VE13 of the WNP states development proposals should respect and, wherever possible, enhance distinctive views and vistas by ensuring that the visual impact on these views is carefully and sympathetically controlled. Schedule 7 of the Plan identifies views looking south, west and east across the site from Yapton Lane and Binsted Lane.

The National Design Guide (NDG) is a material consideration in the determination of this application. It states that achieving a well-designed place comes about through making the right choices at all levels, including the layout (or masterplan), the form and scale of buildings, their appearance, landscape, materials and their detailing. It sets out ten characteristics of beautiful, enduring and successful places: Context, Identity, Built Form, Movement, Nature, Public Spaces, Uses, Homes & Buildings, Resources and Lifespan. The application is in outline form with no design details forming part of the proposals so an assessment as to quality, design and space for the future residents cannot be considered at this time.

The Arun Design Guide suggests a density of 15-25 for detached/semi-detached houses in village locations and states density should decrease with distance from the centre of a settlement, to ensure development relates sensitively to its setting and addresses edges of the site in a positive way. The site density of 19 per ha is in this range. The indicative layout shows the site enclosed by landscaped buffering which has reduced the density accordingly. Policy HP11 of WNP requires the density of new development to be appropriate to its location by virtue of size, siting and relationship to existing properties. The indicative density is acceptable and in keeping with other development in the locality.

The western side of the carriageway to Yapton Lane has a rural character with no pavement or grass verge areas. The continuous hedgerow and flint walling along the highway boundary in Yapton Lane provides a rural approach into the settlement from the south. If 2 storey residential development were to take place as proposed the character of the west side of the road would become suburban, which would affect the rural approach from the south into the conservation area and existing village. The rural approach into the village from the south would also be compromised with the formation of the new vehicular access.

The introduction of a housing estate into the open countryside would be entirely out of character with the village. The location of a modern housing estate in such an open and visually prominent location readily visible from the network of adjacent public footpaths would have an unacceptable effect on the character of the village as a whole. The public footpath between Walberton and Barnham to the west affords open

rural views to the site from the west.

Residential development on the site even in the limited area shown, and well landscaped, with retained trees will inevitably change the character of the field from distinctly rural to suburban. Whilst the layout and architectural treatment of the dwellings could be designed to be of a high quality, this cannot mitigate the significant impacts the proposals will have on the village rural character of the area. The proposals are considered to result in significant harm to the special character of the area contrary to policies VE13 of the Walberton Neighbourhood Plan, D SP1 and D DM1 of Arun Local Plan.

TRAFFIC, ROAD SAFETY & PARKING

ALP policy T SP1 seeks to ensure development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport. It states schemes must explain how development has been designed to: (i) accommodate the efficient delivery of goods and supplies; (ii) give priority to pedestrian and cycle movements and have access to high quality public transport facilities; (iii) create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter.

T SP1 states proposals must incorporate appropriate levels of parking taking into consideration the impact of development on on-street parking. Policy T DM1 requires new development be located in easy access of established non-car transport modes/routes, contribute to the improvement of such routes & facilities and contribute towards provision of a joined-up cycle network and Public Rights of Way network.

Para 110 of the NPPF states: "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Regard should be had to para 109 which states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

The advice of WSCC Highways is summarised above. Based on the information submitted they are not satisfied the proposal will have an acceptable impact on highway safety given the limited information with regard to the access, verification of trip rates or acceptable survey data or acceptable sustainable modes of travel. The Local Planning Authority agree with this advice. The proposal is potentially contrary to the NPPF (para 111) and there are transport grounds to resist the proposal. Any impact on infrastructure cannot be assessed on the information submitted and the proposal is therefore contrary to policy INF SP1 of Arun Local Plan.

A consultation response from Highways England remains outstanding and it is possible contributions will be required for highway improvements to the A27 so at the time of determination it is not clear whether contributions will be required.

Parking provision would be assessed as part of any reserved matters application submitted.

Based on the information submitted the proposals do not therefore accord with policies in the relevant Arun Local Plan or Neighbourhood Plan in respect of highways and infrastructure.

BIODIVERSITY

Policy ENV SP1 confirms that Arun District Council will encourage and promote the preservation, restoration and enhancement of biodiversity and the natural environment through the development process and particularly through policies for the protection of both designated and non-designated sites. Where possible it shall also promote the creation of new areas for habitats and species.

A buffer will be kept between the development and the hedgerows and Tree Root Protection Zones can

be established and protected.

The Council's Ecologist concluded the presence of rare (Annexe II) and light sensitive species of bat close by. Further surveys must be submitted for approval prior to the determination of the application since the woodland may provide a vital corridor for rare bat species and it important to understand bats are using the woodland and marginal vegetation before this habitat is removed.

The Ecologist is not satisfied that adequate surveys and mitigation strategies for Dormice and Newts have been undertaken and these would need to be submitted before the application is approved. A precautionary approach should be taken for reptiles. This advice is agreed by the Local Planning Authority.

The agent has not provided evidence to demonstrate Biodiversity Net Gain in line with Policy ENV DM5 of the Arun Local Plan. Based on the information provided within the Biodiversity Metric and Net Gain Calculations this would met. As such, it is not considered that the proposed development complies with the NPPF and local policies for provision of net gain for biodiversity on site. The proposals are not satisfactory in this regard.

RESIDENTIAL AMENITY

ALP policy D DM1 requires there be minimal impact to users and occupiers of nearby property and land. ALP policy QE SP1 requires development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity. The Arun Design Guide sets out guidance on garden depths and interface distances between houses:

- Back to Back: min. 21m between habitable rooms of properties or to existing buildings;
- Back/Front to Side: min. 14m between habitable rooms and side gable of adjacent property;
- Front to Front: min. 16m between habitable rooms of properties facing each other; and
- Back to Boundary: min. 12m between habitable rooms and site boundary to existing landscaping.

The proposals indicated within the Design and Access Statement are limited but it is likely a reserved matters application could achieve general conformity with these requirements.

In terms of noise from the adjacent business use Environmental Health advise that this can be addressed by mitigation measures to ensure an appropriate level of aural amenity within habitable rooms and amenity in garden areas and can be controlled by condition.

INTERNAL & EXTERNAL SPACE STANDARDS

As per ALP policy D DM2, it is necessary to assess the proposal against the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if the buildings will be suitable for residential use.

The Arun Design Guide sets out standards for garden sizes as follows:

- Private Rear Garden: min. 10.5m depth;
- Private Front Garden: min. 2m depth;

The proposals indicated within the Design and Access Statement demonstrate a reserved matters application could achieve general conformity with these requirements.

HOUSING MIX

ALP policy HDM1 requires all housing development should provide a mix of dwelling types/sizes to address the nature of local housing needs and market demand. The policy does not prescribe a specific housing mix that must be met by individual applications, with the policy stating each must be considered

on its own merits and on a site by site basis, having regard to the most up to date Strategic Housing Market Assessment (SHMA).

Policy HP6 of the Walberton Neighbourhood Plan seeks a range of house types and tenures, including a proportion of housing to meet the needs of an ageing population.

Full Council has recently agreed that its guidance for the provision of Accommodation Suitable for Older Persons and People with Disabilities is not a Supplementary Planning Document but is a material consideration in respect of the determination of all relevant applications.

The 2012 SHMA was the subject of an update by GL Hearn in 2016 ("Updated Housing Needs Evidence", September 2016) in which paragraph 6.3 stated the evidence highlighted a direction towards the provision of 2 and 3 bed units for market units and smaller affordable units. The 2016 update acknowledges at paragraph 6.10 that affordable (rented) need being more heavily skewed towards smaller dwellings and market housing predominantly homes with three or more bedrooms. Table 29 identifies a suggested broad mix of market housing by size for the District.

Compliance with these requirements would be considered at reserved matters stage.

AFFORDABLE HOUSING

Developments over 11 residential units require a minimum provision of 30% affordable housing on site as per ALP policy AH SP2. The policy states affordable housing should be visually indistinguishable from market housing with large groupings of single tenure dwellings or property types avoided. Affordable housing units shall be permitted in small clusters throughout development schemes.

A total of 14 dwellings should be provided as affordable. Due to the affordability of rented accommodation the rent should be set no higher than 90% of Local Housing Allowance (LHA) levels and a minimum of 50% of the rented units should be set at rent levels of no higher than 65% of open market value.

The affordable housing statement should roughly reflect the mix recommended in the Strategic Housing Market Assessment. All of the necessary affordable housing requirements would need to be included in S106 planning obligation not secured by planning condition. Any subsequent reserved matters application could accord with the required quantum and mix of affordable housing. The proposed development should comply with Policy AH SP2 of the Local Plan in terms of clustering.

HOMES FOR OLDER PEOPLE

Arun DC agreed an internal policy on the provision of housing accommodation to provide for an ageing generation ("Accommodation for Older People and People with Disabilities", 2020). This is not adopted policy or a supplementary planning document but is considered to have some weight as a material planning consideration as the advice contained in the relevant, as yet unadopted, supplementary guidance has been approved by Full Council. It is supported by references in ALP policies D DM1 & D DM2 and policy HP6 of the WNP. This requires at least 24 of the homes (50%) are designed to the M4(2) standard, and that 4 are designed to meet M4(3) i.e. be wheelchair accessible.

Policy HP6 of the Walberton Neighbourhood Plan seeks a range of house types and tenures, including a proportion of housing to meet the needs of an ageing population.

This level of provision and layout would need to be demonstrated at reserved matters stage.

PUBLIC OPEN SPACE & PLAY

ALP policy OSR DM1 requires housing developments provide sufficient public open space, playing pitch

provision and indoor sport & leisure provision. The Council's SPD "Open Space, Playing Pitches, Indoor and Built Sports Facilities" (January 2020) sets out a requirement 6,188m² as a minimum of well connected, usable, quality POS provision within this development. There would be requirement for confirmation of the areas of public open space being proposed with this development, and clarification re quantum. Arun District Council's SPD January 2020 would trigger the requirement for play in the form of onsite LAP and LEAP provision, which would need to be suitable for location in material choice and play experience offer.

The Greenspace Officer raises no objections to the provision of open space and play space and advises a landscape led development in this location would be appropriate in order to blend this development proposal into the character of this local area. There would be requirement for confirmation of the areas of public open space being proposed with this development, and clarification re quantum. There would be a requirement for 3,960m² of usable POS provision excluding SuDS are to be provided with this application.

The open indicated area of POS would appear to be heavily dominant with SuDS features, it would need to be demonstrated that these do not compromise the POS available and existing vegetated tree buffers whilst providing green infrastructure for the proposed development should not be relied upon as serving the POS requirement.

This development will trigger the requirement for play in the form of onsite LAP and LEAP provision, only one LAP is presently indicated which would not meet the SPD requirements. This would need to be considered further at reserved matters stage.

The need to remove a section of hedgerow to facilitate the entrance would require mitigating with compensation planting within the site. The design of the site should promote a high-quality development that respects, maintains and enhances the local landscape character. This new development should consider the character and distinctiveness of the area reflecting local design characteristics where possible and its setting with the surrounding countryside and rural fringe. All nature conservation features in the site including existing habitats, trees, hedges, watercourses and other features should be incorporated into the site design and protected from change. These assessments would be made at reserved matters stage. The application has a site area sufficient to provide the necessary open space requirements in accordance with policy OSR DM1 of Arun Local Plan.

ENERGY AND CLIMATE CHANGE

ALP policy ECC SP2 requires that all new residential and commercial development be energy efficient and incorporate decentralised, renewable and low carbon energy supply systems. All major developments must produce 10% of the total predicted energy requirements from renewable or low carbon energy generation on site, unless it can be demonstrated that this is unviable. Energy efficiency measures will be taken into consideration when the total predicted energy requirements are calculated. Policy ECC SP1 requires that new development be designed to adapt to impacts arising from climate change.

PV panels could be proposed on some dwellings. These, along with other measures can be secured via planning conditions and included at reserved matters stage. The proposal could be compliant with policy ECC SP2.

ARCHAEOLOGY

The advice from the Council's Archaeologist is that archaeological potential of this site should be further evaluated by field investigation to identify deposits of interest that might be present and to enable the implementation of appropriate measures to mitigate the effects of development on them. A suitable standard condition could be imposed to ensure this. On this basis the proposal would be compliant with

policy HER DM6 of the Local Plan which seeks the submission of a desk based archaeological assessment in any application.

SUPPORTING INFRASTRUCTURE

ALP policy INF SP1 requires development proposals provide or contribute towards the infrastructure & services needed to support development to meet the needs of future occupiers and the existing community. Any off-site provision or financial contribution must meet the statutory tests for planning obligations required by Regulation 122 of the Community Infrastructure Regulations 2010.

The Parish Council will be provided 25% of the CIL receipts to spend on their own projects. These payments go towards providing the infrastructure that the district needs to support existing and future development. On this basis, there is no conflict with ALP policy INF SP1.

Affordable housing provision would be required to be secured via a planning obligation.

On site provision of open space and play equipment can be secured via a planning condition. On this basis the proposal would accord with policy INF SP1 of Arun Local Plan.

FOUL DRAINAGE

ALP policy W DM1 states that all major developments must demonstrate, that adequate drainage capacity exists or can be provided as part of the development. Where adequate capacity does not exist, there will be a requirement that facilities are adequately upgraded prior to the completion and occupation of development. Policy W DM1 also states that a drainage impact assessment is required for all major development.

The foul drainage strategy connection from the site to the public foul sewer will need to be confirmed and approved by Southern Water.

Southern Water have stated that additional flows may lead to an increased risk of foul flooding from the sewer network and any network reinforcement that is deemed necessary to mitigate this will be provided by Southern Water. They request a suitably worded planning condition. Subject to this, the proposals would accord with Policy W DM1 of the Arun Local Plan.

SURFACE WATER DRAINAGE

ALP policy W DM3 requires all development identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS), appropriate to the size of development, at an early stage of the design process. Policy VE7 of the Walberton Neighbourhood Plan states that new development should aim to reduce the overall level of flood risk through a series of criteria.

The application includes an FRA and Drainage Strategy. The site layout design and drainage strategy is at this stage indicative in nature given of the outline consent sought. The final design and layout will be fixed at reserved matters stage. The Preliminary Drainage Strategy has been prepared to demonstrate that the site can be sustainably drained in principle. The site lies in Flood Zone 1 categorised as at low risk of flooding and the submitted FRA demonstrates a scheme can be developed that does not increase flooding elsewhere. SUDS would be utilised.

WSSC LLFA confirm that surface water mapping shows the area of the development is shown to be at high risk from groundwater flooding based on current mapping. This risk is based on modelled data only and should not be taken as meaning that the site will or will not suffer groundwater flooding.

Arun's Drainage Engineer has no objection to the proposal in principle subject to the imposition of pre commencement conditions.

The drainage of the layout and its acceptability is linked with the site layout proposed which would be subject to approval at reserved matters stage. In principle acceptable drainage is likely to be achieved and this aspect of the proposal could not be refused at this time and is considered to be in accordance with policy WDM3 of Arun Local Plan and policy VE7 of Walberton Neighbourhood Plan.

TREES

ALP policy D DM1 states development is expected to incorporate existing/new tree planting as an integral part of proposals. Policy LAN DM1 requires development respects the characteristics & natural features of the relevant landscape character areas and aim to reinforce or repair the character of those areas. Policy D SP1 requires development proposals reflect the characteristics of the site and local area in their landscaping and policy ENV DM4 of the Local Plan requires proper provision to be made for the protection and management of trees when undertaking development.

Policy VE3 of the WNP states that development will be permitted where it can be demonstrated that trees and hedgerows contributing to local amenity will not be damaged or destroyed and that development that damages or results in the loss of ancient trees/ trees of arboricultural and amenity value or loss of hedgerows or significant ground cover and habitat will be resisted.

The site comprises an arable field with continuous hedgerows and scattered broadleaved trees on boundaries. The illustrative layout shows perimeter buffer areas and would largely serve to contain and protect existing trees associated with the site. Further greening in the development would need to be detailed and approved with any subsequently submitted layout at reserved matters stage. The layout shows that adequate protection of existing trees and hedges (with the exception of the area of the access) and additional planting could be incorporated into any final layout and the landscape buffer zone should perpetuate the existing wildlife corridor within and beyond the site.

A total of six trees/groups surveyed including a number of sycamore trees and a single beech tree will need to be removed to allow the new access to be formed as identified and assessed as part of the Tree Survey submitted with the application. It has previously been agreed with the Council's Tree Officer that the retention of the non sycamore tree species on the site should take precedence when determining the optimum position of the access road and the proposal in accordance with those discussions. Repositioning the entrance either further to the north or south would have implications for additional non sycamore trees, with any movement of the entrance southwards taking it closer to tree T1 (lime) which is of better quality than the Beech indicated for removal. There is some scope for new tree planting on the site. The existing eastern boundary is proposed to be strengthened with new trees, along with new planting within the site and also along the southern boundary. This would mitigate for the tree loss resulting from the creation of the access.

Those trees identified in the development plan for retention will need to be adequately protected during any construction works and prior to any construction or development work proceeding, the Root Protection Area (RPA) of individual trees to be retained should be marked out. Provided adequate tree protection measures as set out in the Arboricultural Implications Assessment and Method Statement are deployed during the construction phase, then the proposal is considered acceptable from an arboricultural perspective. These matters could be controlled by suitably worded conditions. On this basis the proposal is considered compliant with policy D SP1 and ENV DM4 of Arun Local Plan.

LOSS OF AGRICULTURAL LAND

The application is supported by an Agricultural Land Quality Assessment. The assessment determines the site to be primarily Grade 1 defined as excellent quality agricultural land. The report concludes that there are some major constraints on the use of the land for agriculture in that the existing access is limiting for modern machinery and given its size it is only marginally feasible to crop for arable crops.

However the field is currently in use for agricultural production. It is used for production of winter wheat and has been used for combinable crops in rotation including oil seed rape, peas, barley and wheat. The loss of usable farm land to facilitate development would be contrary to policy SO DM1 of Arun Local Plan which states any form of development not associated with agriculture will not be permitted unless the development outweighs the need to protect the land in the long term. Given the above it is not considered that the justification for the development on this particular site is sufficient to outweigh the loss of this high quality agricultural land. There are other sites in the District that would not be on such high grade agricultural land and are not so sensitively sited. There is no overriding need for the development in this location. WNP was recently adopted (2021) and this makes adequate provision for housing within the Parish and excludes the application site from the built up area.

Policy SO DM1 (e) requires demonstration that site appraisal documents have considered the Department for Environment, Food & Rural Affairs (DEFRA)'s Soil Strategy for England, (f) that the productivity of the land is demonstrated using a methodology for assessing gross margins and (g) a comprehensive soil resources plan for the development site which demonstrates that care will be taken to preserve the soil resource, such that it can be incorporated into a productive Green Environment following development. The proposal submitted does not meet these requirements and is in conflict with policy SO DM1 of the ALP.

The NPPF (paragraph 174) requires that the Council takes into account the economic and other benefits of this type of land. The Local Plan's Sustainability Appraisal recognised that most of the undeveloped coastal plain within the District is high grade agricultural land. The proposal is contrary to this guidance.

LIGHTING

Development Plan policies emphasise the need to consider the impact of light on neighbouring uses and wider landscape. Light levels should be the minimum required for security and working purposes, and minimise potential glare and spillage as required by policy QE DM2 of the Local Plan .

Policy VE8 of the WNP requires development proposals to respect the unlit environments of the Parish.

Subject to the submission of an appropriate lighting scheme and use of appropriate conditions the proposed residential development would be acceptable in terms of light emissions and compliant with policies QE DM1 of Arun Local Plan and policy VE8 of Walberton Neighbourhood Plan.

MINERAL SAFEGUARDING

The development is in a mineral safeguarding area for sharp sand and gravel and a sand and gravel deposit is mapped as being present on the site. A Mineral Resource Assessment (MRA) has been submitted with the application which concludes the small quantity of sand and gravel on the proposed development site is too small to make any meaningful contribution to the landbank for sharp sand and gravel in West Sussex and prior extraction is not feasible.

The MWPA agree that the existing nearby residences may act as a constraint for extraction, but see no justification as to why a 100m buffer zone was used and note that the report does not indicate how temporary mineral extraction would impact upon the amenities of these residents over the construction of 48 homes. It is appreciated that prior extraction could have a limited effect on the nearby conservation area, however this is not discussed in the MRA. The report does not assess whether incidental extraction of the safeguarded resource for use in the development/by surrounding operators would be a viable option to prevent permanent sterilisation. The applicant has not submitted any first hand evidence to demonstrate mineral quality/quantity at the site (e.g. by way of digging of trial pits etc.), and so it is currently unknown as to the true potential quality and quantity of the resource at the application site. Regardless, it is evident that mineral sterilisation will occur as a result of the development as the proposal is in a mineral safeguarding area.

Given the proposal is at Outline stage, the MWPA have suggested that the applicant conducts a more detailed assessment of the deposits in the site and their potential uses within the site or by nearby operators if a full application is submitted. Based on the evidence submitted it is not clear that there is an overriding need for the non-mineral development that outweighs the safeguarded resource as per Policy M9 (b) (iii) of the JMLP (2018).

The site does not meet the requirements of criterion (b) of the mineral safeguarding Policy M9 Safeguarding Minerals of West Sussex Minerals Plan and based on the evidence submitted the proposal would not be acceptable in terms of Mineral Safeguarding.

SUMMARY

In accordance with paragraph 11d ii) of the NPPF, the Council concludes that there are further significant and demonstrable negative impacts associated with the development that, when assessed against the NPPF as a whole, would outweigh any presumption in favour of sustainable development. The site is within the open countryside and is visually separate from the village with far ranging views across open countryside to the site. The development would change the character of the open countryside irrevocably and the new development would be urban in character. The development would result in harm to good quality soils and the highway network. The proposal conflicts with policies C SP1, D SP1, D DM1, SO DM1, INF SP1 and T SP1 of Arun Local Plan.

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.

SECTION 106 DETAILS

A section 106 Agreement in respect of affordable housing and management and maintenance of public open space and play facilities will be required and no Agreement has been signed to date.

CIL DETAILS

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

RECOMMENDATION**REFUSE**

- 1 The development is outside of the built up area boundary of Walberton as defined by the Arun Local Plan Policy C SP1. The development is not in accordance with policy C SP1 as it is not an approved category of development in the countryside. The benefits of the development do not outweigh the harm caused in accordance with advice contained Paragraph 11d) ii) of the NPPF. This level of harm outweighs the presumption in favour of sustainable development and conflicts with paragraph 11d) ii) of the NPPF.
- 2 The site is within the open countryside and is visually separate from the adjoining residential development with far ranging views across open countryside to the site. The development would significantly and adversely change the character of the open countryside irrevocably and the new development would be urban in character. As such, the proposals fail to accord with policies D SP1 and D DM1 of the Arun Local Plan.
- 3 The site comprises Grade 1 Agricultural Land and it has not been satisfactorily demonstrated that there is an overriding need for the development in this particular location in conflict with policy SO DM1 of the Arun Local Plan and para 174 of the NPPF.
- 4 In the absence of sufficient evidence to demonstrate mineral quality/quantity at the site and that there is no justified overriding need for the non-mineral development that outweighs the safeguarded resource the proposal would be contrary to Policy M9 (b) (iii) of the Joint Minerals Local Plan (2018).
- 5 Based on the limited information submitted with the application with regard to highway safety and traffic flow it has not been satisfactorily demonstrated that the proposal is compliant with policy T SP1 of Arun Local Plan and paragraph 110 of the NPPF.
- 6 The site is within a defined Settlement Gap. The proposal would involve significant built development in the Walberton to Barnham Settlement Gap, in conflict with policy SD SP3 of the Arun Local Plan which requires that development demonstrates that it cannot be located elsewhere and does not result in undermining the physical/visual separation of settlements. The proposal and associated loss of trees to create the access would result in a prominent and visually obtrusive form of development which would adversely affect the visual amenities of the locality and rural character of the area contrary to policies SD SP3 and D DM1 of the Arun Local Plan and the NPPF.
- 7 The proposal does not contain sufficient information and survey results to demonstrate that the proposal would not have an adverse effect on biodiversity or protected species. The proposal therefore conflicts with policy ENV DM5 of Arun Local Plan and the NPPF.
- 8 In the absence of a completed section 106 agreement to secure on site affordable housing the proposals are contrary to Arun Local Plan policy INF SP1.
- 9 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reasons for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local

Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.