

Recommendation Report for Planning Permission

REF NO:	WA/32/21/PL
LOCATION:	Land at West Walberton Lane Walberton BN18 0QF
PROPOSAL:	Construction of 30 No. dwellings together with associated access, parking, public open space & landscaping. This site may affect the setting of listed buildings, affects the character & appearance of the Walberton Green Conservation Area, is a Departure from the Development Plan & is in CIL Zone 3 & is CIL Liable as new dwellings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks permission for residential development on land at West Walberton Lane in Walberton, comprising 30 no. dwellings together with associated access, parking, open space and landscaping. 30% affordable housing provision is proposed. Vehicular access is proposed via Eastergate Lane. Public open space is proposed within the development including an extension to Walberton village green (with potential future pedestrian link), a pond, community orchard, natural play areas and wooded areas.
SITE AREA	1.5 ha
RESIDENTIAL DEVELOPMENT DENSITY (NET)	20 dph
TREES	There are a number of trees along the site boundaries, particularly to the east, that are protected by the Conservation Area and Tree Preservation Orders (TPOs).
BOUNDARY TREATMENT	The western boundary of the site is defined by mature hedgerow and trees, beyond which are open paddocks divided into fields. There are a number of trees along the site boundaries, particularly to the east, that are protected by the Conservation Area and Tree Preservation Orders (TPOs).
SITE CHARACTERISTICS	The site is located on the western edge of Walberton Village forming the land between Eastergate Lane and West Walberton Lane; triangular in shape and approximately 1.5 hectares. The site is bounded by residential development to the north and south, with Walberton Green to the east where the northern parcel comprises of an open lawned area whilst the southern parcel is a pond surrounded with mature trees. The Green forms an important part of the Conservation Area in this location framed by residential development.

The site's western boundary is defined by mature hedgerow and trees, beyond which are open fields divided into paddocks. Part of the site is located within flood zones 2 & 3a. There is a local cycle route that runs down West Walberton Lane, around Walberton Green and along Eastergate Lane. There are two conservation areas in Walberton and the site is located adjacent to the most westerly conservation area.

The site is presently pasture with enclosure due to trees and hedgerow boundaries.

The South Downs National Park is approximately 813m northeast of the site.

CHARACTER OF LOCALITY

The site is adjacent to the built up area boundary of Walberton in an open countryside setting, visually separate from the village with far ranging views across open countryside.

Walberton Green is to the east of the site where the closest parcel comprises a large area of open lawn, whilst the neighbouring parcel contains a pond which is surrounded with mature trees. The Green forms an important part of the Conservation Area and creates a semi -rural character.

REPRESENTATIONS

Walberton Parish Council

- The site is not part of the 2020 Walberton Neighbourhood Development Plan. It was rejected by residents in 2016.
- The Parish has exceeded its required allocation of 60 dwellings in its Plan.
- The site affects the setting of the conservation area.
- The site interferes with views across Walberton Green from the Conservation Area in conflict with Walberton Policy VE13: Views and Vistas.
- The site is listed in HELAA as Not Developable. HELAA lists constraints as "Flood Zone Fluvial 2 & 3a, groundwater flood risk, conservation area and TPO. Designated as existing open space in the Local Plan.
- This development is on a green field site outside the Walberton built-up area boundary.
- ADC Policy SO DM1: Soils states that agricultural land should be protected.
- Does not fulfil criteria laid down by ADC Policy H SP3 - Rural housing and exception sites.
- This site impacts a key Biodiversity Corridor.
- Some parts of the site are in flood zones 2 and 3a. These zones extend up to the housing plots .
- Traffic impact with minimal public transport.

89 letters of objection on the grounds of

- Outside of the built up area boundary
- The site is not part of the Walberton Neighbourhood Plan
- Will increase traffic on narrow country lanes and the village
- Erode the rural character
- Detract from the Conservation Area
- Area around the village green and pond is a natural haven for wildlife. 30 houses built so close to this

area would have a detrimental effect on this area by creating more pollution, noise, traffic and litter

- The proposed site is in an area extremely liable to flooding
- This development is on a green field site
- This is designated a Green Infrastructure Corridor
- The proposal is in conflict with Walberton Policy VE10 2020 - Biodiversity Corridors.
- Groundwater levels have been monitored for an inadequate amount of time
- This development increases the amount of traffic that will use the Fontwell roundabouts. There is no demonstration of nil impact on them in the assessments. These are already well documented to be over capacity
- There is no proven need for houses here on this site
- Do not have the infrastructure and surrounding road network will be unable to accommodate the current level of housebuilding
- Adjoining lane do not have footpaths and West Walberton Lane is designated as part of a cycle way between Barnham and Slindon

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments are noted and will be covered in the Conclusions section.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

SOUTHERN WATER - additional flows may lead to increased risk of foul flooding from sewer network. Any network reinforcement deemed necessary to mitigate this will be provided by Southern Water.

Southern Water requests the following condition to be applied: Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development.

Should this application receive planning approval; a condition is attached in respect of foul and surface water drainage.

ADC GREENSPACE - no objection on landscape grounds to the layout proposals. The POS areas shown are perimeter buffer areas and would largely serve to contain and protect the existing trees associated with the site. Further greening within the centre of the proposed development and to the pond area would need to be detailed and approved.

The indicated layout would appear to show that those trees on the western edge are to be incorporated into an area of open space, landscape buffer zone that should perpetuate the existing wildlife corridor within and beyond the site.

A development requires the provision of onsite POS minimum area of 2,475m² plus the provision of an onsite, unequipped natural play LAP area to include such features as landform, boulders or logs, seat and litter bin.

An existing green boundary is evident to the perimeter of the proposals, this would require further boundary planting treatment to enhance and improve. Further landscaping would be required within the development and POS areas to increase biodiversity and habitat within this rural fringe site.

A full and detailed landscape scheme will be required to be submitted for approval, detailing species choice, position, densities and size at time of planting.

ADC CONSERVATION OFFICER - Of note is the fact that the Green is located on the edge of the village, rather than in a central location within the village. As a consequence, its relationship with, and transition towards, the adjoining countryside is of importance.

Whilst the layout, landscape treatment and the designs of the proposed new dwellings appear to have been carefully considered, it is still problematic. It is thought that the proposed dwellings will never be fully be concealed from view from the neighbouring roads or the village green

There is the opportunity to see the site from the conservation area. This point has been noted by the applicant where it is suggested that the design of the three houses closest to the area attempts to create a more traditional appearance. However, these designs appear to more closely reflect the appearance of the existing modern houses located in Burch Grove.

The proposal is such that the impact can be described as causing less than substantial harm in accordance with paragraph 196 of the NPPF (2019). As such, you will also need to consider the public benefits that the development may achieve as part of your assessment of the application, along with the contents the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

ENVIRONMENTAL HEALTH - no objection subject to conditions regarding road traffic noise surveys, contaminated land, air quality, construction management and construction hours.

ARCHAEOLOGY ADVISOR - appropriate to require that the archaeological potential of the site be evaluated by trial trenching ahead of development in order to ensure that the significance of anything of interest thus identified might be properly conserved.

NATURAL ENGLAND has no comments to make on this application.

HIGHWAYS ENGLAND - Traffic will impact upon the Fontwell Avenue roundabouts. Consequently, we request an appropriate proportional contribution from this particular site towards mitigation at the A27 junctions in Arun, in particular the A27/A29 Fontwell roundabouts.

Provided Arun collects a contribution of £84,878.10 (30 x £2829.27) indexed from 2017 prices, from this particular site towards mitigation of the A27 junctions in Arun, Highways England is satisfied that the proposals would not materially affect the safety, reliability and / or operation of the SRN.

WSCC (LLFA) - Current surface water mapping shows that the majority of the proposed site is at low risk from surface water flooding.

The FRA and Development Drainage Strategy states that permeable paving, below ground attenuation, pond with a restricted discharge to the watercourse would be used to control the surface water from this development. Whereas the Application Form states that 'Soakaway' would be used. Clarification of the proposed drainage strategy is required.

The drainage hierarchy needs to be followed, therefore the possibility of infiltration should be discussed with the District Drainage Engineer to see if/how it could be incorporated into the drainage designs.

The District Council Drainage Engineer may want to review this application to identify if there are any local site-specific land use considerations that may affect surface water management and for a technical review of the drainage systems proposed.

All works to be undertaken in accordance with the LPA agreed detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles.

WSCC PLANNING - Minerals & Waste - The site is in a mineral safeguarding area for Sharp Sand and Gravel, and it is noted that the Walberton Conservation Area runs along the eastern site boundary. Sterilisation of the mineral resources will occur as a result of the change of use of the land.

We would ask that this additional information is provided prior to the determination of the application.

The Local Planning Authority (LPA) must be satisfied that an overriding need for the non-mineral development exists, sufficient to outweigh the safeguarding of the resource. The LPA should seek to ensure that the possibilities for incidental extraction/use of the mineral resource in the development (as suggested within the planning statement) are secured where necessary.

ECOLOGY OFFICER - The site is classified as having high quality habitat to support commuting and foraging bats and has a regional value for both commuting and foraging bats. Further bat surveys are required due to the removal of trees on the southern boundary. Require bat bricks integrated into buildings.

Happy that the mitigation proposed would be suitable for Dormice and Reptiles. Hedgehog nesting boxes should be installed.

Pleased to see the 5m buffer will be incorporated into the design of the new site with the separation of these boundary hedgerows from the garden areas to prevent the cutting down of the hedge. Tree protective fencing must be in place prior to any construction machinery arriving on site, before any works on site get underway and must remain in place until all works are completed.

The chalk stream will need to be retained and enhanced for wildlife. This will include having a buffer strip around the chalk stream (5m) and during construction fencing should be used to ensure this area is undisturbed.

The anticipated BNG as a result of the proposed development, assuming habitats are retained, enhanced or created as per the current project plan has been calculated as an overall net increase of 9.13% for the site. In line with Policy ENV DM5 of the Arun District Local Plan information on Biodiversity Net Gain needs to be provided as part of the planning application prior to determination. We are satisfied that the biodiversity enhancements recommended within the Phase 2 results and mitigation strategy (March 2021) are suitable.

ADC HOUSING STRATEGY AND ENABLING MANAGER - The proposals accord with the required quantum and mix of affordable housing.

ENVIRONMENT AGENCY - In the absence of an acceptable flood risk assessment (FRA) we object and recommend permission is refused. The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance.

SUSSEX POLICE - the development has outward facing dwellings which has created a good active frontage with the streets and the public areas being overlooked. No adverse comments on the proposed layout are made.

COMMENTS ON CONSULTATION RESPONSES:

Noted.

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
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HDM1	H DM1 Housing mix
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment
INFSP1	INF SP1 Infrastructure provision and implementation
OSRDM1	Protection of open space, outdoor sport, comm& rec facilities
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

<u>Walberton Neighbourhood Plan Policy 2017 HP1</u>	Spatial Plan of the Parish
Walberton Neighbourhood Plan Policy 2017 HP13	Design Guidance
Walberton Neighbourhood Plan Policy 2017 VE3	Protection of Trees and Hedgerows
Walberton Neighbourhood Plan Policy 2017 VE4	Conservation Areas and Areas of Special Character
Walberton Neighbourhood Plan Policy 2017 VE7	Surface Water Management

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

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

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

The relevant policies in the Arun Local Plan and Waberton Neighbourhood Plan have been considered.

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."

Section 70(2) of TCPA 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.

The proposal is considered to comply with relevant Development Plan policies in that the proposals are in conflict with the made Neighbourhood Plan is and the NPPF advises that this conflict should not be outweighed by the presumption in favour.

LISTED/CA

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 conflict with these criteria in that it is considered to materially affect the character or the setting of the character of the Conservation Area and the public benefits do not outweigh the harm to the heritage asset.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations sufficient 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.

However, 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 latter. The most relevant development policies in the Local Plan (C SP1) have reduced weight as Arun cannot demonstrate an adequate supply of housing land (currently only 3.3 years). Policies in the WNDP that relate to the supply of housing have full weight because they relate to a Plan that was made in 2021.

Having regard to Policy SD SP2 of the adopted Arun Local Plan, and Policy HP1 of the 2021 Walberton Neighbourhood Plan, the sites lies outside the Built Up Area Boundary of Walberton (within which development should be focused) and instead is defined as being located in the countryside under the provisions of Policy C SP1 of the adopted Arun Local Plan, where development will only be permitted for a defined list of countryside uses.

Policy HP1 of the Walberton NP relates to the Built UP Area Boundary (BUAB) and states proposals for development outside of the BUAB, that do not accord with the development plan policies in respect of the countryside, will be resisted unless it is for essential utility infrastructure.

The provisions of Policy SD SP2 and Policy C SP1 therefore preclude residential development on the application site. The principle of development on the site is contrary to the development plan.

In December 2020, the Council republished its Authority Monitoring Report (AMR) for 2019/20. This states the HLS has now increased to 3.3 years. The HDT results for 2020 were published on 19 January 2021 and show that Arun achieved 61%. Those policies most relevant to the determination of the application have reduced weight.

Paragraphs 10 and 11 confirm that at the heart of the NPPF is the presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay. Alternatively, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless 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 any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. Footnote 7 confirms that, for applications involving the provision of housing, this includes situations where local planning authorities cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in Paragraph 73), or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

Paragraph 14 of the NPPF states that 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, all four are applicable and therefore the NPPF confirms that the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits.

Under the circumstances above (in accordance with para 14 of the NPPF), the proposals are in conflict with the made NP and the NPPF confirms that this conflict outweighs the presumption in favour.

The Council acknowledges that the current Housing Land Supply position is marginal and that a new supply position will be published in January 2022. It has also considered whether, should the

presumption in favour apply and paragraph 14 not apply, whether the proposals result in significant and demonstrable harm sufficient to outweigh the benefits. For the reasons set out below, it is considered that there are such significant and demonstrable impacts.

SUSTAINABLE DEVELOPMENT

The site is less than 500m to the centre of the village to the east. This short walk to the village centre provides access to the village hall, community play centre, village sports pitches, Walberton & Binsted C of E Primary School, a post office, pub, church and other local services and facilities. The site represents a sustainable location for new housing.

The site benefits from links with local footpaths and bridleways, as well as a local cycle route that runs along West Walberton Lane, around Walberton Green and along Eastergate Lane, before connecting with the dedicated cycle route that runs in a southerly direction from Eastergate Lane located opposite the southern boundary of the site.

Social gains would result from the provision of affordable housing; the proposed mix of house types; and the increased use of local services and facilities; however

Environmental gains will not be provided because, 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. The development would change the character of the open countryside irrevocably and the new development would be urban in character. The development will have an impact on the ecology of the site and will result in the loss of some trees and hedgerows.

HERITAGE

Policy VE13 of the Walberton NP relates to distinctive views and vistas, including View 1 looking west towards Walberton Village Green and pond. Development proposals should respect and, where possible, enhance distinctive views and vistas by ensuring that their visual impact on these views is carefully and sympathetically controlled.

Policy VE 4 states that proposals that adversely affect the setting of the two 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.

Policy HER SP1 seeks to conserve the historic environment through protecting designated and non-designated heritage assets. It states that 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 Conservation Areas.

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 eastern most part of the site is located within the Conservation Area. However there is no built form proposed within the Conservation Area.

A Heritage Statement has been submitted with the application to fulfil the requirements of paragraph 194 of the NPPF.

As part of the proposed development, new built form will be set back from the Walberton Green Conservation Area (located to the east), with the easternmost part of the site, which includes a sliver of land within the designation boundary, being retained as open space.

ADC Conservation Officer notes the Green has an important relationship with, and transition towards, to the adjoining countryside. He notes whilst the layout, landscape treatment and the designs of the dwellings appear to have been carefully considered, he considers that the dwellings will never be fully be concealed from view from the neighbouring roads or the village green.

There is the opportunity to see the site from the Conservation Area. However, the design of the dwellings appear to more closely reflect the appearance of the modern houses in Burch Grove.

The proposal is such that the impact can be described as causing less than substantial harm in accordance with paragraph 202 of the NPPF (2021). As such, consideration will need to be given to the public benefits that the development may achieve. In this case, the benefits of 30 dwellings do not outweigh the negative impacts on the heritage asset and associated with character and the proposals fail to accord with the requirement to preserve and enhance the character of the Conservation Area.

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 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 Walberton Neighbourhood Plan states that 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 one of these from Walberton Green facing north west and south west towards the proposed application site.

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 applicant provided a supplemental Design Statement which responds to these headings and concludes the scheme will blend harmoniously in the surrounding area providing high quality, well designed dwellings and spaces for the future residents.

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 27.9 per ha slightly exceeds this range. The layout meets all other policy requirements.

The roads (Eastergate Lane and West Walberton Lane) which border the site and traverse The Green have a more rural character being fairly narrow, with limited street lighting or paving, and grass verge areas. They contribute to the attractive setting and special character of the local area. Whilst there is

development on the north side of West Walberton Lane, this has a more rural character. Whereas if development were to take place as proposed that character would become suburban, which would affect the rural approach from the west into the conservation area and impact upon the setting of the conservation area. The same could be said for the Eastergate Lane approach around the new access to the development.

The introduction of a housing estate into the open countryside at this location would be entirely out of character with the village of Walberton and would be inappropriate in its location. The location of a modern housing estate next to the Conservation Area would have an unacceptable effect on the character of the village as a whole.

Whilst the layout and architectural treatment of the dwelling is 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, D SP1 and D DM1.

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 108 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. They are satisfied the proposal will not result in an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network. The proposal is not contrary to the NPPF (para 111), and there are no transport grounds to resist the proposal.

The access is from Eastergate Lane. This includes a new crossing to connect the shared footway and cycleway opposite. The location of this access requires a small number of Category C trees needing to be removed. The Primary carriageway within the site has been designed to adoptable standard.

Parking provision is in accordance with Arun District Council's Parking Standards Supplementary Planning Document (SPD). On street parking has been avoided where possible with the use of private driveways, on plot parking, car barns and parking courts, on street parking is reserved for visitor spaces adjacent to the POS. Visitor parking is provided slightly above the 20% of the total number of dwelling with seven spaces being proposed.

The proposals accord with policies in the Arun Local Plan and Walberton Neighbourhood Plan in respect

of highways and parking.

BIODIVERSITY

Policy VE10 of the Walberton NP relates to biodiversity corridors which states proposals that have a positive impact on the local ecology will be encouraged, subject to other policy constraints. New development in or immediately adjacent to the biodiversity corridors will only be supported where it can be clearly demonstrated the proposals will not give rise to any significant harm to the integrity or function of the biodiversity corridors. The NP has designated a biodiversity corridor in the eastern part of the application site.

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 5m buffer will be kept between the development and the hedgerows and Tree Root Protection Zones have been established and will be protected.

The Council's Ecologist assessed the proposal and concluded the site is classified as having high quality habitat to support commuting and foraging bats and has a regional value for both commuting and foraging bats. Further bat surveys are required due to the removal of trees on the southern boundary. Bat bricks are required to be integrated into buildings.

The Ecologist is satisfied that the mitigation proposed would be suitable for Dormice and Reptiles and recommends that Hedgehog nesting boxes should be installed.

She welcomes the fact that a 5m buffer will be incorporated into the design of the new site with the separation of these boundary hedgerows from the garden areas to prevent the cutting down of the hedge. Tree protective fencing must be in place prior to any construction machinery arriving on site, before any works on site get underway and must remain in place until all works are completed.

The chalk stream will need to be retained and enhanced for wildlife. This will include having a buffer strip around the chalk stream (5m) and during construction fencing should be used to ensure this area is undisturbed.

She concludes that the anticipated BNG as a result of the proposed development, assuming habitats are retained, enhanced or created as per the current project plan has been calculated as an overall net increase of 9.13% for the site. In line with Policy ENV DM5 of the Arun District Local Plan information on Biodiversity Net Gain needs to be provided as part of the planning application prior to determination. She is satisfied that the biodiversity enhancements recommended within the Phase 2 results and mitigation strategy (March 2021) are suitable. Therefore, the proposals are 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 are in general conformity with these requirements.

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 are in 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.

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:

The proposed development comprises the following market housing mix:

- 4 x 1-bed dwellings (19%);
- 6 x 2-bed dwellings (29%);
- 10 x 3-bed dwellings (48%);

The proposals are in general conformity with these requirements.

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 9 dwellings are provided as affordable. These comprise 4 x 1 bed, 3, 2 bed and 2 x 3 bed dwellings. The proposed mix does reflect the indicative mix in AH SP2 with the exception of 4-5 bedroom

dwellings where none are proposed.

The proposals accord with the required quantum and mix of affordable housing.

HOMES FOR OLDER PEOPLE:

Arun DC agreed 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. It is supported by references in ALP policies D DM1 & D DM2. This requires at least 35 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.

This level of provision could be secured by an appropriately worded condition.

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 Walberon Neighbourhood Plan states that new development should aim to reduce the overall level of flood risk through a series of criteria.

Western areas of the site are within Flood Zones 2 & 3. This area of the site has been kept free from built form and comprises open space a drainage features. Further, existing mature trees have been retained within these areas and along the western boundary of the site.

The applicant states the surface water drainage comprises a combination of permeable paving with type 3 subbase storage, a structural concrete culvert beneath the highway will provide edge restraint to the lower landscape areas within which a pond may be formed. The concrete culvert will provide bulk storage of flood water allowing controlled discharge to the pond. The permeable paving will act as the main collection point for all surface water, including roof and highway drainage. The pond will be the main collection feature prior to discharge with the potential for a variable water level to suit seasonal rainfall events and to provide biodiversity.

WSSC LLFA confirm that current surface water mapping shows the majority of the site is at low risk from surface water flooding. They state the FRA and Development Drainage Strategy states that permeable paving, below ground attenuation, pond with a restricted discharge to the watercourse would be used to control the surface water from this development. Whereas the Application Form states that 'Soakaway' would be used. Clarification of the proposed drainage strategy is required.

The Environment Agency has objected to the proposals on the grounds that the submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance.

In the absence of an adequate FRA, the proposals have not demonstrated that flood risks have been demonstrated and that adequate mitigation can be provided. Should this information be amended to adequately demonstrate these matters then it is likely that a suitably worded condition could secure a surface water strategy for the site.

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 shows a connection from the site to the public foul sewer located in Eastergate Lane. This allows for a gravity discharge from the site and 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.

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. ECC SP1 requires that new development be designed to adapt to impacts arising from climate change.

PV panels are proposed on some of the dwellings. These, along with other measures can be secured via planning conditions.

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 for 2,745 sqm of Public Open Space (POS) and a separate play provision of an onsite, unequipped natural play LAP.

The site is partly designated as open space in the Arun Local Plan. Proposed plots 25 - 30 are in the designated open space area. Policy OSR DM1 protects existing open space from being developed for other uses unless an up to date assessment has been undertaken to demonstrate that the facility is surplus to requirements or the loss would be replaced by equivalent or better provision.

Open space is provided throughout the site. To the eastern boundary lies Walberton Green and the conservation area, the development has been set back allowing for a new area of POS, creating a green buffer. A village green area (POS) is proposed adjacent to the west boundary with the mature trees and vegetation along this boundary being retained and enhanced. A pond is proposed which has a dual purpose of encouraging wildlife and to provide an attractive feature for future and existing residents as well as a sustainable drainage system. The top of the site (north) is to be retained for ecology and biodiversity purposes providing a continuous 5m wide green corridor from the north to south of the site.

The Council's Greenspace Officer raises no objections to the provision of open space and play space and is satisfied that tree retention, coupled with the requirement for a landscape scheme, would result in a high quality development. The applicants have failed to demonstrate that the existing designated open space is surplus to requirements or that the loss has been replaced through increased provisions through the development proposals.

TREES

Policy VE3 of the Walberton Neighbourhood Plan 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.

ALP policy D DM1 states development is expected to incorporate existing and 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.

It is noted that the POS areas shown are perimeter buffer areas and would largely serve to contain and protect the existing trees associated with the site. Further greening within the centre of the proposed development and to the pond area would need to be detailed and approved. The layout shows that those trees on the western edge are to be incorporated into an area of open space, landscape buffer zone that should perpetuate the existing wildlife corridor within and beyond the site.

An existing green boundary is evident to the perimeter of the proposals, this would require further boundary planting treatment to enhance and improve. Apart from the site boundaries, the site is largely devoid of trees and only two individual trees and one group is proposed for removal. The two specimens for removal are deceased, the Group is classified as Category C and are being removed to provide for an access.

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.

Highways England have requested a financial contribution towards towards mitigation at the A27 junctions in Arun, in particular the A27/A29 Fontwell roundabouts. They are seeking a contribution of £84,878.10 (30 x £2829.27) indexed from 2017 prices, from this particular site towards mitigation of the A27 junctions in Arun.

Paragraph 5 of the most up-to-date ADC Community Interest Funding Statement details ADC's CIL infrastructure list which does not include highways, it is therefore evident that no ADC CIL money will be spent on highways. Paragraph 6.3 makes it clear that ADC do not generally collect via s106 for highways and there is nothing in WSCC CIL Infrastructure Funding Statement that indicates that CIL will be passed on to Highways England where there are impacts on the strategic road network. It is clear that Highways England's consultation is an objection to the application unless the LPA seeks to collect a contribution for the A27 roundabout improvements.

Affordable housing provision would also 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.

SUMMARY

Paragraph 14 of the NPPF confirms that proposals that fail to accord with a Neighbourhood Plan (where certain conditions are met), the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits.

In accordance with paragraph 11d 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 also result in harm to heritage assets.

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

Enter Summary of Details of the Section 106

- Affordable Housing
- Contribution towards mitigation at the A27/A29 Fontwell roundabouts.

CIL DETAILS

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

RECOMMENDATION

REFUSE

- 1 The development is located outside of the built up area boundary of Walberton as defined by the Arun Local Plan (C SP1) and Walberton Neighbourhood Plan (HP1). The development is not in accordance with the countryside policies, is not an approved category of development in the countryside and the benefits of the development do not outweigh the harm. In accordance with Paragraph 14 of the NPPF, this conflict outweighs the presumption in favour of sustainable development.
- 2 In accordance with paragraph 11d of the NPPF, the Council concludes that there are 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 significantly and adversely change the character of the open countryside irrevocably and the new development would be urban in character and would result in harm to heritage assets. As such, the proposals fail to accord with policies VE13 of the Walberton Neighbourhood Plan and policies D SP1 and D DM1 of the Arun Local Plan.
- 3 The proposals result in harm to the character of the Conservation Area. Walberton Green has an important relationship with, and transition towards, to the adjoining countryside and this will be lost as a result of the development. This is determined as less than substantial harm but the public benefits of the proposals are limited and do not outweigh the harm to the heritage asset. The proposals are therefore contrary to policy VE13 and VE4 of Walberton Neighbourhood Plan, policies HER SP1 and HER DM3 of the Arun Local Plan and Paragraphs 199 and 201 - 202 of the NPPF.
- 4 The applicant has failed to demonstrate that the proposals will not result in adverse impacts on flood risk. In the absence of an adequate Flood Risk Assessment, the proposals have not demonstrated that flood risks have been demonstrated and that adequate mitigation can be provided contrary to Arun Local Plan policy W DM2 and W DM3.
- 5 In the absence of a completed section 106 agreement to secure on site affordable housing and a mitigation contribution towards the A27 Fontwell Roundabout improvement scheme, the proposals are contrary to Arun Local Plan policy INF DM1.
- 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 determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.