

REPORT UPDATE

Application No: WA/44/17/OUT

Reason for the Update / Changes

Reason for Update/Changes:

Page 91 - Additional representation received:

One additional representation has been received following publication of the Committee Report.

Officer Comment:

The points raised are re-iterating issues that are already set out in the representations section of the Report and have been addressed in the "Conclusions" section of the Committee Report.

Page 96 - Response from the Local Highway Authority regarding HGV routing on the roads around Walberton received on Monday 18th September 2017 confirming that: "The existing (routing) agreements will have been recorded within the base line traffic flows recorded within the survey work. These flows have then been growthed up using TEMPRO for future year modelling scenarios".

Officer Comment:

Local Highway Authority emailed response noted.

Page 96 - Response from Highways England regarding proposed improvements at Yapton Lane / A27 in light of the Arundel Bypass proposal(s) received on Friday 8th September 2017: The S106 will need to secure the A27 / Yapton Lane works as either works (S278) or contribution (if Arundel Bypass 5a is progressed) as only Option 5A effects Yapton Lane junction. An agreed Yapton Lane scheme needs to be on the table in the event that the Major Scheme does not provide an improvement at Yapton Lane or that there is no scheme at all. The s106 agreement needs to state that the applicant shall enter into a s278 for the agreed mitigation works on the agreed plan or contributes the equivalent to the Bypass scheme.

Officer Comment:

Highways England's emailed response noted and details included in the wording of the draft s106 Agreement.

Further response from Highways England received on Tuesday 19th September 2017: Highways England's response will be no objection subject to conditions, but arenot clear on the precise details of the conditions related to mitigation schemes that the case officer at HE - who is currently on leave - is intending. HE is aware that there are Section 106 Agreement details to resolve post a resolution to permit. Therefore, if Members wish to do so, HE would be content for the Development Control Committee to resolve to permit subject to resolution of transportation matters.

Officer Comment:

Highways England's emailed response noted. The highway junction works on the A27 corridor (at the Yapton Lane junction and the Fontwell Avenue junction) will be off-site and would be dealt with in the Section 106 Agreement.

Pages 90, 118 and 119 - Walberton Parish Council regarding developer contributions.

Email received from Walberton Parish Council on Wednesday 20th September 2017:

- Estimate for rebuild of Sports Pavilion = £227,000 (OR refurbishment cost of £30,000)
- Upgrade existing village hall = £70,000
- Land adjacent to the Playing Field for the MUGA and tennis courts plus approximately £50,000
- £62,000 includes consultants design advice for re-surfacing village car park
- Twitten section of FP333 only at £20,000
- Allotments = £16,000.

Officer Comment:

Walberton Parish Council's response is noted and the proposed schemes will be considered in the drafting of the Section 106 Agreement and a verbal update will be provided on officers views on acceptability of the request in relation to CIL compliance.

In addition, financial figures provided by WSCC for Highways and Transport; Education; Library; Fire and Rescue have also been provided in the updated Table circulated with the update sheet.

Pages 118 and 120 - Section 106 Details

Verbal confirmation received from NHS on Tuesday 19th September 2017 that there were no tangible health schemes relating to the current outline planning application that require developer contributions as part of the draft s106 Agreement.

Officer Comment:

The NHS response is noted.

Page 120 - Section 106 Details (continued)

Response from ADC Cultural Development regarding scheme(s) that could be subject to developer contributions and be listed in the s106 Agreement received on Tuesday 12th September 2017: "The Arun District Council Leisure and Cultural Strategy 2013 - 2028, identified key strategic priorities for delivery including sports halls are operating near to capacity, offering little scope to expand. Consequently a request has been made for developer contributions of £77,743 to provide additional multi-use health and fitness/studio space and dry changing to increase capacity and overall customer experience at Arun Leisure Centre".

Officer Comment:

ADC Cultural Development's response is noted and the proposed scheme at Arun Leisure Centre has been included in the draft s106 Agreement.

Page 121 Condition 4 - request from applicant on Wednesday 20th September 2107:

Remove the following plans from Condition 4:

2507-A-1005-A Illustrative Masterplan
 2507-A-1400-A Land Use Plan
 2507-A-1401-A Access and Movement Plan
 2507-A-1402-A Building Heights Plan
 2507-A-1403-A Proposed Density Plan
 2507-A-1404-A Green Infrastructure Plan

1186-05-A Proposed Roundabout Improvement
 Figure T5 - Land East of Tye Lane - Local Connections

Officer Comment:

Applicant's request is noted and Condition 4 to be amended to remove the list of plans referred to above.

Additional information

On 18th September 2017, the applicant circulated a letter and an overview document to all members of the Development Control Committee at Arun District Council, and the planning officer dealing with the site, which provides a summary of the details submitted with the outline planning application.

Officer Comment:

The applicant's overview document is noted. The document does not raise any new or additional information than that already submitted by the applicant.

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

Recommendation Report for Outline Consent

REF NO: WA/44/17/OUT

LOCATION: Land East of Tye Lane
 Walberton

PROPOSAL: Outline application with some matters reserved for up to 175 dwellings, new vehicular access, together with associated car parking, landscaping & community facilities to include allotments, play space & community orchard. This application is a Departure from the Development Plan & may affect the character & appearance of the Walberton Village Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION As above

The outline planning application comprises the development of 175 dwellings, 52 of which will be affordable. The proposal includes the provision of 4.4 hectare (11 acres) of publicly accessible open space, semi-natural amenity space and an equipped play area; the provision of an orchard and allotments

to meet local need; the creation of a new informal circular walking route and four additional cycle/pedestrian links around the village and new links to the Walberton and Binstead CofE primary school, Avisford Park Golf Course and Walberton Recreation Ground.

An illustrative (indicative) masterplan has been submitted of the potential layout of the 175 dwellings and the associated green spaces.

The access detail is not to be reserved. The proposed access to the site is directly off Yapton Lane, south of Avisford Park Golf Club; together with improvement schemes for two existing junctions on the A27 corridor: the A27/Yapton Lane; and the A27/A29 Fontwell Avenue/Arundel Road.

Appearance, landscaping, layout and scale are reserved for subsequent approval.

SITE AREA
RESIDENTIAL DEVELOPMENT DENSITY
TOPOGRAPHY
TREES

11.3 hectares (28 acres)

30 dwellings per hectare.

Predominantly flat.

The site includes a number of trees subject to TPOs in the south eastern corner and a belt of trees along the southern boundary with Walberton and Binstead Primary School.

BOUNDARY TREATMENT

The area is rural in character with housing in Walberton Village, including the Conservation Area and related listed buildings, the Walberton and Binstead Primary School, Walberton Recreational Ground and Avisford Park Road to the south of the application site. The site is bounded to the north by Avisford Park Hotel golf course, associated buildings and historic parkland. To the west the site is bounded by Tye Lane, with open farmland beyond. To the east the site is bounded by housing and Yapton Lane, beyond which is open farmland and the golf club's back 9 holes.

SITE CHARACTERISTICS

The site comprises agricultural land. The site is generally gently sloping and there are a couple of notable trees within the site to the south east corner and trees/hedgerows along the boundaries of the site.

CHARACTER OF LOCALITY

See "Boundary Treatment" above.

RELEVANT SITE HISTORY

There is no planning history on the site for the past 30 years.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Walberton Parish Council

object:

- The proposed development is contrary to Saved Policies from the 2003 Local Plan: GEN: 2; 3; 22; 23; 27 and Policy Area 12 and Policy DEV11 Setting of Listed Buildings
 - The proposed development is contrary to the following policies in the emerging Local Plan: SD SP1 Sustainable Development; SD SP2 Built Up Area Boundary; C SP1 Countryside; LAN DM1 Protection of Landscape Character; and EMP SP1 Strategic Economic Growth; HER SP1 and HER DM3: The Historic Environment and Conservation Areas. W DM1: Water Supply and Quality. Any development will increase flood, sewage and drainage risks to an unsatisfactory degree. (Summary of July 2017 Met Office Study - there is a 34% chance of regional rainfall records being broken each winter by as much as 30%: for this area, that implies 400% of average rainfall).
 - H SP2 Strategic Site Allocations: The application site was rejected as a strategic site as unsustainable for development by ADC and its Sustainability Consultants LUC in February 2017. The Walberton Neighbourhood Development Plan (WNDP) not only accommodates a strategic site at Fontwell, designated under the Modifications, but fulfills its parish allocation increasing the community of the parish, currently in some 924 houses, by 454 houses, a 49% uplift with an early years bias.
 - The proposed development is contrary to WNDP (March 2017) Policy HP 1, Policy GA 5, Policy VE 4 and Policy VE 7. The WNDP is fully up-to-date in its housing policy and matches the strategic aims of the eALP that are based on an approved OAN which will be up-to-date once approved by the Inspector as to housing policy.
 - Causes the loss of green space that brings the countryside into the heart of the village
 - Not provide sustainable housing that makes a positive contribution to the village landscapes
 - Harms the distinctive and intrinsic rural character of the area which parishioners have voted to retain and not recognise the value of the farming landscape
 - Adds to the congestion in the centre of Walberton village and additionally will add to through traffic and not reduce the problem of flooding
 - A 1,100 signatory petition was signed to keep this land as Local Green Space (LGS), for which Arun District's Full Council has also voted in favour. The WNDP Examiner says in supporting LGS here that the site is "a buffer between the residential areas and the golf course". Removal of the buffer zone between the golf course and housing is bound to impact on public safety; and new houses will not co-exist in this location with a Hilton Avisford Hotel and its important facilities / amenities that are also leisure facilities attracting people from a wide area.
 - The submitted Transport Assessment and Travel Plan overlook the fact that the parish has 50% more two-car households than the national average and many of these with no car may be pensioners since the parish population is of well above average age.
- In terms of public transport, one of Walberton's bus services has just been cancelled; and the Avisford Park Hotel is not able to rely on public transport for staff and the Hotel is forced to house at least 35 staff on site as resident.
- The potential for an extra 300 cars in the immediate vicinity will inevitably cause even more danger and congestion in the Conservation Area.
 - Cycle routes, even when lit, can only be reasonably used in certain times of the year leading to even more of an increase in the winter months.
 - Great pressure will be placed on existing infrastructure from all of the housing developments including demand for school places, GP and Dental waiting lists and other basic amenities that cannot physically be met in the timescales involved.

Walberton Parish Council requested, if outline planning permission is granted, the following projects be delivered by means of developer contribution:

- * Upgrade the existing Sports pavilion including double glazing, internal and external repainting, replacement guttering, retiling the showers & toilets, loft insulation, new flooring and curtains, new tables

and chairs, upgraded lighting and heating.

* The provision of a multi-use games area (MUGA) with floodlighting on the site - which is not shown on the submitted indicative masterplan as part of the outline planning application - located to the north of the playing field, and east of the school. WPC has funding for a basic MUGA, so is only seeking additional money to be able to upgrade to a superior larger version and land on which to construct it, together with the provision of tennis courts.

* Upgrade the existing Village Hall including internal painting, upgraded kitchen, lighting and central heating, a proper sound system, new window and stage curtains and a paved patio area.

* Re-surface the village car park with new black-top, line painting and the installation of a new emergency access barrier gate.

* The resurfacing of Avisford Park Road - footpath FP 333 in black-top from Yapton Lane through to The Street together with an annual maintenance budget for hedge and tree pruning. Access to the village shops from the development site is proposed using this footpath FP 333.

* The existing allotments, on land which is leased by the Parish Council, occupy a privately-owned piece of land, 0.64 hectare, which is now classified as Local Green Space. The developer could either provide money to buy the land, should the owner be willing to sell; or alternatively pay the annual rent for a number of years and a sum to cover maintenance such as boundary hedges, water supply and insurance, upgrade the car parking area and install an extra water supply and trough.

Campaign to Protect Rural England (CPRE) Sussex object to this application on the grounds of being outside a built-up area boundary (BUAB), of causing harm to landscape character and visual harm, harm to a heritage asset, inappropriate design, drainage and flooding, traffic generation, light pollution and effect on local green space, with consequent failure to comply with saved Policies GEN 2, GEN 3 and GEN 7 of the adopted Arun District Local Plan, Policies HS 1, VE 1, VE 4 and VE 8 of the made Walberton Neighbourhood Plan, Policies LAN DM 1 and D SP 1, HER DM 3 and possibly QE DM 2 of the emerging Arun Local Plan 2011-31 and paragraphs 7, 17, 56, 58, 78, 126, 132 and 134 of the National Planning Policy Framework (NPPF). Accordingly, CPRE Sussex considers that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, and that the proposed development would be contrary to specific policies in the Framework that indicate development should be restricted, in addition to not representing a sustainable form of development.

CPRE Sussex accepts that Arun District Council cannot currently demonstrate a 5 year supply of housing land and that, accordingly, the approach set out in paragraph 14 of the National Planning Policy Framework where relevant policies of the development plan are out-of-date should be adopted in determining this application. Recent case law has established that a narrow view should be taken of which policies are relevant - i.e. only those directly relating to the delivery of housing. This approach is that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole or specific policies in this Framework indicate development should be restricted. CPRE Sussex believes that when assessed against the policies within the NPPF as a whole and specifically as set out in paragraphs 7, 17, 126, 132 and 134 this application should be refused. In determining a recent appeal (ref APP/D3830/W/16/3165199, Turners Hill, Mid Sussex District Council) the Inspector found that "the need for housing, even when it is as pressing as it is in Mid Sussex, cannot be a justification for building new homes in the wrong place." CPRE Sussex believes that these homes would be in 'the wrong place' as being outside the built-up area boundary and within the setting of the conservation area.

330 representations were received from residents (and visitors) objecting to the proposed development and raising the following issues:

Emerging Arun Local Plan:

- The ADC's independent sustainability assessment consultants LUC report of 2017 had reservations about the development of the application site - also known as Tupper's Field - for housing.

Walberton Neighbourhood Plan (WNP):

- The proposed development of Tupper's Field is contrary to the agreed Neighbourhood Plan for Walberton - which was prepared and voted on by the residents of Binsted, Fontwell and Walberton and already includes allocations for 65 new houses - as the application site falls outside the built-up area boundary (BUAB). It was agreed in the community that development should be spread about the villages to facilitate integration and to minimise landscape and community impact. The development of Tupper's Field diminishes green space near the centre of the village, changing the felt experience of villagers - which is currently (still) as a rural community with a character rooted in the tradition of that community.
- The proposed development is contrary to the objectives and vision of the Walberton Neighbourhood Plan in terms of loss of green space; harm the distinctive and intrinsic rural character of the area; add to the congestion in the centre of Walberton; and overwhelming local opposition. The proposal also conflicts with Policy HP1 as the site lies outside the built-up area boundary; Policy GA5: proposals that significantly increase the level of traffic within the village will be resisted; Policy VE4 as the new development proposal does not protect the open / rural character of the area; and Policy VE7 as the scheme does not aim to reduce the overall level of flood risk.
- The majority of residents were against Tupper's Field being allocated for housing in the parish survey which was conducted for the Neighbourhood Plan. The residents agreed for new houses to be built that met the required number of properties requested and infill plots, retaining the character of the village.
- It is accepted that further development is inevitable given the work already underway for extensive developments around the village and immediate surrounding area, but this is not the right place for building more homes.
- If the Government wishes local people to give freely of their time and commit to getting involved in their locality with all the added benefits of volunteer labour now asked, then it is essential that they are listened to when they clearly state an objection to a massive development such as the one at Tupper's Field.
- The Parish Council has ensured that the village has already met more than the required commitment for property development within the timescales laid down by the Government. The residents should not therefore be penalised and robbed of important green areas - the retention of which would maintain some rurality in the village - purely as a result of Arun District Council not having met its required commitment over the whole locality for which they are responsible, within their required timescale.
- Walberton should only be expanded by the use of small sites and in a way that does not alter the whole nature of the community and place an unacceptable strain on the local infrastructure. Concentrating development in one location will damage the rural character of the village and degrade the landscape.
- The proposed development would ruin a quiet village.
- ADC has commissioned Land Speed to find out villagers' wishes. How much is Land Speed being paid? ADC should know the answer is more low cost housing for workers to live in the village. This can be achieved by ADC buying / building houses and letting them for rent. This in turn depends on Central Government allowing local councils sufficient funds to buy / build. The Land Speed money could be put to better use.

Village Character:

- Walberton has been lucky enough to retain a village identity without becoming absorbed or overwhelmed by large housing developments. This situation is already partially threatened by the Fontwell Avenue development (450 new houses) which has now been approved. If the Council approves a further large development, this village identity is likely to be changed irrevocably. It seems unjustified to impose a second large development on Walberton.
- The view from the village and from the playing fields towards Avisford Park and the Hilton Hotel is an

important characteristic of Walberton. The contact with the surrounding countryside is important to all residents of the village.

- The construction of 175 houses in one location would completely change the character of Walberton and would mean that the village would shoulder the burden of development far more than other villages in the area.

Lack of demand for houses:

- There is no demand for any new houses in Walberton, especially with all the other developments going on in the area. A quick drive around the local villages and you will see how many houses are up for sale.

Grade 1 Agricultural Land:

- It does not make any sense to build on Grade 1 (best and most versatile agricultural land) like Tupper's Field, which should be used for farming. This land is valuable and should be kept with the crops that are needed and the beauty it encompasses and it should not be allowed to be developed.

HELAA:

- Arun DC HELAA 2015 assessed the site and concluded it was not sustainable for development.

Build houses elsewhere:

- Why cannot more homes be built around Bognor Regis and Littlehampton which have already been ruined by development and keep Walberton as it always was?
- Do not need more people coming into the area. The only people to gain from this are the landowners and developers, who probably do not live in Walberton.

Affordable Housing:

- The average price for an affordable home on the site will be approximately £200,000 to £250,000, which is not really affordable, and will be out of reach of those who need it.
- If London housing associations will be taking control of the social or unsold housing and these people are on benefits then central government are still paying but the burden on the big cities and towns has been spread while not providing the required support to local government departments; and uprooting the people from their communities to a strange one.

Landscape and Wildlife:

- Any development would have a significant negative impact on the landscape character and the visual amenity of the village.
- The trees and hedgerows around the application site provide a feeding ground for brown long-eared bats. Other threatened species such as hedgehogs use the tracts of land around Tupper's Field as part of their habitat and territory. The mature trees - which are protected by Tree Preservation Order and the application site are a natural territory for owls, sparrow hawks, yellowhammers, herons and green and greater-spotted woodpeckers. Any development on this site, with its resultant noise and light pollution and loss of habitat, will negatively impact on these protected and vulnerable species. There seems to be no reference to this potential damage in the planning application.
- The proposed site is adjacent to parkland surrounding the Avisford Hilton Hotel, the more so because this in turn is adjacent to the nationally important Binsted Woods Complex SSSI Ancient Woodland (of which the nearest compartments are the western block comprising Little Danes Wood, Hundred Copse and Barns Copse). This graduated mosaic of habitats, from Ancient Woodland, to Parkland with permanent grassland, to arable land, is meeting the mixed habitat needs (e.g. when foraging) of protected species within the ancient Woodland's species web, whether birds, invertebrates, or bats and other mammals. All of these categories would need to be investigated in ecological surveys. Before any decision may be taken on the development, it is essential that further survey with trapping and radio-tagging be commissioned in the parkland surrounding the Hilton Hotel, with a view to establishing to what extent Tupper's Field is being used and to understand its importance as a foraging area for bats and

what the adverse impacts would be.

- The western block of Ancient Woodland forms part of the South Downs National Park. The loss of Tupper's Field to development will have an as yet unquantified adverse impact on the mixed habitats used and required by protected species such as those roosting and breeding within the National Park, and on its biodiversity and Special Qualities. A comment should specifically be sought from the National Park Authority on the position they would take in regard to this impact, on any particular survey requirements they may have to quantify it, and on what mitigation might effectively meet their requirements. In addition to direct biodiversity impact mentioned; the impact on dark night skies within the Park will need to be considered.
- The need for extra lighting to avoid crime would impact negatively on the South Downs National Park and the village (i.e. dark night skies).

Conservation Area:

- The proposed development will damage the Walberton Village Conservation Area.

Access:

- The site entrance on Yapton Lane will become very dangerous with additional numbers of cars generated by the site being in excess of 300/400 vehicles daily. This would put a strain on the road as it is a busy road with many large vehicles going to the various industrial sites at Ford, within 5 miles of the village and the local horticultural nurseries.
- Manser Road, Avisford Park Road and Hedgers Hill all lead into Yapton Lane. Yapton Lane is not wide enough to take so much traffic. Major accidents have occurred on the slip-road onto the A27. The site access is only 100 metres south of the junction to Hedger's Hill and Binstead, a junction that already causes some difficulty for vehicles, particularly those travelling south on the narrow and bendy road at the entrance to the hotel
- The access to the site is very close to two other roads leading on to Yapton Lane, namely the golf club and Manser Road. Cars travel from the A27 at a significant speed around the bend, which gives little time to react.
- The access point on to the B2132 could be dangerous and create more congestion. Since the opening of the A259 Bognor Relief Road in March 2-16, there has been a very significant increase in rush hour traffic leaving the A259 at Comet Corner to drive up through Yapton and Walberton on the B2132 to join the A27.
- The proposed site access onto Yapton Lane is close to the entrance to the golf course and it will be dangerous for greenkeepers equipment crossing the road between the two separate parts of the golf course.
- Access into Yapton Lane is already difficult at times, especially when the Level Crossing gates are lowered and the cars start backing up behind the mini-roundabout on the Street on their way up to the A27. There are many accidents on Yapton Lane - there have been two accidents this year already and cars speed up there regularly. Crossing Yapton Lane on foot is taking your life in your hands.
- Tye Lane has a 7.5 tonne restriction on traffic, however, with modern Sat Navs an increasing amount of massive container vehicles, tankers and plant now attempt to use the lane. There is no pedestrian walkway but the lane is part of the footway from the village to Slindon, crossing the A27. Cyclists, horse riders and pedestrians of all types already take their life in their hands trying to lead normal lives going up the lane. More traffic from yet another housing development of commuters would only exacerbate the situation here and in the The Street.
- During term time, there are vehicles everywhere along The Street and every time there is an event on at the primary school and the Village Hall. The Street becomes grid locked and a 'no-go' area. Vehicles sometimes approach along the pavement as The Street is extremely narrow in places.
- It will not be long before someone is seriously injured by speeding cars using the village as a rat run.
- The existing traffic issues in The Street will only be worsened by the construction of an additional 175 houses. The bus is frequently stuck travelling along The Street due to parked cars.
- The highway network in the vicinity of Walberton is already severely congested with journey times of

between 45 minutes to an hour to cover a few miles from both Chichester or Littlehampton. What effect will this additional traffic have on commuters at peak periods.

- Planning permission has been granted for a heavy goods vehicle (HGV) park off Lake Lane and now there are even more HGVs than before travelling along Yapton Lane.
- What consideration has been given to the effect of the proposed development with all of the additional vehicles that generates on air quality and traffic noise?
- Avisford Park road is privately maintained by residents and is also a public footpath.
- No proper road links, too much traffic cutting through Walberton from Yapton Lane to the A27T road.

Public Transport:

- Public transport is minimal, one odd bus to Bognor and an infrequent service to Chichester and Arundel, with neither having suitable times for people working in either place. This means that the new residents of the houses on Tupper's Field will almost exclusively travel by car.

Flooding and Drainage:

- The roads, including The Street and Avisford Park Road, suffer with flooding even now with water coming up through manholes so with more houses. A development of this magnitude would put an unsustainable pressure on the drainage system and compound the existing flooding problems.
- Tupper's Field is situated on an incline up to the South Downs and water already runs off the field into Avisford Park Road. The field performs an essential function by absorbing a great deal of the water which would otherwise run down the slope into Walberton. Once part of the field is developed for housing, the water will run into the houses on Avisford Park Road and those along The Street where flooding is already a risk; and increase flood risk.
- Southern Water has indicated that the drainage and sewerage systems can only be improved operationally once there are significant asset improvements to Lydney Waste Water Treatment works and this is subject to government funding in the next round of its periodic review with OFWAT.

Local Green Space:

- The independent Neighbourhood Plan Examiner and The Walberton Action Group have deemed that Tupper's Field (the application site) should be Local Green Space; and this was the view of the District Council's Overview Select Committee and then passed by Full Council at the meeting on 12th July 2017. It is inconceivable and possibly constitutionally illegal that consent should be given after such a clear decision.

Infrastructure:

- How are the schools and doctors surgeries going to accommodate the huge increase in housing development?
- There are deficiencies in social facilities, including places in the local schools including Walberton and Binstead C of E Primary School and St Philip Howard Catholic High School whose intake are already at their maximum. The Primary School already has overcrowded classrooms.
- The local surgeries will not be able to cope. The provision of a medical centre cannot be underestimated, yet there is no proposal in this respect.
- The existing services will not be capable of accommodating development on the application site in addition to the volume of houses being built along Lake Lane and Barnham Lane in Barnham.
- Developers always offer incentives such as building doctors surgeries, schools, even hospitals. Where are the doctors, nurses and teachers going to come from? The NHS cannot cope now.
- The village post office is closing at the end of this year.

Impact on Golf Course and Avisford Park Hotel:

- The proposed development will disrupt the golf course requiring very high netting which is impractical and unsightly.
- The planned alignment of so many houses in close proximity to the side of the first two holes of Avisford

Golf Course will drive many members either to find another club still preserving a countryside ambience or to give up altogether. It is inherently dangerous. No matter how high a fence is built - the higher it is the more unattractive it is to both golfers and potential buyers of houses on the site - golf balls will still be hit over it. It is understood that the farmer typically unearthed 400+ golf balls in Tupper's Field after each harvest, not to mention the number of balls hit into the field while it was cropland.

- The Avisford Park Hotel and Golf Course are popular and bring tourists to the area and their attractiveness would depreciate if planning permission was granted for housing development on Tupper's Field.

- No consideration has been given to golf balls that sometimes go into Tupper's Field.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments are addressed in the Conclusions section of the Report.

CONSULTATIONS

Conservation Officer

WSCC Strategic Planning

Highways England

Environment Agency

Surface Water Drainage Team

Environmental Health

Parks and Landscapes

Arboriculturist

Economic Regeneration

Planning and Housing Strategy

Sussex Police-Community Safety

Engineering Services Manager

Engineers (Drainage)

Archaeology Advisor

Ecology Advisor

NHS Coastal West Sussex CCG

NHS Coastal West Sussex CCG

Mr Clavell-Bate

Sussex Police-Community Safety

Environmental Health

South Downs National Park

CONSULTATION RESPONSES RECEIVED:

HIGHWAYS ENGLAND (HE):

Issued a holding response to identify further information sought in relation to the proposed A27 improvements, to agree an appropriate scheme of mitigation for the two junctions. Since that time, the applicant has provided additional information to Highways England comprising:

- A Design Check report for the A27 / Yapton Lane junction;

- A Design Check report for the A27 / A29 Arundel Road junction;

- Updated traffic models and modelling clarification to address HE comments;
- A Walking, Cycling and Horse Riding Report in accordance with DMRB HD 42/17; and
- A Stage 1 revised Road Safety Audit Brief in line with the DMRB HD 19/15.

Highways England has now advised that the earlier modelling queries have been addressed and that the improvements identified would address the impacts of development, subject to the being acceptable in safety terms. HE has now instructed completion of the Stage 1 Road Safety Audit for the works. HE is aware of the target committee date of 20th September 2017 and is seeking to expedite (i.e. sign-off) the Road Safety Audit. An update will be provided for the committee meeting.

LOCAL HIGHWAY AUTHORITY:

No objection raised subject to a package of local improvements. The proposed site access, accessibility and local traffic impact are acceptable subject to conditions and the following s106 obligations:

1. Highway works to deliver dropped kerb crossing improvements at:
 - The Street opposite William Brooker Yard
 - The Street outside the Baptist Church; and
 - The Street at Dairy Lane.
2. Highway works to improve crossing facilities at Blacksmiths Corner.
3. Highway works to improve the eastern bus stop on Yapton Lane, to include enhanced crossing facilities and waiting area.
4. Highway works to deliver improvements to gateway features on Yapton Lane and Tye Lane
5. Contribution towards the delivery of footway enhancements between the development site (across the recreational ground)
6. Contribution to improvements to public footpath 350.
7. A contribution of £7,500 for the funding of the traffic regulation order to amend the speed limit on Yapton Lane.

ENVIRONMENTAL HEALTH:

No objections raised in principle to this application. The site appears to be low risk from a contaminated land perspective. It is requested that, if outline planning permission is granted, a noise impact assessment (the A27 is approximately 0.5km to the north of the site) and an air quality assessment be provided at the reserved matters stage so as to ensure that appropriate mitigation measures are provided with regard to noise and air quality. The EHO requested the imposition of conditions requiring the provision of electric vehicle charging points; the completion of a Construction Environmental Management Plan; and a condition dealing with unsuspected contamination.

ADC HOUSING:

No objection raised in principle. Fifty two of the 175 dwellings proposed on the site would need to be affordable homes to comply with the Council's current policy requirements for 30% affordable housing. The proposed tenure split for affordable housing is acceptable at 26 affordable rent (50%) and 26 intermediate housing (50%). The applicant has provided a precise breakdown of the proposed affordable housing units by tenure and dwelling type / size and the proposed mix of 1 bed, 2 bed, 3 bed and 4 bed dwellings (no 4 bed intermediate housing to be provided) is acceptable. As at July 2017, there were 1,228 households in housing need on the Council's housing register. The affordable housing should be provided in clusters across the whole development and be indistinguishable from the market housing. All of the necessary affordable housing requirements would need to be included in a Section 106 agreement.

SOUTHERN WATER:

Southern Water recommended that the capacity issue should be addressed via condition such as that imposed on application Y/1/17/OUT: "Development shall not commence until a drainage strategy detailing the proposed means of foul disposal and implementation timetable has been submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker. The

development shall be carried out in accordance with the approved scheme and timetable".

ADC DRAINAGE:

No objection raised, but requested the imposition of conditions. Infiltration must be investigated further for surface water disposal on the application site. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. A shallow SuDS system is likely to be the way forward, however, the further groundwater monitoring and percolation testing will dictate as to what is possible.

WSSC FLOOD RISK MANAGEMENT:

No objection raised but requested the imposition of conditions. The site is at a low risk from surface water flooding; any existing surface water flow paths across the site must be maintained. The site is shown to be at high risk from groundwater flooding. A wholesale site level rise via the spreading of excavated material should be avoided. Any excavated material kept on site should be located in areas designed and designated for that purpose. This risk and appropriate mitigation should be considered in any future designs especially with regard to underground structures and utilities. The submitted Flood Risk Assessment proposes that attenuation techniques such as infiltration, swales, detention basin and wetland will be used to restrict the run-off from the development to greenfield run-off rates. Infiltration techniques should be fully explored for the whole site but these methods would, in principle, meet the requirements of the NPPF, PPG and associated guidance documents.

ARCHAEOLOGY:

No objection raised, but recommended the imposition of a standard condition. The Archaeology Officer agreed with the conclusions of the Desk Based Assessment with regard to the likely archaeological potential of this site; and for this to be evaluated by trial trenching to ensure suitable preservation of significant deposits, either in-situ or by further investigation.

ECOLOGY:

A statutory objection was raised which resulted in additional bat and reptile surveys; the results were submitted during the the first week in September 2017. In terms of bats, as a precautionary approach the tree identified in the survey should be removed carefully with removal of tree limbs in presence of a suitably qualified ecologist. If a bat is found all works must stop and Natural England consulted. This work should only take place between October and March. Though the reptile surveys have not been completed, the results presented so far indicate that reptiles are not present within the boundary areas of the site. Due to this the Ecologist is satisfied that a precautionary approach to reptiles would be suitable. Site clearance should be conducted during the season reptiles are active and the vegetation should be cut down to 10cm prior to any works taking place. Any dead wood, or rubble piles should be dismantled by hand and relocated. The lighting scheme for the site will need to take into consideration the presence of bats in the local area through the use of directional light sources and shielding. Prior to start on site a badger survey should be undertaken to ensure badgers are not using the site. The Ecological Officer requested conditions be imposed requiring a Construction Environmental Management Plan (CEMP) and a Landscape and Management Plan (LEMP) be submitted at Reserved Matters detailing the ongoing management and aftercare of the site once construction is complete. Due to the size of the site a full package of enhancement is required for the site including any trees removed should be replaced at a ratio of 2:1; a wildflower meadow should be planted; filling any gaps in tree lines or hedgerows with native species; bat, bird and Barn Owl boxes installed on the site; grassland areas managed to benefit reptiles; and log piles provided on-site.

ADC CONSERVATION / DESIGN OFFICER:

No objection raised. The site is located to the north and north-east of the Walberton Village conservation area, but it will be well separated by intervening built form and screened by existing buildings, mature trees and shrubbery. The proposed new development will have little impact on and cause no harm to the

significance of Avisford Park Hotel, a Grade II listed building to the north of the site. The proposed development will have a negligible impact on the special qualities of the settings of a number of Grade II listed buildings and locally listed 'Buildings of Special character' fronting The Street, to the south and south-east of the application site, due to distance and intervening buildings. Design issues will be dealt with at the reserved matters stage.

ADC ARBORICULTURE:

The Council's Arboricultural Officer raised an objection to the illustrative masterplan which identified footpaths, access drives and roads within the Root Protection Areas (RPAs) of trees within the application site. The Arboricultural Officer has requested the submission of amended plans at reserved matters stage which show the footpaths, access drives and roads moved outside of the Root Protection Areas. The Arboricultural Officer also recommended that a tree preservation order (TPO) is made to protect four trees that make a significant impact in the landscape and should be afforded full protection status. Three of the trees are growing along the western boundary of the site with Tye Lane, and the fourth tree is located immediately north of the boundary of the site with Walberton and Binstead C of E Primary School.

GREENSPACE:

No objection in principle. Developments of up to 175 dwellings or more are expected to provide open space on site. The Council's SPG guidelines which apply to developments of houses and are based broadly upon the National Playing Fields Association's (NPFA) "Six Acre Standard". Under updated Fields in Trust guidelines (FIT) this recommends that 3.2 hectares of open space are provided for every 1,000 people ie 32 square metres of open space per person. We would require confirmation of the areas of public open space being proposed with this development. The strategic open space areas indicated on layout plans would appear to be in excess of the minimum required which is good to see, although mostly to the periphery of the development where some internal green space areas may be beneficial plus giving the opportunity of green links within the development. The proposed number of dwellings proposed for this site, would trigger the requirement of LAP and LEAP, Multi-Use Games Area (MUGA) contribution which are again indicated on the layout plans and appear to be well dispersed throughout the development proposal. The Council's SPG remains relevant as part of the Council's saved policies. In addition the Council has an Open Space and Recreational Study (2009) which would need to be incorporated into any decision. Open space recreation facilities and contribution towards would need to be concluded and confirmed.

Landscaping:

Advice given on ensuring high quality landscaping scheme setting out what a full landscaping scheme should include in order to maximise the biodiversity of the site.

Arboricultural:

Any trees or vegetation that fall within the proposed or periphery of the development, may provide significant aesthetic impact to the location. Any trees in particular along the boundaries, which adjoin neighbouring land could provide potential valuable screening and should be retained particularly those adjoining the settlement boundary. Conditions are required to ensure tree protection; and retention of significant existing trees along the boundary edge and adjoining neighbouring land.

Biodiversity:

A habitat survey would need to be commissioned and any recommendations of the report included within the conditions of any planning approval. Clearing of any vegetation must not be carried out during the bird nesting season. A reptile survey would need to be carried out prior to works commencing on site. Bat and bird boxes to be provided to enhance the ecological potential of the site and mitigate for the loss of any mature vegetation.

WSSC INFRASTRUCTURE:

* Education: No spare primary / secondary / further secondary schools in catchment areas have spare capacity to accommodate the children generated. Formula based contribution into S106 Agreement so that the education contribution may be calculated at a later date. The contributions generated by this proposal shall be spent on expansion at Walberton CofE Primary School; expansion at Ormiston Six Villages Academy; and on restructure of the sixth form to cater for the additional student population at St Philip Howard Catholic High School's Sixth Form.

* Library: Formula based contribution into S106 Agreement so that the library contribution may be calculated at a later date. The contributions generated by this proposal shall be spent on a new tier 7 facility on site or on a project to enhance library space with improved digital access at Arundel or Littlehampton Library should the community facility either not progress or progress without space for Library facilities.

* Fire and Rescue: Formula based contribution into S106 Agreement so that the fire service contribution may be calculated at a later date. The Fire and Rescue Service Contribution should be used towards the re-development or re-location of fire stations and associated vehicles and equipment in West Sussex Fire Rescue Services Southern Area serving Walberton.

SUSSEX POLICE:

No objection raised to the outline planning application. The layout plan indicates that the development has outward facing dwellings with back to back gardens which has created good active frontages with the streets and the public areas being overlooked. Parking in the main has been provided with in-curtilage and garage parking, which should leave the street layout free and unobstructed. Sussex Police recommended that the development be constructed to Secured by Design standards.

FURTHER COMMENTS FROM SUSSEX POLICE:

Sussex Police are requesting developer contributions totalling £22,709.91 for the following:

* £5,594.75 as 1 of 5 pooled payments towards the purchase of an additional vehicle for use by the Walberton Neighbourhood Policing Team.

* £2,239.81 as a maximum of 1 of 5 pooled payments towards the costs of an additional officer to work in the Walberton Neighbourhood Policing Team.

* £312.90 as a maximum of 1 of 5 pooled payments towards the cost of 1 additional support staff member to be based at Bognor Regis Police station.

* This development requires 0.67 additional staff/officers to maintain the existing level of policing in the District. The cost of sitting these officers/staff at Bognor Regis Police Station would therefore be £14,562.45 (£1350 x 16.1 x 0.67).

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Outside the Built-up Area Boundary (BUAB) of Walberton.

DEVELOPMENT PLAN POLICES

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

DEV17	Affordable Housing
DEV18	Affordable Housing Outside the Built Up Area
GEN2	Built-up Area Boundary
GEN12	Parking in New Development

GEN14	Public Transport
GEN15	Cycling and Walking
GEN18	Crime Prevention
GEN20	Provision of Public Open Space within New Development
AREA2	Conservation Areas
GEN22	Buildings or Structures of Character
GEN28	Trees and Woodlands
GEN29	Nature and Conservation Across the District
GEN3	Protection of the Countryside
GEN32	Noise Pollution
GEN33	Light Pollution
GEN7	The Form of New Development
GEN8	Development and the Provision of Infrastructure
GEN9	Foul and Surface Water Drainage

Publication Version of the Local Plan (October 2014):

C SP1 Countryside
 D DM1 Aspects of Form and Design Quality
 D DM2 Internal Space Standards
 D DM3 External Space Standards
 D SP1 Design
 ECC DM1 Renewable Energy
 ECC SP1 Adapting to Climate Change
 ECC SP2 Energy and climate change mitigation
 SD SP1 Sustainable Development
 SD SP2 Built -Up Area Boundary
 ENV DM4 Protection of Trees
 ENV DM5 Development and Biodiversity
 HER DM6 Sites of Archaeological Interest
 H SP2 Affordable Housing
 INF SP1 Infrastructure provision and implementation
 LAN DM1 Protection of Landscape Character
 OSR DM1 Open Space, Sport & Recreation
 QE DM1 Noise Pollution
 QE DM3 Air Pollution
 SKILLS SP1 Employment and Skills
 SO DM1 Soils
 T DM1 Sustainable Travel and Public Rights of Way
 TELSP1 Strategic delivery of telecoms infrastructure
 T SP1 Transport and Development
 W DM2 Flood Risk

W DM3 Sustainable Urban Drainage Systems
 HER DM1 Listed Buildings
 HER DM2 Locally Listed Buildings or Structures of Character
 HER DM3 Conservation Areas

Walberton Neighbourhood Plan Policy 2017 CL6	Health Care
Walberton Neighbourhood Plan Policy 2017 CL7	Recreation Facilities
Walberton Neighbourhood Plan Policy 2017 CL8	Allotments
Walberton Neighbourhood Plan Policy 2017 GA1	Open Access and Permissive Paths
Walberton Neighbourhood Plan Policy 2017 GA2	Footpath Bridleway and Cycle Patch Network
Walberton Neighbourhood Plan Policy 2017 GA5	Traffic Management
Walberton Neighbourhood Plan Policy 2017 GA6	A27/A29 Junction West, and Other Strategic Junctions
Walberton Neighbourhood Plan Policy 2017 HP1	Spatial Plan of the Parish
Walberton Neighbourhood Plan Policy 2017 HP10	Affordable Housing
Walberton Neighbourhood Plan Policy 2017 HP11	Housing Density
Walberton Neighbourhood Plan Policy 2017 HP13	Design Guidance
Walberton Neighbourhood Plan Policy 2017 VE1	Designation of Local Green Space
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 VE5	Buildings and Structures of Character
Walberton Neighbourhood Plan Policy 2017 VE7	Surface Water Management
Walberton Neighbourhood Plan Policy 2017 VE8	'Unlit village' status

PLANNING POLICY GUIDANCE:

POLICY COMMENTARY

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

A new local plan is in preparation may be a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

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

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for

the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Regulation 14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

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

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

Relevant WNP policies have been taken account of and are addressed in the Conclusion below.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

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

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background as detailed in the Conclusion section. These include the National Planning Policy Framework (NPPF) and associated Guidance, the lack of a 5 year housing land supply provision for Arun, the Written Ministerial Statement on Neighbourhood Plans (December 2016), the Secretary of State's decision on the Call-in Inquiry for the Fontwell application; and the CIL Regulations 2010 (as amended).

CONCLUSIONS

PRINCIPLE:

The development plan for Arun District currently comprises the Arun District Local Plan (2003) (saved

policies) and the Walberton Neighbourhood Plan (March 2017).

Arun Local Plan 2003

The policies of most relevance are saved policies GEN2 and GEN3 of the Arun District Local Plan. Outside the BUAB development will not be permitted unless it is consistent with other ADLP policies. ADLP Policy GEN3 - Protection of the Countryside states that except for several categories of development, none of which relation to the application proposal, development will not be permitted outside the BUAB. As this site lies outside the BUAB it is categorised as countryside and the scheme would conflict with ADLP Policies GEN 2 and GEN 3.

Walberton Neighbourhood Plan

The Walberton Neighbourhood Plan (WNP) was made (adopted) in March 2017 on the basis of the saved policies in the ADLP and the draft policies in the eALP (2014).

The site is outside the built-up area boundary for Walberton identified by Schedule 8 Existing Built-Up Area Boundaries and Extension Policy HP1 - Spatial plan of the Parish of the WNP. Schedule 8 of the WNP identifies the built-up area boundary, but excludes the application site. The application site is therefore classified as countryside and the WNP anticipates that the countryside restrictions in the adopted Local Plan (2003) would apply to any applications. As set out above, the scheme conflicts with the ALP policies GEN 2 and GEN 3 and therefore conflicts with the WNP to protect countryside in accordance with those policies.

Emerging development plans

This includes the emerging Arun Local Plan 2011-2031 Publication Version October 2014 (eALP) as modified March 2017 ('the modified eALP').

The eALP was submitted for examination in January 2015. Following a material increase in the Objectively Assessed Need (OAN) for housing the eALP examination has been suspended to allow ADC to review potential locations for housing development. The proposed Modifications were approved by Full Council and consultation took place between 10 April - 30 May 2017.

Policy H SP1 - Housing Allocation of the modified eALP sets out the overall provision of 20,000 new homes through the Local Plan phased over the plan period to 2031.

Policy SD SP2 - Built up area boundary (BUAB) states that outside the BUAB apart from Strategic, Site Specific and Broad Allocations, development will not be permitted unless consistent with other plan policies.

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

Planning Balance

For reasons given above, the application is not in accordance with ADLP Policies GEN 2 and GEN 3 and policy HP1 of the WNP. As set out below - and in light of the Written Ministerial Statement on Neighbourhood Plans - these policies are out-of-date and carry limited weight.

The following sets out whether there are any material consideration which indicate that the proposal should be determined other than in accordance with the development plan.

There has been an almost doubling of the objectively assessed need (OAN) to 919 dwellings per annum (dpa) and the current housing land supply figure for Arun District is around 1.92 years. This demonstrates that there is a pressing need to identify and bring forward deliverable sites for housing and that ADC cannot demonstrate a 3 or 5 year supply of deliverable housing sites. In recognition of this, the Local Plan Sub-Committee resolved in December 2016 to invite planning applications on sites identified as being 'deliverable' within the Housing and Employment Land and Availability Assessment (HELAA) where they are considered sustainable and will not prejudice the emerging local plan and/or infrastructure delivery.

Housing and Economic Land Availability Assessment (HELAA) - 2017

Walberton Parish Council and a number of local residents have referred to an assessment of the site in HELAA's from 2015 which assessed the site as not being suitable for development. However, the HELAA (2017) assesses the application site (WA1: Land east of Tye Lane) as available, achievable and suitable and therefore deliverable in the short term. The assessment suggests a total yield of 205 dwellings at a density of 30 dph, with the dwellings to be delivered from 2018 onwards.

Given the absence of a 5 year housing land supply, paragraph 14 of the NPPF is engaged. In accordance with paragraph 14 of the NPPF, planning permission should be granted unless (a) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole or (b) specific policies in the Framework indicate development should be restricted. As the Council cannot demonstrate a 3 year supply of deliverable housing sites, the Written Ministerial Statement on Neighbourhood Planning (12 December 2016) does not apply. Paragraph 49 of the NPPF is also engaged, which states that the relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a 5-year housing land supply.

Given the significant shortfall in housing supply only limited weight can be given to the conflict with out-of-date ALP Policies GEN 2 and GEN 3 and policy HP1 of the WNP. Policy GEN 2 is clear that the boundaries of the built-up area were defined 'for the purposes of the West Sussex Structure Plan and this District Local Plan'. The built-up areas were drawn for the purposes of defining the extent of the built-up areas and countryside. This was done with the background of the required number of dwellings for the plan making period being provided within the built-up areas or on allocated sites (up to 2011). Therefore, this supports the position that the policies are out-of-date and can only be afforded limited weight.

The Publication Version of the eALP (2015) (on which the WNP was based) was prepared to address the OAN at the time and has been subject to major change to meet the requirements of the significantly increased OAN and therefore should be given very limited, if any, weight. The WNP was produced based on the Publication Version of the eALP (2015) which did not include Walberton as a parish which was expected to provide for a minimum allocation of housing. The WNP allocates six sites for housing land in its plan (HP2, HP3, HP4, HP5, HP7 and HP8). Therefore only limited weight can be given to the conflict with the WNP to protect the countryside, as the context within which the WNP was prepared has significantly changed.

Consideration needs to be given to the respective roles of Neighbourhood Plans which deal with local, non-strategic needs and Local Plans which deal with strategically assessed needs across the whole district. This approach was confirmed by the Secretary of State in the Fontwell decision (Land East of Fontwell Avenue - APP/C3810/V/16/314095). The modified eALP Policy H SP2c is seeking to address these strategically assessed needs through the identification of certain areas of land as Strategic Sites. The application site - comprising Land East of Tye Lane, Walberton - is not identified as a Strategic Site

in modified eALP Policy H SP2. Nevertheless, the modified eALP (2017) is yet to be examined and adopted and therefore limited weight can be attached to the modified eALP.

Prematurity

The Planning Practice Guidance (PPG) gives advice on assessing prematurity, which indicates that: "arguments that an application is premature are unlikely to justify a refusal of planning permissions other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both: (a) the development is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by pre-determining decisions about the scale, location or phasing of new development that are central to an emerging local Plan or Neighbourhood Planning; (b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area".

Based on an OAN on 919 dpa, the LPA has a housing requirement over the plan period of some 18,000 units. The 175 units at Walberton would amount to less than 1% of the plan period requirement. In terms of what the Local Plan requires to be provided and what this site could provide, the application does not come anywhere close to the threshold of being significant or would result in closing off other options in terms of a spatial strategy pursued when the revised eALP is re-examined and adopted. The modified eALP (2017) is currently being examined - and awaits adoption and therefore limited weight can be attached to the modified eALP.

In relation to the issue of prematurity, the Secretary of State decision at Fontwell concluded that little weight should be given to the potential for the application to undermine the plan making process due to the size of the site in relation to the housing requirement and that it would not close- off other options in terms of the spatial strategy in the modified eALP. Whilst the modifications have now been published and the modified eALP has progressed closer to adoption, it is considered that little weight should be given to the potential for this application to undermine the plan making process.

Presumption in favour of sustainable development

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

As set out above, the policies in the development plan are out of date and can be afforded limited weight and this means that the presumption in favour of sustainable development set out in paragraph 14 of the National Planning Policy Framework (NPPF) applies. The following considers the proposals against the presumption in favour of sustainable development.

In terms of sustainability of the site, the following facilities are available in the local area within walking distance of the site:

- Walberton and Binstead C of E Primary School
- Walberton Village Hall and sports pitches
- Post office, newsagent, greengrocer, laundrette, hairdressers and dental surgery
- Flintcroft GP Surgery
- St Mary's Church
- Walberton Baptist Church and Church Hall
- The Holly Tree and the Black Horse Public Houses

- Walberton Recreation Ground (Village Green)
- Hooe Farm Industrial Park
- Hilton Avisford Park Hotel and Golf Club

Education facilities, a convenience food store, public houses, churches and church halls and village hall with sports pitches are all available within the village to support the community's needs and well-being; together with an industrial park (Tokar Industrial Park) and nurseries to the south of the village, which provide employment opportunities.

The nearest railway station is at Barnham which is 1.8 miles south west of Walberton with regular services to settlements throughout West Sussex and beyond to London, Portsmouth and Southampton, Bristol and Cardiff. The closest bus stop is on Yapton Lane and there are local bus routes (66, 85 and 85A) which serve the parish with regular stops to Bognor, Barnham, Yapton, Chichester and Fontwell, linking up with the no 700 bus service along the A259 and B2233. Whilst Walberton currently has limited employment opportunities, the regular bus service would allow current and future residents to access to those opportunities and services sustainably.

The environmental aspects of sustainable development are considered in detail in the report below, which concludes that the site, whilst resulting in the loss of high quality agricultural land, would be acceptable in terms of the historic environment and has the potential to enhance the natural environment through the enhanced tree planting and management of open spaces for wildlife.

Conclusion on matters of principle:

Overall, the principle of development on this site is contrary to the development plan, however, as the Arun District Local Plan policies GEN2 and GEN3 and the intention of the WNP to protect countryside (HP1 of WNP) are out of date, in accordance with paragraph 49 of the NPPF then they carry reduced weight. The material considerations set out above, including the lack of a 5 year housing land supply and the proposed allocation of the site to contribute to supply, are considered to weigh in favour of granting permission. The sustainability of the site is considered to accord with paragraph 14 of the NPPF. Therefore, it is considered that significant weight in the planning balance should be given to the contribution to housing and affordable housing in the district, boosting the sustainability of Walberton even further, giving the community an additional area of public open space and community facilities, and the provision of strategic infrastructure - including junction improvements on the A27 - through developer contributions.

Some policies of the Framework are cast in terms which indicate that in certain circumstances planning permission should be restricted. These, in this case, relate principally to flooding, agricultural land, the natural environment, noise and designated heritage assets. Having regard to the tests set out in the NPPF in relation to these issues, and in the context of the content of this report, it is considered that the circumstances are such that none of these issues amount to a reason for withholding planning permission either because the matter can be controlled by suitable conditions, content of the Section 106 agreement or because the public benefit outweighs the harm in respect of the issue at hand.

TECHNICAL MATTERS

Agricultural land

The site is identified as Grade 1 agricultural land and representations have raised the loss of agricultural land as an issue. Grade 1 is classified as 'best and most versatile' land which is the most flexible, productive and efficient. The NPPF (paragraph 112) requires that the Council takes into account the economic and other benefits of this type of land. The eALP Sustainability Appraisal recognised that most

of the undeveloped coastal plain within the District is high grade agricultural land. There is no current Local Plan policy referring to the protection of agricultural land. The loss of BMV is one factor in the decision making process.

Policy SO DM1 of the modified eALP states that development will not be permitted on this type of land unless 'designated by this plan' or unless the need for the development outweighs the need to protect such land in the long term. Natural England has a statutory responsibility for advising local planning authorities about land quality issues but as the site is under the 20ha threshold, they have not commented in this instance. It is important to note that residential development in the District will inevitably involve the loss of best and most versatile land and that mitigation measures can be adopted to preserve the soil resource.

Overall, the loss of the agricultural land is permissible as there is an overriding need for the development. It also accords with the modified eALP Policy SO DM1, to which a limited amount of weight can be given, but the loss needs to be weighed in the balance along with other technical matters as part of the 'weighted balance' in paragraph 14. This is set out in the overall conclusion.

Landscape

The protection of landscape character is an important consideration, although the site is not within a protected landscape or likely to impact on the setting of the South Downs National Park.

A Landscape and Visual Impact Assessment (LVIA) has been submitted which seeks to assess the impact of the proposal on the landscape and to determine what mitigation measures are appropriate. Local concerns have been raised about how the development will have a negative impact on the rural setting of the village.

The site lies within landscape type 1a 'Enclosed Arable Farmland' in the Arun Landscape Study (2006) characterised by relatively large arable fields; well-designed structure of hedges and shaws; typically found on the upper coastal plain. The site is also included in the Avisford Park character area, which also includes the golf course and hotel to the north. The character of the area is described as being parkland with woodland and hedged boundaries; and parkland setting to Walberton. The LVIA concluded that the visual effects of residential development would be localised and significant negative effects would be limited to short term effects on the golf course to the immediate north of the site, residents adjacent to PRow 333 to the south and the PRow itself. In all cases significant negative effects would be localised and short term. The proposed mitigation planting and location of open spaces would mean that the nature of visual effects would become neutral over time. In the long term, once the proposed planting has matured, the site would be largely screened by existing and proposed planting which would integrate into the wider landscape. These details can be considered as part of the detailed design at the reserved matters stage.

Therefore, the proposal accords with Policy GEN7 of the Local Plan, Policy VE3 of the Neighbourhood Plan and Policy LAN DM1 of the modified emerging Local Plan.

Local Green Space - Tupper's Field

The site is not allocated as Local Green Space under Policy VE1 in the made WNP. Notwithstanding this, the Full Council meeting on 12 July 2017 approved a recommendation put to them by the Council's Overview Select Committee that Tupper's Field, Walberton is to be no longer considered suitable for development and is to be considered for allocation as a Local Green Space ("LGS") if Walberton's Neighbourhood Development Plan ("WNDP") should be reviewed. This recommendation arose following a petition organised by Walberton Parish Council urging the Council to designate the Land as an LGS to

'Help to protect it from development'.

The NPPF makes it very clear that 'the Local Green Space designation will not be appropriate for most green areas or open spaces'. For land to be designated as LGS it must meet all of three tests set out in paragraph 77 and 'should only be used in the following circumstances':

1. The green space is in reasonably close proximity to the community it serves;
2. The green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
3. The green area concerned is local in character and is not an extensive tract of land.

The Select Committee Report acknowledges (para 5.4) that the Council has consistently taken the view that the three tests under paragraph 77 of the NPPF have not been met. The Select Committee Report states that historically the information provided by the Parish Council, in support of designating the Land as an LGS, has not been sufficient to meet the test of being both demonstrably special and an area which is not an extensive tract of land.

The petition submitted by the Parish Council sought to address the second test, that the area is demonstrably special to the local community. As before, the petition itself shows insufficient evidence in support of this assertion. There are no statements or factual evidence to explain how the land is of special beauty, historic significance, recreational value, tranquillity or richness of its wildlife.

The Land is private and has no permitted access arrangement and that there is limited visibility of the Land from long-distance views or anywhere in the village or locally, meaning that appreciation of the Land by the public is very limited. It is a ploughed field of which characteristics of 'beauty' and 'tranquillity' cannot be accredited.

Notwithstanding the difficulties that arise from seeking to rely on the petition as evidence of meeting the second test, the requirement is for all three tests to be met. No circumstances have changed which might alter the ability to meet the third test and disprove the position that the area is an extensive tract of land.

The land - as "an extensive tract of land" - fails to meet the third policy test. The Parish has claimed that the Council removal of the designation is unfounded however that is not the case as is evident by the following cases. The draft Sedlescombe Neighbourhood Plan (Rother District) sought to designate land measuring approximately 4.5ha as LGS but the examiner observed that "it stretches across an area of open land which I consider can only be described as extensive" and concluded that "there is no substantive evidence to demonstrate that Street Farm is not an extensive tract of land". The examiner's report of the draft Alrewas Neighbourhood Plan (Lichfield District) concluded that two sites of 2.4ha and 3.7ha respectively comprised extensive tracts of land in relation to the size of the village. The size of Tuppens Field is 11.4ha, far larger than any of the above examples and, when taken in the context of Walberton village or on its own, it would be irrational to conclude that the Land is not an extensive tract of land. Similar to the WNP, the Wivelsfield Neighbourhood Plan was passed at a referendum and recently 'made' by Lewes District Council. Here, the Parish Council sought to designate five parcels of land as LGS but the examiner determined that they did not meet the three policy tests as they were not demonstrably special or held particular local significance and subsequently only one LGS designation was accepted as being suitable.

It is clear there have been numerous recent instances where Parish Councils and Neighbourhood Plan Groups have attempted to designate land as LGS but have been unsuccessful because policy has been correctly applied by neighbourhood plan examiners and local authorities.

Having sought legal advice, the Council recognised the risk of challenge and removed the designation which was accepted by the Parish and its residents at the referendum in February. The district has an acknowledged housing need for which all towns and villages will need to contribute towards, especially in a sustainable location such as the subject Site.

Under s.70(2) of the Town and Country Planning Act 1990 when determining a planning application the local planning authority must have regard to the development plan. S.38(6) of the Planning and Compulsory Purchase Act 2004 confirms that this means that an application must be determined in accordance with the development plan, unless material considerations indicate otherwise. The WNP is part of the development plan and does not apply any such designation to the land. The recommendation approved by the Council does not form part of the Development Plan. As it is only a statement issued by the Council, it can only be afforded minimal weight, if any.

For the Land to be properly considered and treated as LGS then the land would need to be designated as such in the Walberton Neighbourhood Plan. Under s.38A (11) of the Planning and Compulsory Purchase Act 2004, an existing plan may be replaced by a varied neighbourhood plan. The procedure for replacing an existing plan is the same as the procedure for making a new neighbourhood plan.

Affordable Housing

For all developments over 15 residential units the Council requires the minimum provision of 30% affordable housing on site, as set out in Policy AH SP2 of the modified Local Plan and in the Interim Affordable Housing Policy (2010). The proposal includes 30% affordable housing and indicates that the size of units to be provided would be within the range for affordable housing set out in Table 30 of the Council's Objectively Assessed Housing Needs Study 2015. The Affordable Housing Statement requests that the S106 obligation is drafted in a manner which would deliver the quantum and mix of affordable housing set out below. The proposed on-site provision is: 26 affordable rent and 26 intermediate (52 units total). The proposed provision of affordable housing is supported by the Council's Housing Strategy and Enabling Manager. The Housing Manager would request that the applicant engages with one of the Council's preferred registered partners (RPs) or an approved non-registered partner for the acquisition of the affordable housing. Therefore the proposal accords with Policy DEV17 of the Local Plan, as updated by the Interim Affordable Housing Policy and Policy AH SP2 of the modified Local Plan and Policy HP10 of the WNP.

Illustrative Layout and Design

A comprehensive Design and Access Statement (DAS) has been submitted with the application. The DAS provides a clear analysis of the site area and wider context, providing a character analysis of traditional Walberton. The DAS includes principles of development and it demonstrates how the design for the site evolved taking into account key opportunities and constraints.

The Masterplan addresses the following issues, which would be a matter for the detailed Reserved Matters stage but provide an indication of the ability to deliver an acceptable scheme:

Scale - The concept for the scheme is that it would be predominately two storey dwellings to reflect the surrounding area with ridge heights varying from 7.5 metres to 8.0metres and ranging up to 9.0 metres within the centre of the development and set at logical points to provide entrance features and focal points.

Appearance and Character - The detail would be for Reserved Matters stage but the DAS provides examples of the type of dwellings which would be considered appropriate together with visual impressions of how plots would be laid out. This includes blocks set back from the street, spaces

between the built form to accommodate off street parking, larger spaces to provide a more rural feel, and low density housing in some areas of the site to promote the village appearance. The DAS recognises the importance of the local character analysis and identifies five established character areas: the Entrance Gateway; the Avenue; the Community Edge; the Village Edge; and the Parkland Edge. The artists impressions provided in the DAS provide an illustration of the site demonstrating the potential for a high quality scheme to be developed which respects the rural character of the area and avoids a suburban appearance. Other built form principles set out in the DAS include the identification of focal buildings and formal frontages. It also recognises the importance of gables being appropriately treated with windows to ensure surveillance and true dual aspect dwellings being employed at key corners.

Pedestrian, cycle and vehicle movement - Single vehicular access to Yapton Lane will be provided south of Avisford Park Golf Club. Pedestrian and cycle access will be provided to Yapton Lane at the site access; a footpath connection will be provided between Avisford Park Road and Footpath 333; Tye Lane at both the north and south of the site will connect towards the Street and the Hooe Farm Industrial Estate; and pedestrian connections to the Walberton Recreation Ground, Walberton and Binstead C of E Primary School and Avisford Park Golf Course.

Street typologies are provided in the DAS which illustrate the internal arrangement of movement corridors and dwellings interface within the site. The primary route would have footpaths on both sides. Green verges are proposed to provide a green setting. Secondary routes through the development would have footpaths but not verges. Shared surface streets are also proposed for short stretches where vehicle speeds are low and would be designed to encourage drivers to give priority to pedestrians. The South Downs Way to NCN2 cycle route (WSCC 191) joins The Street to the west of the site; and Slindon to Walberton cycle route (WSCC 80) joins Tye Lane to the west of the application site.

Parking - The DAS provides an example of the types of parking provision that would be appropriate, including: on plot parking to the rear or side of dwellings which takes the car away from the street and provides high levels of natural surveillance; garages to provide secure off-street parking; off-plot parking and visitor parking.

Crime prevention - The DAS includes a 'Secured by Design' section which details measures and design mechanisms that can be used to allow natural surveillance across the site. However, it is considered that the layout of the site is inward looking and further design work will be required at Reserved Matters stage to ensure the development is outward looking ensures full surveillance of the site. The proposed development could address Policy VE8 of the WNP 'unlit village status' at Reserved Matters. The Sussex Police Designing Out Crime Officer comments should be taken into account at the detailed Reserved Matters stage.

Design Quality

The importance of high quality, locally appropriate design is emphasized in Section 7 of the NPPF, with paragraph 58 advising that new development should establish a strong sense of place and paragraph 60 stating that it is proper to seek to promote or reinforce local distinctiveness.

It is noted that the outline proposal seeks permission for up to 175 dwellings, which is a welcome reduction from the figure of up to 200 proposed at pre-application stage. However, the reduction is not evident when comparing the site layouts of the preliminary and outline proposals, as there appear to be less open green space and a more intensive form of development in the current scheme. It is also noted that the DAS (p45) refers to the new built form being 'no higher than 2 storeys', while the Building Heights drawing (2507-A-1402-A) shows the buildings with a ridge height of up to 9m, which suggests three storeys. It is questioned whether three storey development is appropriate to the local context, where village buildings are modestly scaled and rarely exceed two storeys.

The DAS demonstrates that careful consideration has been given to pedestrian connectivity and the design of safe, welcoming amenity spaces with compatible uses. Clear delineation of public, semi-private and private spaces has been achieved with a hierarchy of boundary treatments and streets are enclosed by active frontages, with 'landmark' buildings occupying strategic locations to facilitate legibility.

As the application is for outline permission only, detailed architectural proposals have not been provided at this stage. However indicative sketches suggest the new built form is designed and scaled to complement local models, although it is noted that three storey buildings have not been illustrated. A high quality, locally appropriate indicative materials palette is included in the DAS (page 68).

The applicant is only applying for outline permission including access to the site, however, there is a draft layout for the site set out in the illustrative Masterplan, which addresses the constraints and opportunities presented by the site. However, the layout of the site in the illustrative masterplan is inward looking and needs to be amended at Reserved Matter stage to be outward looking.

Green infrastructure, open space, recreation and sports provision:

The DAS sets out the green infrastructure provision across the site. This area includes the green spaces including the Door Stop Green, Central Green and Village Green, the provision of Green Corridors, together with balancing ponds as wetland features in the south west and south east corners of the site. It is considered that further detail on the provision and location of play areas and the allotments can be considered as part of the reserved matters application and the Public Open Space Scheme including the Multi Use Games Area (MUGA) and tennis courts that will be required through the S106 Agreement. A network of hard surfaced footpaths would provide access and link the residential areas to the surrounding facilities, including the golf course. The provision of new allotments will be supported in accordance with Policy CL8 of the WNP.

Landscaped buffer planting is proposed along the northern and eastern frontages. The main access would be lined by grass verges with a landscaped buffer and pocket greens around the site provide local spaces for informal recreation. Nine LAPs (Local Area for Play) would be provided on the site together with a single LEAP (Local Equipped Area for Play) would be provided on the village green area. The total area of open space amounts to 4.4ha (44,712 square metres) and would provide a high level of amenity for future residents as well as accessible green space for existing residents.

ADC Greenspace has requested confirmation of the areas of open space being proposed, but stated that the proposed indicative layout would suggest provision beyond the minimum which is welcomed. The proposed number of dwellings proposed for this site, would trigger the requirement of LAP and LEAP contribution which are again indicated on the layout plans and appear to be well dispersed throughout the development proposal. The proposed development should also include a multi-use games area (MUGA). The details of the on-site open space and contributions, as well as future maintenance will be set out in the S106 obligation and an update on the final requirements will be provided. The landscaping scheme provided with the DAS is indicative and a full landscaping scheme would be required to be submitted with the Reserved Matters application, including further detail on play provision.

Overall, the provision of public open space meets the requirements set out in Policy GEN20 of the Arun Local Plan and Policy OSR DM1 of the modified eALP.

Trees:

An Arboricultural Implications Report - which includes a Tree Survey, a Method Statement and Root Protection Schedule - has been submitted with the application in order to record the location, condition

and value of all significant trees in the site. The Council's Arboricultural Officer considered this to be a fair representation of the tree content and agreed with the gradings applied and notes that it complies with BS5837 requirements. The most important trees within the site are contained in the south eastern corner of the site and are protected by a TPO. The Tree Survey highlights some individual A and B grade oaks and other tree species which the Tree Officer recommends should ideally be retained as part of the design layout. The Arboricultural Implications Report concludes that on the basis of the assessment the arboricultural impact of the scheme is of negligible magnitude - i.e. very minor loss of or alteration to main elements/ features / characteristics of the baseline, post-development changes will be barely discernible, approximating to the 'no change' situation.

There are a few significant trees on the site (all but one of which is subject to a Tree Preservation Order) and there are a few off-site trees in the verge abutting the boundary along Tye Lane to the western side of the site which are also good specimens. The Council's Arboricultural Officer considers that those trees which are not currently subject to Tree Preservation Orders should be. The Arboricultural Officer is generally satisfied with the overall layout of the dwellings but is concerned with the footpath locations, many of which needlessly cut through the tree root protection areas (RPAs) when there is adequate room to re-route them all outside the RPAs and avoid any conflict with tree roots. The Arboricultural Officer has requested that plans are submitted at the Reserved Matter stage showing no intrusion into tree RPA's by footpaths and access drives and roads.

The Walberton Neighbourhood Plan includes Policy VE 3 'Protection of Trees and Hedgerows' whereby development will be permitted where it can be demonstrated that trees and hedgerows contributing to local amenity will not be damaged or destroyed. The illustrative masterplan denotes that the existing trees and hedges will be protected and enhanced and there is space to re-align footpaths to avoid RPAs. The proposed development complies with Policy GEN 28 of the Local Plan, Policy ENV DM4 of the modified Local Plan and Policy VE 3 of the WNP.

Ecology:

A preliminary Ecological Survey was submitted with the planning application to determine the ecological constraints on the site. Representations raise a number of concerns about the wildlife and habitats present on the site. The site is predominantly an arable field with trees and boundary hedgerows.

The preliminary Ecological Survey concluded that the main habitats being of value to wildlife had the potential to support populations of bats and reptiles. This led to further surveys being undertaken for bats and reptiles to devise appropriate mitigation and to provide enough information for the Ecologist to be satisfied that protected species would not be harmed from the development and the Wildlife and Countryside Act 1981 (as amended) and the Habitat Regulations, 2010 would not be broken.

If any trees identified as having potential to support a bat roost subsequently require removal or works, then a climbed inspection is recommended and if bats are found to be roosting within trees where felling is unavoidable a European Protected Species Mitigation Licence may need to be obtained. Measures to mitigate the impact of lighting on bat foraging would also be required and a condition is recommended to ensure that a lighting scheme is submitted.

In order to ensure that the mitigation measures identified in the Surveys are incorporated an Ecological Management and Mitigation Plan would need to be submitted for approval. This document should reflect the Survey mitigation measures and contain the information set out in the Ecologists response in order to demonstrate that the impacts on ecology can be managed and mitigated as well as enhanced. A condition requiring submission of an Ecological Management and Mitigation Plan is recommended and this should also include a requirement to update the habitat surveys if more than 12 months has elapsed between the survey and the point at which development decisions have been made at the site.

Overall, subject to the provision of the details requested above, it is considered that the proposed development accords with Policy GEN29 of the Local Plan, Policy ENV DM5 of the modified Local Plan and Policy VE 10 of the WNP in relation to the impact on protected species and the potential for the scheme to protect existing habitats where possible and provide enhancements.

Historic Environment:

A Desk-Based Historic Environment Assessment has been carried out which identified the archaeological potential of the site. The Assessment concluded that the site has a hypothetical moderate to high potential for deposits of prehistoric to Romano-British date, and a high potential for medieval and post-medieval former field boundaries. These archaeological deposits are likely to be of relatively minor significance.

The Archaeologist agrees with the conclusions of the Desk Based Assessment with regard to the likely archaeological potential of this site; and for this to be evaluated by trial trenching to ensure suitable preservation of significant deposits, either in-situ or by further investigation. A condition is recommended to ensure that the site is evaluated by trial trenching ahead of development and that any archaeological interest it may contain can be properly preserved.

A Heritage Assessment has also been submitted with the planning application which concludes that proposed residential development within the application site would have a very minor / negligible impact on Walberton's Conservation Area and on long views from Avisford House, and no discernible impact on the setting of other national and locally designated built heritage assets.

Impact on Listed Buildings

The ground level falls away gently to the south of Avisford Park Hotel - Grade II listed building - and various ancillary structures, as well as mature trees and shrubbery, exist between the heritage asset and the application site. These intervening elements, together with the landscaped buffer to the northern edge of the proposed development effectively obstruct direct views between the existing and new built form. Avisford Park Hotel will remain pre-eminent in the immediate vicinity and continue to sit in a spacious, softly landscaped setting. The presence of the new development some distance to the south and east will have little impact on the way in which the designated heritage asset is experienced and cause no harm to its significance. The proposed development will have a negligible impact on the special qualities of the settings of the Grade II listed buildings - Avisford Park Hotel, a Grade II listed building to the north of the site; a number of Grade II listed buildings and locally listed 'Buildings of Special Character' fronting The Street, to the south and south-east of the site - due to distance and intervening modern built form.

Impact on Walberton Village Conservation Area

The site is located to the north and north-east of the Walberton Village Conservation Area. The Parish Council and local residents have objected to the proposed development claiming it is contrary to Policy VE4: Conservation Areas and Areas of Special Character, and saying that the proposal would not protect the open / rural character of the area nor sustain or enhance the visual connections between the village's core and its rural hinterland.

A small part of the southern boundary of the application site abuts the Walberton conservation area and for the most part, it is well separated by intervening built form. Although ground level rises slightly to the northeast of the conservation area, existing buildings and the strong presence of mature trees and shrubbery will largely screen the new development and it is unlikely to intrude into any locally distinctive

views.

Impact on Heritage Assets

Any harm resulting from the proposed development should be weighed against the public benefit in accordance with paragraph 134 of the NPPF. Paragraph 132 of the NPPF requires great weight to be given to the conservation of heritage assets. Due to topography, intervening built form and the presence of mature trees and shrubbery, the proposed development will have less impact on the heritage assets in the vicinity. No direct harm is caused to the significance of the potentially affected designated heritage assets.

Overall, the proposal accords with Policy HER DM1 and HER DM6 of the modified Local Plan, AREA 16 and AREA 17 of the Local Plan and Policy VE 4 of the WNP in that it protects the setting of Listed Buildings and the Walberton Village Conservation Area,

Traffic and Highways

The site access is to be a simple priority junction to Yapton Lane located 45m south of the existing access to Avisford Park Golf Course, visibility is provided in accordance with manual for streets and a gateway feature incorporating a relocation of the speed limit north of the site access is proposed. Swept paths and a Stage 1 Road Safety Audit have also been provided. It is considered that the proposed new access into the site from Yapton Lane will provide a safe layout for traffic, cyclists and pedestrians in accordance with Policy GEN7 of the Arun Local Plan, Policy T SP1 of the modified Local Plan and Policy GA5 of the WNP.

An emergency access is proposed of Tye Lane to the North West corner of the site, it will also provide pedestrian and cycle access. GEN7 of the ALP requires the safe movement of pedestrians and vehicles, giving priority to pedestrians.

Walking and cycling links are proposed onto Tye Lane, Avisford Park Road and Yapton Lane. Additional links to the Primary School, the Village Recreation Ground, Avisford Golf Club and to The Street, via the lane between Park End and South Lodge are also to be provided at the reserved matters stage.

Tye Lane does not have any pedestrian facilities between the proposed emergency access, pedestrian access and junction with The Street and as such pedestrians are required to walk in the carriageway. Site observations show that vehicle flows and speeds are low. Measures should be introduced to improve the village gateway features and to enhance pedestrian conspicuity such as pedestrian in road warning signs and removal of the centre line.

The masterplan drawing ref 2507-A-1005-A and Figure T5 highlight a proposed new link to the school (at the south eastern boundary of the primary school). It is recommended that a short section of path is provided to link this proposed provision to that of the path that leads past the Nursery and Village Hall.

Sustainable Transport

An audit of walking and cycling routes has highlighted the following areas of improvement:

Provision of dropped kerbs at key points along The Street

- The Street opposite William Brooker Yard
- The Street outside the Baptist Church; and
- The Street at Dairy Lane.

Links to Bus Services

Highway works consisting of improved crossing facilities and waiting area are proposed to improve access to the eastern bus stop on Yapton Lane.

Junction Modelling (Highways England Junctions)

Modelling has been undertaken using Junctions 9 and LinSig. The assessment utilises a future year of 2031 and assess traffic conditions derived from the ADC Local Plan transport model.

A27 Arundel Road / A29 Fontwell Avenue

The modelling highlights that mitigation is required over and above the Local Plan scheme (associated with the Fontwell Meadows development) and as such an additional improvement is proposed to include additional entry lane on the A27 east approach to the junction and enable left and ahead traffic to utilise the nearside lane.

Whilst delays of 58 seconds in the am peak and in excess of 2 minutes are predicted on the Arundel Road approach and 78 seconds in the AM peak on A29 Fontwell Avenue the impacts of the development following the mitigation proposed would result in a negligible impact from the development.

The A27/A29 Farmille Bottom Roundabout

The ADC Local Plan identifies an improvement to the junction which includes flare lengthening on the A29 (E) arm and the signalisation of the junction. The modelling highlights that with the Local Plan mitigation all arms operate within capacity.

A27 / Yapton Lane

Modelling and Queue surveys have been undertaken upon the right hand turn into Yapton Lane from the A27. Following discussions with Highways England the applicant is to extend the right hand turn lane by 80 metres.

The improvements to the A27 junctions will be subject to S278 agreement with Highways England and will be detailed in the s106 Agreement.

WSCC network

Modelling of the vehicular impacts of the development has been undertaken using Junctions 9. Assessments have included an opening year of 2020 and 2031 horizon.

The modelling provided has shown the following junctions will continue to operate within capacity:

- Avisford Park / Yapton Lane

- Yapton Lane / Site Access

- Yapton Lane / The Street.

On street parking along The Street often reduces the effective width of the road, requiring vehicles to give way to oncoming traffic. The proposed development is anticipated to increase flows along The Street by 5 vehicles in the AM peak and 6 vehicles in the PM peak and would not give rise to any safety concerns.

An assessment of the impacts of the development on the Yapton level crossing has also been undertaken, the results of which conclude the development will not have a material impact on the operation of the crossing.

An assessment of the impact on the Oyster Catcher and Comet Corner Junctions was also undertaken which highlight the addition of 1-2 vehicles during the peak hour.

Accident Data

Accident data has been analysed with no underlying safety issues identified apart from the A27/A29 Fontwell Avenue junction which is to be improved (see A27 Arundel Road/Fontwell Avenue above.)

Rights of Ways

A site visit has been undertaken between a WSCC Rights of Way officer and the applicant's transport consultant. A contribution to upgrade FP350 to bridleway has been agreed. Works to improve the route include surfacing and improvements to an existing bridge.

Parking

Car and cycle parking are to be provided in accordance with guidance. The provision of parking will be covered at the Reserved Matters stage.

Travel Plan

The draft Framework Travel Plan largely aligns with WSCC's Development Travel Plans Policy, however the following points should be addressed before the Travel Plan can be approved:

1. The main target should be to achieve a 12-hour vehicle trip rate that is 10% lower than has been predicted in the accompanying Transport Assessment (i.e. compared to the 'no Travel Plan' scenario). The predicted trip rate, the target trip rate, and the associated number of vehicle trips in each case should be included in section 4.
2. Similarly, section 4 should be amended to acknowledge that the target trip rate reduction refers to all vehicles and not only single occupancy vehicles (albeit that a reduction in SOV will help to achieve the overall target). The census mode split data should be shown as trip numbers as well as percentages, and should be used to demonstrate the modal shift that will be required in order to achieve the vehicle trip reduction target.
3. Section 8.4 should include a commitment to offering a second round of £150 travel vouchers to all units if the 5-year target is not achieved. If required this would be a final attempt by the developer to meet the Travel Plan target.
4. The applicant should consider funding the provision of a car club vehicle at this location using a provider such as Co-Wheels. The availability of pay-as-you-go car hire would enable and encourage residents (and the wider community) to make local trips on foot, by cycle, and by bus (e.g. to Barnham station) and only use a car when absolutely necessary. In this way provision of a car club vehicle would also help to reduce (or prevent the need for) second car ownership in the area.
5. It is noted that a £150 travel voucher will be offered to all first occupants, and this initiative is welcomed. Adult cycle training should be added to the menu of sustainable travel incentives that can be obtained using the vouchers. Should a car club vehicle be provided then membership and/or driver miles should be included in the menu of incentives available via the vouchers.

It is considered that the proposed development accords with Policy GEN8 of the Arun Local Plan and Policy T SP1 of the modified Local Plan and Policy GA5 and GA6 of the Walberton Neighbourhood Plan (WNP) as it has demonstrated that the transport effects on the local and strategic road network can be satisfactorily mitigated by means of planning conditions and off-site works by means of a Section 106 Agreement.

Noise and Air Quality

Concerns have been raised by the Environmental Health Officer about air pollution from increased traffic and unacceptable noise levels from traffic.

In relation to air quality, there are no designated Air Quality Management Areas (AQMA) in Arun. The site is within easy reach of established public transport services including existing bus stops on Yapton Lane and the Street. The scheme also makes provision for cycling and pedestrians and further detail on this would be expected at the detailed application stage (e.g. ensuring cycle storage).

If outline planning permission is granted, planning conditions are recommended requiring a noise impact assessment (the A27 is approximately 0.5km to the north of the site) and an air quality assessment to be provided at the reserved matters stage - as requested by the Environmental Health Officer - so as to ensure that appropriate mitigation measures are provided with regard to noise and air quality.

Therefore, subject to conditions the future residents would not be adversely affected by noise in accordance with Policy GEN32 of the Arun Local Plan and Policy QE DM1 of the modified eALP. The proposal accords with Policy GEN34 of the Arun Local Plan and QE DM3 of the modified eALP as it would mitigate any negative impacts from the A27.

Flooding and drainage

Policy VE7 of the WNP (Surface Water Management) seeks to ensure that all new developments are designed and constructed to reduce the overall level of flood risk.

A joint Flood Risk Assessment (FRA) and Drainage Strategy has been carried out which confirms that the application site is within Flood Zone 1 (low risk). Risk of flooding is considered to be low. The FRA identifies measures to mitigate the flood risk, based on the Illustrative Layout and also demonstrates that there would be a safe access and egress from the site. Surface water runoff from hard paved areas is proposed to laterally feed the swales constructed along the main access road. All swales will form an interconnected drainage network for the discharge of excess runoff during extreme rainfall events to the detention basin on the eastern part of the site and to the wetland that is proposed to be located at the south west corner of the application site. Both the detention basin and the wetland will allow water to be infiltrated in at a lower rate thereby providing temporary attenuation.

Conditions are proposed in order to ensure that a suitable SuDs scheme is developed informed by winter groundwater monitoring and percolation tests. Overall, sufficient information has been provided to demonstrate that a SuDs scheme for the site could be developed based on the principles in the Strategy and shown on the Illustrative Masterplan in accordance with Policy GEN9 of the Arun Local Plan, Policy W DM3 of the modified Local Plan and Policy VE 7 of the WNP.

Foul drainage

There is a requirement for new major developments to demonstrate that adequate foul capacity exists or can be provided as part of the development to ensure good water quality in the district and to meet the needs of future occupiers. A Foul Water Strategy has been submitted - as part of the Drainage Strategy - to support the application. The proposed strategy for the site would be to collect foul water from the dwellings by private gravity drains from the site to the existing foul water manholes to the east and west of the site. Before any connections are made to the foul sewerage network a s106 application under the Water Industry Act is to be submitted and approved by Southern Water to ensure that there is no increase in sewer flood risk.

Southern Water recommended a condition be imposed requiring a drainage strategy is submitted and agreed, detailing the proposed means of foul disposal and implementation timetable in consultation with the sewerage undertaker. Subject to conditions requiring submission of a detailed foul drainage scheme the proposal accords with Policy GEN9 of the Arun Local Plan and Policy W DM1 of the modified Local Plan as it demonstrates that the infrastructure could be upgraded to ensure sufficient capacity for the development.

Supporting Infrastructure

Development is only acceptable with the provision of or contributions to the necessary infrastructure and facilities to mitigate the impacts of the development. Representations raised concerns about the lack of capacity of education and healthcare facilities in the area.

WSCC have requested that contributions generated by this proposal shall be spent on a project to enhance library space with improved digital access at Arundel or Littlehampton Library.

The NHS have not submitted a request for a funding contribution as part of this outline planning application (WA/44/17/OUT). However negotiations are on-going between ADC and Sussex Coastal Clinical Commissioning Group (CCG) over infrastructure requirements. There is a health related project for the parish identified in the Infrastructure Delivery Plan, February 2017 in the form of contributions to new GP practice or renovation/addition to practice (potential of relocation of Health Centre and Services) to serve BEW and Fontwell. Consequently, the health requirements of the new residents will be catered for.

WSCC have confirmed that the present primary and secondary schools within the catchment areas of the proposal would not have space capacity and would be unable to accommodate the children from the development. Accordingly contributions are requested (based on a formula to allow the contribution amounts to be based on the housing mix at the reserved matters stage). The contributions generated by this proposal shall be spent on expansion at Walberton and Binstead Primary School, expansion at Ormiston Six Villages Academy, and a restructure of the sixth form to cater for the additional student population at St Philip Howard Catholic High School's Sixth Form.

Fire and rescue contributions have been sought by WSCC (formula based) to towards the re-development or re-location of fire stations and associated vehicles and equipment in West Sussex Fire Rescue Services Southern Area serving Walberton.

Leisure - Walberton Parish Council has requested that developer contributions be made towards the following projects: upgrade the existing Sports pavilion; the provision of a multi-use games area (MUGA) with floodlighting and tennis courts; upgrade the existing Village Hall; re-surface the village car park with new black-top, line painting and install a new emergency access barrier gate; re-surface footpath FP333 in black-top on Avisford Park Road from Yapton Lane through to The Street; and provide money to buy the land, should the owner be willing to sell, or alternatively pay the annual rent for a number of years and a sum to cover maintenance on the existing allotments, on land which is now classified as Local Green Space. The applicant is also proposing the erection of ball stop fencing along part of the northern boundary of the site to protect the new residents from golf balls. The details of the ball stop fencing would be submitted at the Reserved Matters stage. The applicant has agreed to contribute to the delivery of these projects under the Green Infrastructure projects in the draft s106 Agreement.

The highways infrastructure and open space requirements are set out in the relevant sections above and further detail is set out in the S106 section table attached to this report.

In order to mitigate against the impact of growth Sussex Police have calculated that the cost of policing new growth in the area equates to £22,709.91 to fund the future purchase of infrastructure to serve the proposed development.

The power supply to the proposed new development will be by means of a new 500KVA transformer connecting to the existing underground SSE network in the surrounding area. The transformer will be located in a new HV / LV substation.

Subject to the satisfactory conclusion of S106 negotiations it is considered that there are no barriers to achieving compliance with Policy GEN8 of the Arun Local Plan and Policies INF SP1 and INF 2 of the

modified Local Plan by ensuring provision of the required infrastructure. An update on the final S106 requirements will be provided.

Conclusion

The application site is outside the defined built-up area boundary of Walberton and contrary to Policies GEN2 and GEN3 of the ALP and the Policy HP1 of the WNP which intends to protect the countryside from non-related development. As set out above - and in light of the Written Ministerial Statement on Neighbourhood Plans - these policies are out-of-date and carry limited weight. The site is in a sustainable location which is suitable for housing. It is considered that the principle of development on this site is acceptable. The development will make a significant contribution towards market housing and affordable housing in the District, further boosting the sustainability of Walberton and provide additional open space and community facilities for the local community; and deliver a strategic highway improvement to two junctions along the A27 corridor - at Yapton Lane; and Fontwell Avenue.

Some policies of the Framework are cast in terms which indicate that in certain circumstances planning permission should be restricted. These, in this case, relate principally to flooding, agricultural land, the natural environment, noise and designated heritage assets. Having regard to the tests set out in the NPPF in relation to these issues, and in the context of the content of this report, it is considered that the circumstances are such that none of these issues amount to a reason for withholding planning permission either because the matter can be controlled by suitable conditions, content of the Section 106 agreement or because the public benefit outweighs the harm in respect of the issue at hand.

It should be noted that the Secretary of State has requested that the decision is not issued until they have concluded on whether or not the application will be called-in for determination by the Secretary of State.

HUMAN RIGHTS ACT

Human Rights Act:

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

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval 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

The draft Section 106 Agreement is currently being agreed with the applicant and it requires developer contributions (to be calculated by way of formula based on the eventual mix of houses) which will be required for:

Primary Education
 Secondary Education
 Sixth Form Education
 Libraries
 Fire & Rescue Service
 Health - update on details to be provided
 Sussex Police: £22,709.91
 Highway works and junction improvements

Provision of the laying out of the Public Open Spaces on site as shown on the illustrative masterplan - in agreement with Walberton Parish Council - and the formation of a management company to maintain the open spaces, LAP, LEAP and MUGA.

Provision of 52 Affordable Housing units = 26 affordable rent and 26 intermediate (house sizes to be specified and Registered Providers identified).

RECOMMENDATION

- 1 Details of the appearance, landscaping and layout, (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

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

- 2 Application for approval of the reserved matters shall be made to the Local Planning Authority not later than five years from the date of this permission.

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

- 3 The development hereby permitted shall begin not later than two years from the date of approval of the first of the reserved matters to be approved.

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

- 4 The planning permission relates to the following approved plans:

2507-A-1000- A Site Location Plan
 2507-A-1100-A Parameters Plan
 ITB11324-GA-001 Rev F Proposed Site Access to Yapton Lane

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

- 5 The details referred to in condition 1 shall include details of the materials and external finishes of the buildings, surfaces for roads/footpaths, means of enclosure and the parking of vehicles, and the provision of samples of such materials and finishes as required. Development shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority.

Reason: To enable to the Local Planning Authority to control the development in detail in the interests of amenity in accordance with Policy GEN7 of the Arun District Local Plan.

- 6 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:
- a. An indicative programme for carrying out of the works
 - b. The arrangements for public consultation and liaison during the construction works
 - c. Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s)
 - d. Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination
 - e. the parking of vehicles of site operatives and visitors
 - f. loading and unloading of plant and materials
 - g. storage of plant and materials used in constructing the development
 - h. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - i. the provision of effective wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
 - j. effective measures to control the emission of dust and dirt during construction
 - k. a scheme for recycling/disposing of waste resulting from demolition and construction works.
 - l. the traffic management to be used by construction vehicles to enter and exit the site;
 - m. building, engineering and other operations to be carried out only between the hours of 0800 and 1800 Monday to Friday, 0800 to 1300 Saturdays and shall not be carried out at any time on Sundays or Public Holidays;
 - n. noise and vibration controls.
- Development shall be carried out in accordance with the approved Construction Method Statement.

Reason: To enable to the Local Planning Authority to control the development in detail in the interests of amenity in accordance with Policy GEN7 of the Arun District Local Plan. It is considered necessary for this to be a pre-commencement condition because of the safety and amenity issues that need to be addressed.

- 7 Each home should have an Electric Vehicle charge point.

Reason: Petrol and diesel cars and vans will not be sold beyond 2040, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with Policy GEN7 of the Arun District Local Plan.

- 8 The development hereby permitted shall not be carried out except in substantial accordance with the Design and Access Statement incorporating Design Guidance dated June 2017.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in

accordance with Policy GEN7 of the Arun District Local Plan.

- 9 The landscaping and layout particulars to be submitted in accordance with Condition 1 shall include:

- i. Details of all existing trees and hedgerows on the land, showing which are to be retained and which removed;
- ii. Details of the positions, height, design, materials and type of boundary treatment to be provided;
- iii. Details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree.
- iv. The detailed landscape design for the development including the layout and design of the public realm within the development.
- v. Details of the play areas and public open spaces.
- vi. Details of the surfacing, lighting, and signage of all footpaths, cycle routes and a phasing plan for their provision;

No hedge or tree shall be felled, uprooted or otherwise removed before, during or after the construction period except where removal is indicated on a plan approved by the Local Planning Authority.

Reason: In the interests of amenity and of the environment of the development in accordance with Policy GEN7 of the Arun District Local Plan.

- 10 a. Prior to the commencement of development or other operations likely to affect trees being undertaken on site a scheme for the protection of the retained trees produced in accordance with BS5837 (Trees in Relation to Construction 2005: Recommendations), which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, shall be submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved protection scheme.

b. No operations affecting trees shall be undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening of any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place.

c. No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced-off or otherwise protected in the approved scheme.

d. Protective fencing shall be retained intact until completion of the development hereby approved and shall not be removed or re-positioned without the prior written approval of the Local Planning Authority.

Reason: In the interests of amenity and of the environment of the development in accordance with Policy GEN7 of the Arun District Local Plan.

- 11 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding

season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with Policy GEN7 of the Arun District Local Plan.

- 12 Development shall not begin until further ecological surveys have been carried out and submitted to the Local Planning Authority. These surveys shall relate to water voles, bats, birds, invertebrates and reptiles.

Reason: In order to secure adequate habitat enhancement and mitigation of potential impacts of the development in accordance with Policy GEN7 of the Arun District Local Plan. It is considered necessary for this to be a pre-commencement condition because of the need to ensure measures are in place to protect wildlife and habitats on site prior to any disturbance.

- 13 Prior to the commencement of construction works or any preparatory works detailed Ecological Management and Mitigation Plan including a Schedule of Works shall be submitted to the LPA for approval and will be based on the recommendations within the supporting Preliminary Ecological Appraisal Report, and the Bat and Reptile Survey Report (September 2017) . All approved details shall then be implemented in full and in accordance with the agreed timings and details.

The Ecological Management and Mitigation Plan shall include but not be restricted to:

- timings for clearance of trees or scrub to avoid impacts on breeding birds
- two phased cutting of grassland along site boundaries to deter reptiles and amphibians
- details of compensatory and additional tree planting
- details of compensatory boundary habitat planting
- details and location of bird and bat boxes, log piles around the site boundaries
- creation of at least three wildlife ponds
- boundary features to measure at least 5m width for the majority of the site to allow for commuting badgers
- measures to minimise the disturbance of badgers

Should the detailed layout of the site require the removal of further trees which have the potential to support bats, a climbed tree inspection survey will be required.

Reason: This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national guidance and Policy GEN23 and GEN29 of the Arun District Local Plan (2003). It is considered necessary for this to be a pre-commencement condition because of the need to ensure measures are in place to protect wildlife and habitats on site prior to any disturbance.

- 14 Prior to development, full details of the construction compound, including arrangements for turning delivery vehicles and areas set aside for construction staff parking, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of amenity in accordance with Arun District Local Plan Policy GEN7.

- 15 Prior to the commencement of development, details of the layout and specification of and construction programme for the roads, footpaths, cycleways and parking areas, including

tracking details for refuse vehicles shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until it is provided with access constructed in accordance with such approved details to the highway network.

Reason: In the interests of road safety and to accord with approved policy in accordance with Policy GEN7 of the Arun District Local Plan. It is considered necessary for this to be a pre-commencement condition because of the safety and amenity issues that need to be addressed..

- 16 No dwelling shall be occupied until refuse and recycling bins have been provided and space has been laid out for their storage in relation to that dwelling in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter these areas shall not be used for any purpose other than the storage of refuse and recycling bins.

Reason: In the interests of the amenity of occupiers of nearby properties in accordance with Arun District Local Plan Policy GEN7 and DEV26.

- 17 No dwelling shall be occupied until space for that dwelling has been laid out for the parking of cars, motorcycles and cycles in relation to that dwelling in accordance with a drawing and schedule to be submitted to and approved in writing by the Local Planning Authority. These areas shall thereafter not be used for any purpose other than the parking of cars, motorcycles and cycles.

Reason: In the interests of road safety and to accord with approved policy in accordance with Policy GEN7 of the Arun District Local Plan.

- 18 Garages provided on the site shall measure a minimum of 6 metres x 3 metres internally.

Reason: To ensure that adequate and satisfactory provision is made for the parking (and garaging) of vehicles clear of all highways in accordance with Policy GEN7 of the Arun District Local Plan.

- 19 No development hereby permitted shall be commenced until a scheme for the location and installation of fire hydrants has been submitted to and approved in writing by the Local Planning Authority. For the purposes of this condition the scheme shall be in accordance with the Guidance Note: The Provision of Fire Hydrants and an Adequate Water Supply for Fire Fighting as published by West Sussex Fire and Rescue Services (as amended from time to time). No building hereby permitted shall be occupied until the fire hydrant(s) required to serve that building have been installed in accordance with the approved scheme.

Reason: In order to provide adequate infrastructure for emergency services, in accordance with Policy GEN7 of the Arun District Local Plan. It is considered necessary for this to be a pre-commencement condition because of the need to ensure the safety of residents on the site.

- 20 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources (as described in the glossary at Annex 2 of the National Planning Policy Framework, March 2012). Details and a timetable of how this is to be achieved for each phase or sub phase of development, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority before any development in that phase or sub phase begins. The development shall be implemented in accordance with the approved details and timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to secure on site renewable energy in accordance with national planning policy, in accordance with Policy GEN7 of the Arun District Local Plan.

- 21 Prior to the commencement of development, a strategy for the provision of the highest available headline speed of broadband provision to future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall take into account the timetable for the delivery of 'superfast broadband' (defined as having a headline access speed of 24Mb or more) in the vicinity of the site (to the extent that such information is available). The strategy shall seek to ensure that upon occupation of a dwelling, the provision of the highest available headline speed of broadband service to that dwelling from a site-wide network is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway. Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site shall be carried out in accordance with the approved strategy.

Reason: To safeguard the amenities of residents in accordance with Arun District Local Plan policies GEN7. It is considered necessary for this to be a pre-commencement condition because the provision of broadband needs to be incorporated into the design for the site.

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

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

- 23 No development shall begin until an Air Quality Assessment and a Noise Impact Assessment have been submitted and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved schemes and any subsequent amendments shall be approved in writing by the Local Planning Authority.

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

- 24 Development shall not commence until a drainage strategy detailing the proposed means of foul disposal and implementation timetable has been submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan. It is considered necessary for this to be a pre-commencement condition because the site needs to have adequate drainage.

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

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations,

the recommendations of the SuDS Manual produced by CIRIA.

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

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan. It is considered necessary for this to be a pre-commencement condition because the site needs to have adequate drainage.

- 26 Immediately following implementation of the approved SuDS scheme and prior to occupation of any part of the development, the developer/applicant shall provide the local planning authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. There shall be no deviation to the approved scheme other than with the written consent of the Local Planning Authority. The scheme shall thereafter be maintained in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

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

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

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

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

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

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

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

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

Reason: To ensure the efficient maintenance and on-going operation of the SuDS system and to ensure the best practice in line with guidance set out in 'The SuDS Manual' CIRIA publication ref: C753 Chapter 32, in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

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

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

Reason: To ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion, in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

- 31 No development should take place within 5 metres of any ordinary watercourse and access of future maintenance must be considered during planning. If works are undertaken within, under, over or up to an Ordinary Watercourse, even if this is temporary, an Ordinary Watercourse Consent (OWC) may need to be applied for from the District or Borough Council.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

- 32 Development should not commence until finalised detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles, for the development have been submitted to and approved in writing by the Local Planning Authority. The drainage designs should demonstrate that the surface water run-off generated up to and including the 1 in 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

- 33 Development should not commence until full details of the maintenance and management of the SUDs system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan. It is considered necessary for this to be a pre-commencement condition because the site needs to have adequate drainage.

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

Reason: The site is of archaeological significance in accordance with Arun District Local Plan Policy GEN7. It is considered necessary for this to be a pre-commencement condition because archaeology can only be investigated before construction commences.

- 35 The Local Planning Authority shall be informed in writing immediately of any items of archaeological interest unearthed during the building operation and given a reasonable opportunity for an examination of the artefact and the site where it was found.

Reason: To enable items of archaeological interest to be recorded in accordance with Arun District Local Plan Policy GEN7.

- 36 The existing trees/bushes/hedges shall be/retained/protected in a manner to be agreed with the Local Planning Authority before the development commences for the duration of the development and shall not be damaged, destroyed, uprooted, felled, lopped or topped during that period without the previous written consent of the Local Planning Authority. Any trees removed without such consent or dying or being seriously damaged or becoming seriously diseased during that period shall be replaced in the following planting season with trees of such size and species as may be agreed with the Local Planning Authority.

No trees/or bushes/growing/and to be retained/on the site shall be damaged, uprooted, felled, topped or lopped without the prior written consent of the Local Planning Authority until 2 years after completion of the development hereby permitted. Any trees removed without such consent or being severely damaged or becoming seriously diseased or dying before the end of that period shall be replaced with trees of such size and species as may be agreed with the Local Planning Authority.

No development including site access, demolition or associated construction activities, shall take place on the site unless and until all the existing trees/bushes/hedges to be retained on the site have been protected by a fence in accordance with BS5837 (2012) and Section 9, to be approved by the Local Planning Authority for erection around each tree, group of trees and vegetation to a distance of 15m or to the Root Protection Area (RPA) as calculated in accordance with Table 2 of BS5837 (2012) to be agreed in writing by the Local Planning Authority. Within the areas so fenced off the existing ground must not be cultivated, nor must it be lowered or raised or added to by the importation and spreading of top soil unless agreed by the Local Planning authority. There must be no materials, temporary buildings, plant machinery or surplus soil shall be placed or stored thereon without prior written approval of the Local Planning Authority.

No trenching should occur within the protective fencing surrounding the Root Protection Area. If however there is no alternative but to locate the services then its encroachment into the Root Protection Area must be kept to a minimum and where the roots should be exposed using compressed air technology, such as the air spade to reduce damage caused by mechanical methods. If roots requiring severance to allow for the passage of services is necessary then an arboriculturist would be required to assess and determine whether the loss of the roots would be detrimental to the continued health and stability of the affected tree.

Reason: To ensure the retention of vegetation important to the visual amenity, /the ecological quality/and for the environment of the area in accordance with policy GEN7 of the Arun District Local Plan.

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

Reason: In the interests of amenity in accordance with Arun District Local Plan policies GEN7 of the Arun District Local Plan. It is considered necessary for this to be a pre-commencement condition because the trees need to be protected during the construction works.

- 38 Prior to start on site a badger survey should be undertaken to ensure badgers are not using the site.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Policy GEN7 of the Arun District Local Plan. It is considered necessary for this to be a pre-commencement condition because badgers are a protected species.

- 39 A Landscape Management Plan is submitted at Reserved Matters stage, which details the ongoing management and aftercare of the site once construction is complete. The Landscape Management Plan should include the following requirements:
- any trees removed should be replaced at a ratio of 2:1;
 - a wildflower meadow should be planted;
 - filling any gaps in tree lines or hedgerows with native species;
 - bat, bird and barn owl boxes installed on the site;
 - grassland areas managed to benefit reptiles;
 - log piles provided on-site.

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

- 40 No development shall commence until the vehicular access serving the development has been constructed in accordance with the approved planning drawing.

Reason: In the interests of road safety in accordance with Policy GEN7 of the Arun District Local Plan. It is considered necessary for this to be a pre-commencement condition because the site needs to have safe access off the highway before construction commences.

- 41 No part of the development shall be first occupied until a revised Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The revised Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport in accordance with Policy GEN7 of the Arun District Local Plan.

- 42 No part of the development shall be first occupied until the car parking spaces have been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated use.

Reason: To provide car-parking space for the use in accordance with Policy GEN7 of the Arun District Local Plan.

- 43 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and in accordance with Policy GEN7 of the Arun District Local

Plan.

- 44 INFORMATIVE: There may be a ditch / culvert on the western boundary of the site alongside Tye Lane, for which the landowner will have responsibility. If this ditch / culvert exists then the applicant is urged to discuss this with the Drainage Engineer(s) at Arun District Council.
- 45 INFORMATIVE: Section 278 Agreement of the 1980 Highways Act - Works within the Highway
The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
- 46 INFORMATIVE: Traffic Regulation Order
The applicant is advised to contact the WSCC Traffic Regulation Order team (01243 642105) to obtain the necessary paperwork and commence the process associated with the proposed speed limit changes. The applicant would be responsible for meeting all costs associated with this process. The applicant should note that the outcome of this process cannot be guaranteed.