

Recommendation Report for Outline Consent

REF NO:	WA/68/20/OUT
LOCATION:	Land west of Tye Lane Walberton
PROPOSAL:	Outline application with all matters reserved, other than means of access, for the construction of up to 155 No. dwellings (30% affordable homes) & amendment to boundary of garden land to serve adjoining property. This application affects the character & appearance of the Walberton Village Conservation Area, may affect the setting of listed buildings & is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This outline planning application is for the erection of up to 155 dwellings on land west of Tye Lane. The applicant is applying for access to the site as part of this outline planning application. Details regarding the appearance, scale, layout and landscaping of the proposed development would be submitted for consideration as part of a reserved matters application.
SITE AREA	7.6 hectares
RESIDENTIAL DEVELOPMENT DENSITY	20 dwellings per hectare.
TOPOGRAPHY	Predominantly flat, but the land rises to the north.
TREES	A Tree Preservation Order (WA/84/20/TPO) is currently being made to protect five Pedunculate Oak Trees (T1-T5) within the site.
BOUNDARY TREATMENT	The site is bounded by hedgerows and hedgerow trees along the northern, southern, eastern and western boundaries of the site.
SITE CHARACTERISTICS	The site comprises a large arable field with rough grassland and scrub edges along with four fields of pasture land - with some stabling for horses, bordered by hedgerows with trees open fields. The site also includes part of a former residential garden located to the rear of 'The Orchard' and 'Little Firs'. The site is generally sloping from north to south.
CHARACTER OF LOCALITY	The area is rural in character with housing on Mill Lane, Field Close, North Pound and the Street in Walberton Village, together with two Conservation Areas and related listed buildings to the south of the site. The site is bounded to the north by Hooe Farm Industrial Park; to the east by Tye Lane and beyond by a new housing development of 175 dwellings that is being developed by Linden Homes and marketed as "Avisford Grange"; and to the west by houses fronting onto

Copse Lane and Long Mead. The South Downs National Park lies to the north beyond the A27.

RELEVANT SITE HISTORY

PAA/24/20/	Construction of 146 residential dwellings	Refuse Pre App 25-05-20
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A pre-app (PAA/24/20) was submitted for the development of 146 dwellings on the site and it was concluded that were an application for planning permission to be submitted for it would be likely to be refused as the proposed layout and tenure mix required to be amended. The site layout needed to be predicated upon the surface water drainage strategy for the site, which could include the provision of attenuation basins and swales, and the houses and landscaping features should be laid out around these features. The site layout should take into account the root protection areas (RPAs) of the trees that are subject to Tree Preservation Order.

REPRESENTATIONS

WALBERTON PARISH COUNCIL:

Object.

- The development would result in unacceptable levels of traffic on roads incapable of sustaining this.
- The Traffic Assessment (TA) ignores possibility of Tye Lane being closed at its northern extent.
- 100% of traffic will need to proceed south along Tye Lane into Walberton Village including HGVs.
- Yapton Lane will have no direct access to the new A27.
- The traffic modelling in Section 8 of the TA ignores the Tye Lane road closure and should be invalid.
- The assessment of walking, cycling and horse riding was carried out on a single day.
- Traffic surveys in February and March 2018 are unlikely to be illustrative.
- Traffic surveys performed in February and March 2017 are out of date.
- The TA discounts A27 incidents on the eastbound carriageway near the A27/Yapton Lane junction.
- The additional 4,300 dwellings proposed at Barnham are not considered in A27/A29 traffic modelling.
- Closure of Tye Lane forces contractor HGVs to travel through Walberton Village.
- Fewer than 7% of economically active parish residents use public transport to travel work.
- The poor frequency of the bus service is no encouragement to use public transport.
- The cycle route along West Walberton Lane is unsuitable, dangerous and not fit for purpose.
- Vehicular trip generation counts have been used from the adjacent development.
- Avisford Grange (WA/95/18/RES) was refused an access onto Tye Lane.
- Houses in NE corner of site would be next to an interchange; noise would adversely impact the site.
- The proposed development does not aim to reduce the overall level of flood risk.
- Even with permeable paving, the footprints of the buildings would have an impact on water flow.
- HELAA says: "the site would not be considered to be suitable".
- Housing density suggested in HELAA is 146; this application is for 155 dwellings, which is unsuitable.
- Walberton NP is at Regulation 15 stage and was submitted to Arun DC on 14th October 2020.
- The site is not within the current made Plan; it is outside the built-up area boundary.
- The site was one of 16 site considered by residents, with 90% of respondents voting against this site.
- The cumulative effect of all the housing developments will place pressure on schools, GPs & Dentists.
- This development is on a green field site outside the Walberton BUAB.
- This development is not a rural housing and exception site.
- This Grade 3a agricultural land should be protected.
- A Great Crested Newt survey is required and no badger survey has been completed.

117 letters of representation have been received from local residents objecting to the proposed development on the following grounds:

- The site is not allocated for development in the Neighbourhood Plan or the Arun Local Plan.
- The site is located outside the Built up Area Boundary (the BUAB).
- The site is Grade 3A agricultural land, which should be retained as farmland.
- Horses are kept on the fields to the west of Tye Lane.
- Why is this greenfield site being considered when there are brownfield sites available.
- The infrastructure in Walberton village cannot cope. The post office closed 2 years ago and there is only 1 shop.
- The proposed new housing would constitute over-development.
- This is not a development that would fulfil local village need.
- The applicant is applying the Government housing algorithm which is not appropriate for Walberton.
- As the site rises up from south to north the houses on the site would be highly visible.
- 175 houses being built at Avisford Grange, 400 approved at Fontwell, plus the BEW allocation.
- The proposal is another unimaginative over-dense sprawl, without facilities and over-dependent on the car.
- The proposed housing development would need to be determined against the Arun Design Guide.
- Affordable housing is almost non-existent in the Five Villages.
- These new housing developments do not serve the local community.
- There is inadequate car parking provision. All the family houses would have 2 or more cars.
- The proposed development would be detrimental to the character of the village and the local rural surroundings.
- The number of bungalows has reduced on the boundary of the site, impacting on adjoining houses.
- The proposed development would have an adverse impact on the setting of the Conservation Area.
- The development would severely interfere with existing views from houses backing onto the site.
- The LVIA failed to consider the visual impact of the development from the NW boundary of the site.
- Private gardens back onto the development and there is no landscape buffer.
- Houses to the north west of the site would be faced with a solid brick wall of development.
- The development would adversely affect neighbouring living conditions to an unacceptable degree.
- The housing development at Avisford Grange is generating noise and air pollution which will only increase.
- No further development should be granted until Avisford Grange has been constructed.
- Tye Lane is regularly used by walkers, cyclists and horse riders and is unsuitable for increased volumes of traffic.
- The cycleway up West Walberton is just a signpost; it is a road with no pavement.
- The walk from the site to the school along Tye Lane would be dangerous due to lack of footpaths and increased traffic.
- Traffic and construction access would cause dust, noise pollution, disturbance and nuisance.
- West Walberton Lane is not suitable for the movement of construction traffic.
- How can this application be approved when the A27 bypass (Grey Route) is to go through the site?
- If the Grey Route proceeds all the traffic from the site would have to travel through the village.
- There is an infrequent bus service every couple of hours and nothing after 6.00pm on Sundays.
- The provision of a play area next to existing houses would generate noise and form a nuisance.
- The proposed development would affect the habitats of bats, dormice, newts, deer, badgers and pheasants.
- No great crested newt or badger surveys have been submitted with the application.
- The proposed development would result in the destruction of ancient woodland.
- There are springs on the site and floodwater runs off into adjacent gardens and onto the highway.
- The site is quick to flood during prolonged rainfall with run-off pouring down North Pound.

Arun District Conservation Area Advisory Panel objected to the proposed development on the following

grounds:

- The site is neither allocated as a strategic housing site nor is it within the built up area boundary(BUAB).
- The proposed development would adversely impact on the rural character of Tye Lane.
- Any further increase in traffic would adversely impact on the historic environment of The Street.
- The proposal fails to comply with the NPPF and the Local Plan in protecting heritage assets.

COMMENTS ON REPRESENTATIONS RECEIVED:

All planning related comments are noted and covered in the Conclusions section of this report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

HIGHWAYS ENGLAND:

Object. Further information is required in relation to the potential impacts of the development on the strategic road network. The Transport Assessment needs updating to include additional information on existing local conditions, trip distribution and route assignment, junction capacity assessment. The Fontwell West roundabout is already over capacity as it is severely impacted by traffic in the peak periods and accordingly any additional traffic on top of already severe conditions are in themselves classed as severe. The applicant will therefore be required to ensure that their impacts on the A27 are mitigated to a NIL detriment. The applicant needs to demonstrate that they have a mitigation scheme that is acceptable to Highways England and has been through relevant DMRB processes (Road Safety Audit, DMRB compliance, NMU assessment etc). Highways England has made a Preferred Route Announcement for the A27 Arundel Bypass: the Grey Option 5BV1 route, which would be constructed in close proximity to the north of the proposed development. This would have the effect of stopping up Tye Lane to the north of the development. Highways England request that the council refrain from determining the planning application (other than a refusal) until Highways England have received the additional information and reviewed it accordingly. If permission is granted, a condition is required for the submission of a Construction Management Plan, which would need to include details on construction mitigation measures to prevent the construction activity, materials and vehicles from impacting the strategic road network.

LOCAL HIGHWAY AUTHORITY:

Further information is required including the provision of a word copy of the Stage 1 Road Safety Audit designers response; the further consideration of pedestrian improvements along Tye Lane and the provision of details of pedestrian access adjacent to Linden Homes development on Avisford Grange; junction modelling of the A27 Fontwell junctions to assess the impacts of the development and devise appropriate mitigation; further information is required in the Travel Plan including a section on enforcement.

WEST SUSSEX MINERALS AND WASTE AUTHORITY:

No objection subject to the following being met. The proposed development site is more than 0.5 hectares in size and it is located within an identified mineral safeguarding area for sharp sand and gravel. The applicant should conduct a more detailed assessment of the deposits within the site and their potential uses within the site or by nearby operations. The LPA should be satisfied that there is an overriding need for the non-mineral development that outweighs the safeguarding of the mineral resources.

ENVIRONMENT AGENCY:

The Environment Agency does not have any comments to make.

ENVIRONMENTAL HEALTH:

No objection. Conditions should be imposed at this outline planning stage relating to the submission of a Construction Management Plan, controlling the hours of construction activities, the provision of electric vehicle charging points, land contamination issues, air quality, and the submission of a lighting scheme.

ADC HOUSING:

No objection in principle subject to the applicant agreeing to meet the requirements of the Council's Affordable Housing policy and provide 47 affordable dwellings (i.e. 30% provision) on the site. All of the affordable dwellings would be delivered via a Section 106 Agreement. The affordable dwellings should be distributed throughout the site in small clusters and be indistinguishable from the market housing.

SOUTHERN WATER:

No objection. The exact position of the public foul sewers must be determined on site by the applicant before the layout of the proposed development is finalised. The additional foul sewerage flows may lead to an increased risk of foul flooding from the sewer network. Any network reinforcement that is deemed necessary to mitigate this would be provided by Southern Water which will carry out detailed network modelling which may require existing flows to be monitored. The developer should look to protect the public sewerage system from surface water inundation in the Lidsey Catchment. Foul water drainage conditions are requested.

WSCC - LEAD LOCAL FLOOD AUTHORITY:

No objection. Current surface water mapping shows the site is at low risk from surface water flooding. Any existing surface water flow paths should be maintained and mitigation measures proposed for areas at high risk. The site is shown to be at high risk from groundwater flooding based on current mapping. Ordinary watercourses run across the site and along the boundary of the site; a buffer zone should be incorporated into the design of the development.

ADC DRAINAGE:

Object. There are numerous watercourses within the site and along the site boundary. A minimum of a 3.0 metre buffer between features that will limit access and the top of bank of watercourse is required. It is anticipated that infiltration may work at some locations within this site. Site design must take this into account and drainage proposals should look to fully utilise any suitable areas. The Flood Risk Assessment says that infiltration testing was abandoned due to pit collapses; this is insufficient justification. Further groundwater monitoring over a full winter period is required. Even if infiltration is ruled out groundwater monitoring is required to inform design of attenuation features including flotation resistance measures. The drainage strategy drawing submitted shows that it is proposed to attenuate surface water prior to discharge to ordinary watercourse. Infiltration must first be ruled out before discharge to watercourse is permitted. Permeable paving is not proposed. The use of permeable paving is encouraged to provide treatment at source, this may also provide some shallow infiltration potential.

NATURAL ENGLAND:

No objection. The proposed development would not have a significant adverse impact on statutorily protected nature conservation sites.

ADC ECOLOGY:

Object. The mitigation measures for bats, dormice and reptiles should be conditioned; and the lighting scheme for the site will need to consider the presence of bats in the area. A HSI assessment is required on pond 13 to assess its suitability for Great Crested Newts; the survey and any mitigation would need to be submitted to the LPA prior to determination. A badger survey should be undertaken prior to start on site. The net biodiversity enhancements in the Ecological Mitigation and Enhancement Statement (2020)

are suitable and should be conditioned.

ADC ARCHAEOLOGY:

No objection. The archaeological potential of the site would justify the implementation of a programme of trial trenching prior to it being developed, to identify significant archaeological deposits and implement appropriate measures for their preservation. A condition should be imposed requiring a written scheme of investigation including specific proposals to evaluate the palaeolithic potential of the site and preserve the significance of the historic hedgerow.

ADC CONSERVATION OFFICER:

There are no heritage assets on the site, but there are a number in close proximity to it. These assets have also been identified in the Heritage Statement which has been prepared to accompany the application and they include Walberton Village Conservation Area and Walberton Green Conservation Area, the following Listed Buildings: the remains of the Village Pound (Grade II), 15-20 The Street (Grade II), Friars Oak and Friars Oak Cottage (Grade II), Pear Tree Cottage (Grade II); and the following Locally Listed Non-Designated Heritage Assets: Ivy Cottage, Pipers Cottage and Fir Tree Cottage. The proposal is such that the impact can be described as causing less than substantial harm in accordance with paragraph 196 of the NPPF (2019). As such, you will also need to consider the public benefits that the development may achieve as part of your assessment of the application, along with the contents the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

ADC GREENSPACE:

No objection. A landscape led development is advised in order to blend this development into the character of this local area.

ADC ARBORICULTURE:

No consultation response was submitted.

SUSSEX POLICE:

No objection. The development should be designed to Secured by Design standards. The eventual locations of the LAP and LEAP should be identified and should be enclosed by railings. Ground planting should not be higher than 1.0 metre, with tree canopies no lower than 2 metres.

COMMENTS ON CONSULTATION RESPONSES:

All planning related comments are noted and covered in the Conclusions section of this report.

POLICY CONTEXT

Designation applicable to site:
Outside the Built-up Area Boundary in the Local Plan.

DEVELOPMENT PLAN POLICIES

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

AHSP2	AH SP2 Affordable Housing
CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCDM1	ECC DM1 Renewable Energy

ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
GISP1	GI SP1 Green Infrastructure and Development
HDM1	H DM1 Housing mix
HERDM1	HER DM1 Listed Buildings
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERDM3	HER DM3 Conservation Areas
HERDM6	HER DM6 Sites of Archaeological Interest
HERSP1	HER SP1 The Historic Environment
HWBSP1	HWB SP1 Health and Wellbeing
INFSP1	INF SP1 Infrastructure provision and implementation
LANDM1	LAN DM1 Protection of landscape character
OSRDM1	Protection of open space,outdoor sport,comm& rec facilities
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SODM1	SO DM1 Soils
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TELSP1	TEL SP1 Strategic delivery of telecomms infrastructure
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

Joint Minerals Local Plan 2018:

<u>Walberton Neighbourhood Plan Policy 2017 CL7</u>	Joint West Sussex M9 Safeguarding Minerals Recreation Facilities
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 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:

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

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD12	Open Space, Playing Pitches & Indoor & Built Sports Facilities

POLICY COMMENTARY

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

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

The Neighbourhood Development Plan:

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

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; Ford.

The Walberton Neighbourhood Plan (NP) was made in March 2017. The Walberton Neighbourhood Plan is currently being reviewed. The emerging Walberton Neighbourhood Plan was published recently and is out for Regulation 16 (publicising a Plan Modification Proposal) consultation from 12th November 2020 to 7th January 2021. Relevant Neighbourhood Plan (NP) policies have been taken into account and are addressed in the Conclusions section of this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

Section 70(2) of TCPA provides that:-

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

The Walberton Neighbourhood Development Plan review, which is proposing alternative sites to meet their housing requirements under the current adopted local plan, is now at regulation 16 stage and due for examination on 25 January 2021. There is a consequent risk of prematurity in determining this application which could prejudice the outcome of the examination into the NDP which is to form part of the statutory Development Plan. The proposal is considered to conflict with the relevant development plan policies in that insufficient information has been submitted identifying the potential impacts of the development on the strategic road network; it would not provide a high quality development with a sense of place and a permeable layout, capable of accommodating 155 dwellings; insufficient surface water drainage details have been submitted to fully determine the viability of the proposed surface water drainage scheme; insufficient information to determine whether or not the proposal complies with Policy SO DM1 of the Local Plan in terms of protection of soils resources; the applicant has not satisfied the LPA and MWPA that there is an overriding need for the non-mineral development that outweighs the continued safeguarding of the sand and gravel resources; and the badger survey and the Great Crested Newt survey are required to be carried out and mitigation measures drawn up and agreed prior to the determination of this outline planning application.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

This is an outline planning application with means of access details only.

A Concept Masterplan has been submitted which demonstrates that up to 155 dwellings could be provided on the site together with access road, public open space including a Locally Equipped Area of Play (LEAP) and 3 Local Areas of Play (LAPs), 2 attenuation basins, car parking and landscaping.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications should be determined in accordance with the plan unless material considerations indicate otherwise. The development plan for the Arun District currently comprises the Arun Local Plan 2011-2031, the Walberton Neighbourhood Development Plan (March 2017) and the West Sussex Waste and Minerals Plans.

However, section 38 (5) states: "If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document". Any conflict between the Walberton NP and the Arun Local Plan, should therefore be resolved in favour of the latter.

All development policies that relate to the supply of housing in the Local Plan (policies C SP1, SD SP2) have reduced weight because Arun cannot demonstrate an adequate supply of housing land (only 2.9 years). Policies in the Walberton Neighbourhood Plan that relate to the supply of housing have greater reduced weight because they relate to out-of-date housing needs as the policies were based on the 2003

Local Plan.

Paragraph 14 of the NPPF states that in situations where the 'presumption in favour of sustainable development' applies to applications involving the provision of housing, then the adverse impact of allowing development that conflicts with the neighbourhood plan will not significantly and demonstrably outweigh the benefits if four specific criteria apply. In this case, criteria (a) to (d) are not all applicable because the Neighbourhood Plan was made over two years ago. Therefore, the presumption in favour of sustainable development is unaffected by the Neighbourhood Plan.

The Arun Local Plan:

The key policy considerations in the determination of this outline planning application are considered to be Policies SD SP1, SD SP2 and C SP1 of the Arun Local Plan (ALP) 2011 - 2031.

Policy H SP1 "The Housing Requirement" sets out an overall provision of 20,000 new homes through the Local Plan phased over the plan period to 2031. It includes a reference to additional non-strategic allocations being made across the District through reviews of Neighbourhood Plans.

Walberton Parish Council are currently working on a review of their Neighbourhood Plan, but they have not yet reached the Regulation 18 stage in this process.

Policy SD SP1 "Sustainable Development" states the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF). It will work to secure development that contribute to the social, economic and environmental conditions south of the National Park through to the coast and throughout its settlements (both coastal and inland).

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 two industrial parks (Hooe Industrial Park and 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 The Street 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.

Policy SD SP2 "Built up Area Boundary" states that the Built-Up Area Boundary (BUAB) is defined for the main towns and villages in the District and shown on the Policies Maps. Development should be focused within the BUAB and will be permitted, subject to consideration against other policies of the Local Plan.

The site lies outside the BUAB. The site does not form part of any proposed Local or Neighbourhood Plan allocation.

Policy C SP1 "Countryside" states that residential development in the countryside outside the BUAB will not be permitted unless in accordance with policies in the Plan which refer to a specific use or type of development. It is noted that none of these relate to the proposed development at the application site.

As this site lies outside the nearest BUAB, it is categorised as being within the countryside and the scheme would therefore conflict with Local Plan Policies SD SP2 and C SP1.

Walberton Neighbourhood Plan (2015-2035):

The Walberton Neighbourhood Plan (NP) was made (adopted) in March 2017 on the basis of the saved policies in the ADLP and the draft policies in the emerging Arun Local Plan (2014).

The site is outside the built-up area boundary (BUAB) for Walberton identified by Schedule 8 Existing Built-Up Area Boundaries and Extension Policy HP1 - Spatial Plan of the Parish of the NP. Schedule 8 of the Walberton NP identifies the built-up area boundary, but excludes the application site. The application site is therefore classified as countryside and this outline planning application conflicts with the Walberton NP.

Other Material Considerations:

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

(1) The Council's Housing Land Supply as set out in the Local Plan:

The housing land supply target set out within the Local Plan includes a provision of at least 1,250 homes to be identified through the review of Neighbourhood Plans.

(2) The Council's Current Housing Land Supply Data

In February 2019, the Government published results of its Housing Delivery Test. This shows that Arun has under-delivered on its housing targets (achieving only 91%). The Test recommends that all Councils achieving less than 95% prepare an Action Plan to set out how delivery rates will be improved.

The Council can no longer demonstrate a 5-year Housing Land Supply (HLS) as is required by the NPPF. The current AMR for 2019/20 now reports a 3.3. year HLS. A 3.3 year HLS does help protect up-to-date Neighbourhood Plans in terms of paragraph 14 criteria.

(3) HELAA Report:

To boost housing land supply in advance of the adoption of the current Local Plan, in early 2017, the Council invited applications on sites identified as 'deliverable' by the HELAA where they were considered sustainable and would not prejudice the emerging local plan and/or infrastructure delivery.

The HELAA assessment for 2020 has had an impact on the supply of Deliverable, Developable and Not Currently Developable sites. This reflects the methodology coming closer to the NPPF 2019 and PPG 2019 changes to include high level Development Plan Constraints and also to address the impact of climate Change 100 year flood risk (as required by the NPPF 2019 when plan making - the HELAA being part of the evidence base). The 5 year HLS only include Deliverable sites within the BUAB and so the degree of impact of the HELAA methodology has been marginally negative as few constraints operate across the urban areas within BUAB. So there is also the interplay of consents progress and trajectories also being at fault.

The HELAA report assessed the site (HELAA Ref. 17WA1 - Land north of North Pound and West of Tye Lane) as "developable" with a yield of 146 dwellings, and a density of 32 dwellings per hectare. The report stated that the site is:

- " Outside the Built up Area Boundary. Countryside Policy C SP1. Large site >0.5 ha within Sharp Sand Minerals Safeguarding Area. Within 300 m of Arundel A27 preferred route"; and
- " The site is outside but adjoining the settlement boundary. Currently development on this site would contravene policy and therefore the site would not be considered to be suitable. However, from the information available, the site is considered suitable in principle for future housing potential, because of its accessibility to facilities, job opportunities and public transport, and because there are no insurmountable constraints. The site could contribute to the creation of a sustainable, mixed community Infrastructure mitigation and environmental impact A27 Arundel bypass preferred route may affect timescales".

(4) The NPPF & the Presumption in Favour of Sustainable Development;

The National Planning Policy Framework (NPPF) is a material consideration in determining planning applications. As the Council cannot currently demonstrate a 5-year HLS, paragraph 11 (d) of the NPPF and the application of the 'presumption' for sustainable development is triggered.

This means that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (such as where the local planning authority cannot demonstrate a five year supply of deliverable housing sites), planning permission should be granted unless (i) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

It is considered that (i) does not apply to this determination as the site does not lie in a protected landscape, but it is in close proximity to heritage assets including Walberton Village Conservation Area and a number of listed buildings. In respect of (ii), is that unless it can be shown that the harm significantly outweighs the benefits then the tilted balance applies.

Paragraph 8 of the NPPF states that in order to achieve sustainable development; economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The following is an analysis of the sustainable nature of the site and proposal:

The site is environmentally sustainable as it lies on the northern edge of Walberton and it will be possible for residents to use non-car means of transport to access the primary school, local shops and other services, as set out above.

The development would likely result in economic benefits to the local area in the form of the following:

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

There is potential for an economic cost due to the loss of Grade 1 Agricultural Land.

(5) Site Location:

The site is located outside the built up area boundary (the BUAB) of Walberton.

It is considered that there would be limited harm to the character of the countryside if the site was developed for housing.

If residential development was allowed on this site, it would be possible to secure a footpath / cycle link to Walberton Village Centre to the south via Field Close if that land is within the applicant's control and it is feasible; and pedestrian and cycle connectivity to the adjacent housing development on Land East of Tye Lane (i.e. Avisford Grange).

It is not enough to simply refuse an application on the grounds of being in the countryside without there being some form of demonstrable harm to the character or beauty of the countryside.

(6) Harm:

The site is within context of other proposed cumulative development (Strategic Allocations SD6 and SD5 in the adopted Arun Local Plan) in the area and access to A29 Fontwell - A27 Junctions and impact on the strategic road network and also the implications of the recent A27 prefer route announcement are material considerations impinging on the site. The site is a large site of exceeding 0.5 ha within the Minerals Sharp Sand Safeguarding/Consultation Area. Also it must be acknowledged that Walberton Parish Council are progressing their Neighbourhood Development Plan review which is proposing alternative sites to meet their housing requirements under the current adopted local plan. The NDP is now at reg 16 stage and due for examination 25 January 2021. There is a consequent risk of prematurity in determining this application which could prejudice the outcome of the examination into the NDP which is to form part of the statutory Development Plan.

Conclusion on Matters of Principle:

The proposed development of up to 155 houses on the site would contribute to the Council's Five Year Housing Land Supply although the principle of residential development on this site is clearly contrary to the policies within the Development Plan.

The policies of the Local Plan that relate to the supply of housing have reduced weight due to the Council not being able to demonstrate an adequate supply of housing land. In addition, policies in the Walberton Neighbourhood Plan that relate to the supply of housing have greater reduced weight because they relate to out of date housing needs as the policies were based on the 2003 Local Plan.

The proposal represents sustainable development and the NPPF 'presumption in favour of sustainable development' is engaged. However, other material considerations which may introduce significant harm set out above, combine to outweigh the benefits of the development in particular the risk of harm on the strategic road network, the A27 preferred route announcement impact on the development itself, and risk to the NDP examination which is to consider alternative sites in order to meet the objectively assessed need and housing requirement for the Parish established by the Arun Local Plan.

For these reasons while the principle of development is supported and the presumption applies, the balance of harm (identified above) outweighs the benefits when considering the NPPF as a whole and the application should be refused.

TECHNICAL MATTERS

LOSS OF AGRICULTURAL LAND

An Agricultural Assessment has been undertaken and the site is classed as Grade 3a, consequently, the site is identified as Grade 1 agricultural land which is classified as 'best and most versatile' land which is the most flexible, productive and efficient. The NPPF (paragraph 170) requires that the Council takes into account the economic and other benefits of this type of land. The Local Plan's Sustainability Appraisal recognised that most of the undeveloped coastal plain within the District is high grade agricultural land.

Policy SO DM1 of the Local Plan states that "Unless designated by this Plan or a Neighbourhood Development Plan, the use of Grades 1, 2 and 3a of the Agricultural Land Classification for any form of development not associated with agriculture, horticulture or forestry will not be permitted unless need for the development outweighs the need to protect such land in the long term."

Policy SO DM1 requires the submission of an Appraisal of Agricultural Land Quality, a Soil Resources Plan and a Sustainability and Options Appraisal, which needs to demonstrate that care would be taken to preserve the soil resource, such that it could be incorporated into a productive green environment following development. An Appraisal of Agricultural Land Quality, a Soil Resources Plan and a Sustainability and Options Appraisal have not been submitted with this outline planning application. Consequently, there is currently insufficient information to determine whether or not the proposal complies with Policy SO DM1 of the Local Plan.

MINERAL SAFEGUARDING AREA

The West Sussex Joint Minerals Local Plan (JMLP) identifies the site as being within a sharp sand and gravel mineral safeguarding area. Sharp sand and gravel is vital for the construction industry. Policy M9 of the JMLP notes that proposals for non-mineral development within these area will not be permitted unless they would not sterilise the mineral resource; prior extraction can take place or the overriding need for the development outweighs the safeguarding of the mineral and it has been demonstrated that prior extraction is not practicable or environmentally feasible.

The outline planning application was accompanied by a Minerals Resource Assessment (September 2020) which sought to demonstrate that prior extraction of the sand and gravel is not practicable or environmentally feasible. The Mineral Planning Authority (MPA) have been consulted and are maintaining an objection on the basis of the submission of insufficient information to determine whether or not the proposal complies with Policy M9 of the JMLP. An updated Minerals Resource Assessment has been requested by the Mineral Planning Authority to demonstrate compliance with this policy.

Should a more detailed assessment of the deposits be carried out and the overriding need for the non-mineral development be demonstrated then the LPA would liaise with the MPA to draft a condition to secure prior / incidental extraction at the site where practicable and would seek to work with the applicant in securing this. However, the more detailed assessment has not been carried out.

LANDSCAPE

Policy LAN DM1 of the Local Plan says: "development within the setting of the South Downs National Park must have special regard to the conservation of that setting, including views into and out of the Park, and will not be permitted where there would be harmful effects on these considerations".

Policy D DM1 of the Local Plan says: "make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area in terms of landscaping". Policy D SP1 of the Local Plan says: "all development proposals should seek to make efficient use of land but reflect the characteristics of the site and the local in their landscaping".

The outline planning application was accompanied by a Landscape and Visual Impact Assessment (LVIA), dated 7th September 2020, which acknowledged that as it is a greenfield site there would be adverse landscape character impacts as a result of the proposed scheme, the changes would be largely confined to the immediate development site context (paragraph 9.6.2 of the LVIA); and that views of the proposed scheme would generally be constrained by intervening vegetation and existing residential dwellings (paragraph 9.6.3 of the LVIA).

The Concept Masterplan includes landscaped buffers along the south western, southern and eastern edges of the site; and a green corridor running north-south through the site. It is considered that the provision of landscaped buffers along these boundaries of the site is essential to mitigate the visual appearance of the proposed residential development from the surrounding area. The site is not visible from the South Downs National Park due to the presence of a large area of woodland to the north of the site.

A detailed landscape scheme, which should incorporate a good selection of native tree species in conjunction with suitable ornamentals, would be required to be submitted at the reserved matters stage, detailing planting species, quantities, planting densities and size at the time of planting. Tree specification should be at a size which allows impact immediately at planting, but which will establish and mature as the site develops. The potential impact on the location would require that landscaping be provided as mitigation towards screening and softening of the residential development along the south western, southern and eastern edges. The creation of a linear park running north-south through the site would ensure that views of the South Downs are retained, in accordance with Policy LAN DM1 of the Local Plan.

ILLUSTRATIVE LAYOUT AND DESIGN

Policy D DM1 of the Local Plan requires proposed developments to "deliver or contribute to the ease of navigation within a new or existing development scheme through use of focal points (landmarks, gateways, vistas, corner buildings, active edges, existing topography), and / or a variety of detail within the public realm."

Policy D SP1 of the Local Plan requires "all development proposals should be of good quality and demonstrate a high standard of design."

The Arun Design Guide says "the first step in the design process should be to carry out a detailed appraisal of the development plot and its surrounding context in order to ensure a clear understanding of the site and its wider setting. The appraisal should identify the constraints and opportunities presented by various aspects of the site and its surrounds, which will inform the upcoming development proposal. Major housing and masterplanning projects should approach site appraisal strategically, considering aspects such as surrounding settlements or landscapes, drainage patterns and transport networks." Section D.02 (Developing a Design Rationale) of the District Design Guide states: "the design rationale should draw upon the results of the site appraisal in order to justify the reasoning behind key design decisions for the proposed development."

Paragraph 16 of the National Design Guide states: "well-designed places and buildings come about when there is a clearly expressed 'story' for the design concept and how it has evolved into a design proposal. This explains how the concept influences the layout, form, appearance and details of the proposed development. It may draw its inspiration from the site, its surroundings or a wider context. It

may also introduce new approaches to contrast with, or complement, its context. This 'story' will inform and address all ten characteristics. It is set out in a Design and Access Statement that accompanies a planning application."

Policy HP13 of the Walberton NP says "new development which would have an effect on the appearance and character of the surrounding area must be of a high quality of design and must contribute to local character by creating a sense of place appropriate to its location".

The information that has been submitted with the outline planning application does not set out how the proposed residential development accords with the provisions of the Arun Design Guide or the National Design Guide. The reserved matters application will need to include a statement supporting the design principles.

The Design and Access Statement provides an analysis of the site area and the wider context and the information is set out on the Concept Masterplan - 01 Rev. P4. The Concept Masterplan identifies approximately 8 clusters of housing in the 4 quarters of the site, with a linear band of public open space running north/south down the middle of the site with 2 attenuation basins located at the southern end of the site. The detailed site layout would be dealt with at the reserved matters stage.

There appears to be a lack of permeability and opportunities for movement around the individual clusters of housing on the Concept Masterplan, especially around the north western corner of the site. Although layout is not a matter to be addressed at this outline planning stage, however, the LPA needs to be satisfied that 155 dwellings could be accommodated on this site. The houses located along the northern and western boundaries of the site need to be set back so that a footway and a green corridor could be introduced between the housing and the site boundaries, which would affect the overall number of dwellings that could be accommodated on this site. It is considered that the site could not accommodate 155 dwellings on the site if the houses along the north and western boundaries of the site were set back.

The provision of bungalows along the southern boundary, close to existing bungalows, is considered to be acceptable.

The Concept Masterplan - 01 Rev. P4 identifies 2 attenuation basins all of which are located at the southern end of the site. However, there are numerous existing watercourses / ditches both around the site boundaries and crossing the site; and the existing ditches crossing the site do not appear to have been fully accommodated within the Concept Masterplan - 01 Rev. P4. A pond also appears to exist on the northern boundary but it is not shown on the Concept Masterplan. These matters are critical to determine the layout of the development at the reserved matters stage. The design of surface water features to achieve necessary capacity, water quality and ease of on-going maintenance need to be considered at this outline planning stage. It is considered that the proposed location and scale of the ponds need to be identified through the surface water drainage strategy; and that the drainage strategy should provide a fundamental part of the layout of the residential development on the site. It is important that surface water drainage for the residential development is developed in parallel with the layout of the site; and the layout needs to be predicated on the Green and Blue Infrastructure and the ecological network.

There are a number of significant trees on the site which could be adversely affected by the layout on the Concept Masterplan. With such a large and open site to work the layout should be amended by not developing within the Root Protection Areas (RPAs). There is a considerable number of trees and hedgerows along the boundaries of the site which provide valuable screening and ecological benefit. A Tree Preservation Order application is currently being prepared to protect 5 of the Pedunculate Oaks on the site. The view of those trees should not be blocked out by built structures; they should be focal points from within the development, providing visual amenity and a feeling of connectivity with the surrounding

area. Their future growth and potential influence over any adjacent residential property should be a major consideration in designing a layout that is sympathetic to accommodating their long-term presence especially in respect of shading, any ongoing maintenance requirements and curtailing future residential pressure to prune.

It is encouraging to see on the Concept Masterplan that there is a continuous green corridor of open space running through the site from north to south, which will help to define character areas whilst improving ecological connectivity. Green infrastructure which could be dual purpose as combined leisure and commuter routes should be explored in order to both retain wildlife and provide enhanced access to the wider countryside. Substantial landscaping is to be provided along the boundaries of the site to enhance and improve screening and mitigate the visual impact of the proposed residential development on the surrounding area, which is considered to be acceptable; and this will need to be replicated in the layout plan that is submitted at the reserved matters stage.

It is considered that insufficient information has been submitted to demonstrate that the proposed development could accommodate 155 dwellings on the site nor that it would provide a high quality development with a sense of place; and there is a lack of detail about how the proposed residential development accords with the provisions of the Arun Design Guide, which is very nearing adoption.

CHARACTER AND APPEARANCE

The Design and Access Statement includes images of potential house types and character areas within the residential development, but this needs to be developed further at the reserved matters stage in order to ensure a sense of place is created and provide the development with an identity.

DENSITY, SCALE AND MASSING

Policy D DM1 of the Local Plan says "the density of new housing will make efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. Proposals should take into account the density of the site and its surroundings. The density of large sites should be varied to guard against uniformity".

Policy HP11 of the Walberton NP says "the density of new development shall be appropriate to its location by virtue of size, siting and relationship to existing properties".

The proposed development of 20 dwellings per hectare on this site, which is located immediately north of the village boundary of Walberton would be a low density development which is considered to be acceptable in this location.

The Design and Access Statement says that the new houses would generally be 2 storey in height, but bungalows would be constructed along the southern part of the site so as to respect the character of the existing adjacent houses in Walberton. The scale and height of the buildings would be dealt with in more detail at the reserved matters stage, but the principle of using 2 storey and single storey dwellings (i.e. bungalows) is considered to be acceptable in principle.

TRANSPORT

Policy T SP1 of the Local Plan says that "to ensure that growth in the District strengthens Arun's economic base, reduces congestion, works to tackle climate change and promotes healthy lifestyles; the Council will ensure that development: provides safe access on to the highway network; contributes to highway improvements and promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network".

A27 Arundel Bypass:

Highways England have announced a preferred route (the Grey Option 5BV1 route) for the A27 Arundel

Bypass, which would be constructed in close proximity to the north of the application site. This would have the effect of stopping up Tye Lane to the north of the development. Whilst the preferred grey route has the potential to impact traffic assignment from the site, it is not at present a committed scheme. Highways England have submitted an objection and requested that the Transport Assessment be updated to include additional information on existing local conditions, trip distribution and route assignment, junction capacity assessment. Highways England but its objection still stands.

It is considered that insufficient information has been submitted identifying the potential impacts of the development on the strategic road network. The Transport Assessment needs updating to include additional information on existing local conditions, trip distribution and route assignment, junction capacity assessment. The preferred route for the A27 Arundel Bypass: the Grey Option 5BV1 route would be constructed in close proximity to the north of the proposed development, which would have the effect of stopping up Tye Lane to the north of the development.

Junctions:

The Local Highway Authority requested the provision of junction modelling of the A27 Fontwell junctions to assess the impacts of the development and devise appropriate mitigation measures. Without the modelling it is not possible to establish a scheme or proportional contribution that would accommodate both the Local Plan and approved developments and that of this outline planning application (WA/68/20/OUT). The Fontwell West roundabout is already over capacity as it is severely impacted by traffic in the peak periods and accordingly any additional traffic on top of already severe conditions are in themselves classed as severe. The applicant will therefore be required to ensure that their impacts on the A27 are mitigated to a NIL detriment. The applicant has not demonstrated that they have a mitigation scheme that is acceptable to Highways England and the Local Planning Authority.

Site Access:

The Concept Masterplan - 01 Rev. P4 identifies the proposed vehicular access to the site off Tye Lane formed by a single priority junction measuring 6.0 metres wide and the provision of a visibility splay measuring 4.5 metres x 120 metres. The existing field gate access would be closed off as part of this proposed residential development. It is considered that the proposed development with a vehicular access point onto Tye Lane would provide safe access onto the highway, in accordance with Policy T SP1 of the Local Plan.

Emergency Vehicle' Access:

No provision has been made on the Concept Masterplan - 01 Rev. P4 or in the Transport Assessment for emergency vehicle' access to the site. The provision of emergency vehicle' access was a requirement on the planning permission on Land East of Tye Lane (WA/77/17/OUT and WA/95/18/RES) which was for 175 dwellings with one vehicular access of Yapton Road. This outline planning application for up to 155 dwellings on Land West of Tye Lane only has one vehicular access proposed off Tye Lane and it is considered necessary for the inclusion of an emergency vehicle' access to the site. It is considered appropriate for the emergency access to be located on Field Close, to the south of the site.

Trip Generation, Distribution and Assignment:

A Transport Assessment accompanied the planning application as required by Policy T SP1(e) of the Local Plan. The proposed development of up to 155 houses on the site is anticipated to generate 84 two way vehicle movements in the AM peak and 89 two way vehicle movements in the PM peak.

Public Transport:

Policy T SP1(a) of the Local Plan says "the Council will support transport and development which is designed to reduce the need to travel by car by identifying opportunities to improve access to public transport services and passenger transport services".

The closest bus stops are located on The Street; the eastbound bus stop is 50 metres from the Tye Lane / Street junction and the westbound bus stop is 70 metres from the junction. There are local bus routes (66A, 66C, 85 and 85A) which serve the parish with regular stops to Arundel, Chichester and Fontwell; and Bognor, Barnham and Yapton respectively; linking up with the Number 700 bus service along the A259 and B2233.

Consequently, it is considered that the proposed development complies with Policy T SP1(a) of the Local Plan by improving access to public transport services.

Crossing Facility on The Street:

This outline planning application includes the provision of a new crossing facility for pedestrians on The Street, east of the Tye Lane junction.

Footways and Cycle Provision:

Policy T SP1 of the Local Plan says: "The Council will support transport and development which gives priority to pedestrian and cycle movements". Policy T DM1 of the Local Plan says "proposals for all new development must contribute towards the provision of a joined cycle network and Public Rights of Way network, taking into account the aspirational cycle network, which provides convenient, accessible, safe, comfortable and attractive routes for pedestrians and cyclists both in the development and in the form of links between the development" Policy T DM1(d)).

The Concept Masterplan includes an internal footway / cycleway that would link up to the footway / cycleway access from Avisford Grange (WA/44/17/OUT) on Tye Lane. The Local Highway Authority requested the provision of further information on pedestrian flows and the identification of any pedestrian improvements along Tye Lane as part of this outline planning application. This additional information has been submitted and is currently being reviewed by the Local Highway Authority.

The Concept Masterplan - 01 Rev. P4 also includes pedestrian and cycle access to The Street and Walberton Village Centre, via Field Close to the south of the site, which is considered to be acceptable and it is supported as it would ensure pedestrian access to the bus stops on The Street.

It is considered that provision should be made for the creation of an additional cycleway / footway link southwards to The Street via North Pound, so that the residents of Walberton can cycle or walk to and use the LEAP and LAP that are proposed on the southern boundary of the site, to make the site more accessible from the village centre.

It is considered that an additional cycleway / footway link be formed southwards to The Street via North Pound, so as to create a safe, well promoted walking and cycling route into Warberton Village, to ensure that the proposed residential development is constructed in accordance with Policy HWB SP1(a), Policy T SP1 and Policy T DM1 of the Local Plan.

Parking provision:

Policy T SP1 of the Local Plan says "The Council will support transport and development which incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact upon on-street parking" (Policy T SP1(d)).

The proposed residential development of up to 155 dwellings is indicative on the Concept Masterplan, but the detailed layout plan which is submitted at the reserved matters stage needs to ensure there are 2 car parking spaces per 1-bed, 2-bed and 3-bed dwellings and 3 car parking spaces per 4-bed dwellings; together with the 20% provision of visitor parking, in line with the recommendations in Table 3.1 of the ADC Parking Standards SPD, which was issued in January 2020.

Travel Plan:

Policy T SP1(e) of the Local Plan says "The Council will support transport and development which is supported by a Travel Plan, which is effective and deliverable".

A Travel Plan was submitted with the outline planning application which aims to encourage residents to use sustainable modes of transport; reduce reliance on single car occupancy journeys; and generally reduce traffic related pollution and noise. However, the Local Highway Authority requested the submission of further information on the financial incentives including the provision of travel vouchers which could be exchanged for a season ticket for the local bus service, a rail season ticket or network card, a contribution towards the purchase of a new bicycle and / or equipment, or cycle training for up to 4 members of the household. A section on enforcement was also requested to be added to the Travel Plan, detailing remedial actions that would be taken if the 5-year target is missed. A revised Travel Plan has been submitted and the Local Highway Authority is currently reviewing the document. It is considered that, subject to the detailed Travel Plan condition, the proposed development complies with Policy T SP1(e) of the Local Plan.

Conclusion on Transport

It is considered that insufficient information has been submitted identifying the potential impacts of the development on the strategic road network. The Transport Assessment needs updating to include additional information on existing local conditions, trip distribution and route assignment, junction capacity assessment. The preferred route for the A27 Arundel Bypass: the Grey Option 5BV1 route would be constructed in close proximity to the north of the proposed development, which would have the effect of stopping up Tye Lane to the north of the development. Consequently, insufficient information has been submitted to determine whether or not the proposal complies with Policy T SP1 of the Local Plan.

it is also considered that the proposed development lacks a permeable layout including an emergency vehicle' access and a cycleway / footway link southwards to The Street via North Pound, to make the site more accessible from the village centre contrary to Policy D DM1, Policy TSP1, Policy T DM1 of the Arun Local Plan, Policy GA2 of the Walberton Neighbourhood Plan.

AFFORDABLE HOUSING

Policy AH SP2 of the Local Plan says "for all developments of 11 residential units or more the Council will require a minimum of 30% of the total number of units proposed on site to be provided as affordable housing on the same site in the first instance."

There is high demand for affordable housing for rent throughout the Arun District and there is also demand for low-cost home ownership. As of September 2020 there were 1,021 households in housing need on the Council's housing register.

To meet the requirements of the Council's Affordable Housing policy, the applicant will need to provide 47 affordable dwellings (i.e. 30% affordable provision), in compliance with Policy AH SP2 of the Local Plan. The Council's Affordable Housing policy requires a tenure split of 75% (36 dwellings) affordable rented and 25% (11 dwellings) shared ownership.

The affordable housing should reflect the mix recommended in the Strategic Housing Market Assessment (SHMA) and where possible for a proportion of the rented units to be set at a rent level of 60-65% of open market rent. The SHMA sets out the recommended affordable housing mix by size as follows:

- 1 bed - 25%
- 2 bed - 40%

3 bed - 30%
4 bed - 5%

The affordable housing should be constructed to be indistinguishable from the market housing and should be pepper-potted throughout the scheme in small clusters.

All of the necessary affordable housing requirements would need to be included in a Section 106 agreement and not be secured by a planning condition. The Council requests that the applicant engages with one of the Council's preferred Registered Partners for the acquisition of the affordable housing.

ACCOMODATION SUITABLE FOR OLDER PERSONS AND PEOPLE WITH DISABILITIES

Policy HP9 (Housing Mix) of the Walberton NP seeks to ensure that "a proportion of the housing required is to meet Lifetime Homes standards in order that homes are suitable for households whose needs change". The equivalent standard to Lifetime Homes is Category 2 M4(2).

The LPA has a Guidance Note setting out standards aimed at securing a percentage of homes as disabled friendly and adaptable, meeting suitable standards. Under building regulations optional requirement M4(2): Category 2 - Accessible and adaptable dwellings can be enforced where it is required by a planning condition, in accordance with Policy D DM1 of the Local Plan. For schemes greater than 51 unit inclusive - 15% of units need to be designed to M4(2) standard plus two additional units to be designed to M4(3) wheelchair accessible, for every 50 units proposed thereafter. However, there is an aspiration to secure 100% M4(2). It is considered that this can be secured adequately via a suitably worded condition.

OPEN SPACE PROVISION

Policy OSR DM1 (2a) of the Local Plan says: "housing will be required to contribute towards open space provision in accordance with guidance set out in the current Open Space Study. In some parts of the district open space provision is identified as being sufficient in terms of quantity. Therefore, provision of new open space is not deemed necessary but what is needed is to seek contributions for quality improvements and/or new off-site provision to address any future demand."

Policy CL8 of the Walberton NP says "the provision of new allotments will be supported".

The Concept Masterplan - 01 Rev. P4 indicates a well-spaced site with areas of public open space located both centrally and surrounding the areas of housing, together with a larger area of open space along the southern part of the site. The indicative locations of the areas of public open space accommodate the existing trees and hedges along the watercourse and the trees located within the site. Quality, well-designed public open space is fundamental in accordance with the requirements of the Open Space, Playing Pitches, Indoor and Built Sports Facilities SPD, January 2020.

The Concept Masterplan indicates where the areas of public open space are being proposed for this development. The SPD requires 12,788m² as a minimum of well connected, usable, quality public open space provision within this development. There would be a requirement for confirmation of the areas of public open space being proposed within this development and clarification regarding quantum.

The Design and Access Statement refers to the on-site provision of 2.5 hectares of formal and informal public open space; and 0.17 hectares of play space; and the Concept Masterplan - 01 Rev. P4 identifies the provision of 3 LAPs and a LEAP on the site. The quantum of children's play areas is supported in principle. The proposed amount of public open space and the number of LAPs and a LEAP comply with the requirements set out in the Open Space, Playing Pitches, Indoor and Built Sports Facilities SPD, January 2020. The provision and management of the on-site LAPs and LEAP would be covered by a Section 106 Agreement.

A clear indication of the proposed future management of the open space including the responsibility for play areas and public realm areas would be dealt with through a Section 106 Agreement. The provision of any surface water features within the public open spaces would require detailing including future management and maintenance requirements. Surface water features should not be included in the quantum of usable public open space within the site.

PROTECTED TREES

Policy ENV DM4 of the Local Plan says "proper provision must be made for the protection and management of trees or areas of woodland on-site when undertaking development." Policy D DM1(7) of the Local Plan says "all new development will be expected to incorporate existing and new tree planting as an integral part of development proposals."

Policy VE3 of the Walberton NP says "development will be permitted where it can be demonstrated that trees and hedgerows contributing to local amenity will not be damaged or destroyed".

There are significant trees on this site and a Tree Preservation Order (WA/84/20/TPO) is currently being made to protect the 5 Pedunculate Oak trees (T1-T5). An Existing Tree Schedule and a Tree Constraints Plan have been submitted with this outline planning application, which identify the locations of the trees for removal and those for retention. An Arboricultural Implications Assessment (AIA) including 'Root Protection Area (RPA) Schedule', together with an Arboricultural Method Statement (AMS) and a Tree Protection Plan, would be required to be submitted at the reserved matters stage.

IMPACT ON THE CONSERVATION AREA AND THE SETTING OF THE LISTED BUILDINGS

Walberton Village Conservation Area

Policy HER DM3 of the Local Plan says "new buildings and structures should acknowledge the character of their special environment in their layout, form, scale, detailing, use of materials, enclosure and the spaces created between buildings".

Policy VE4 of the Walberton NP says "proposals that adversely affect the setting of the Conservation Areas will not be supported. New development must protect the open / rural character of the Conservation Areas settings and sustain or enhance the visual connections between the villages core and its rural hinterland, including longer views to the South Downs, which contribute to the character of the Conservation Areas".

The impact of the proposed development on the Conservation Area needs to be considered in accordance with paragraph 196 of the NPPF and if there is harm is it substantial or less than substantial, and this needs to be weighed against the public benefits of the proposal.

Walberton Village Conservation Area is linear in nature, following the line of The Street from the junction with Tye Lane at the west towards the junction with Yapton Lane at the east, along with Church Lane which extends towards the south-west as far as the parish church. The boundary of the conservation area in this area are primarily the rear boundaries of the various properties. The application site is separated from the conservation area by a small buffer of residential development and mature gardens. Tye Lane runs between The Street and the A27 and forms a link between the conservation area and the surrounding countryside.

In accordance with paragraph 189 of the NPPF, a detailed Heritage Statement has been prepared which assesses the impact the development has on the setting of the Conservation Area and assesses how this may affect the proposed development.

With regard to Paragraph 200 of the NPPF the main consideration is the indirect effect that the proposed

residential development could have on the appreciation of the significance of the identified nationally and locally listed buildings and their settings and the setting of the Conservation Area. The Heritage Statement provides a proportionate, comprehensive and independent professional assessment of the heritage impact of the outline planning application. The Heritage Statement identifies heritage assets, assessing their significance before understanding possible mitigation measures to reduce potential impact.

In accordance with paragraph 190 of the NPPF which states that Local Planning Authorities should take account of any necessary expertise. In this case, the Conservation Officer reviewed the application and provided some comments.

The proposal has taken account of the policy objectives set out in paragraph 192 of the NPPF by maintaining the significance of the Conservation Area that may be affected by the application proposals. The impact on the Conservation Area has been given great weight in accordance with paragraph 193 of the NPPF. The proposals have sought to minimise and mitigate the impact of the proposals on the significance of the Conservation Area and make a positive contribution to local character by enhancing the setting of the Conservation Area as required by paragraph 192(c) of the NPPF which states Local Planning Authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness.

Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 (hereafter referred to as 'the act') states that 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area.

The Heritage Statement identifies that there is no inter-visibility with the site, due to the presence of modern development between the assets and the development site. The site is separated from the conservation areas, the various listed buildings and the Buildings or Structures of Character through the location of some intervening development and associated garden spaces. However, it is still considered that the design of the dwellings should closely reflect those within the conservation areas in order to ensure that they form part of the village and not a clearly identifiable urban extension. However, there are concerns about the impact that the development could have on Tye Lane; any necessary highways improvements and an increase in traffic using this lane would impact upon its rural character. Further, there is concern that the increase in traffic will ultimately impact upon The Street, which will also harm its semi-rural character. It is considered that the development could have some negative impact upon the conservation area in conflict with paragraph 72 of the aforementioned paragraph of the act.

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

- Providing much needed housing to meet the deficit in Arun's 5-year Housing Land Supply (HLS) and affordable housing.
- Benefitting the local economy by bringing in additional customers to the village centre shops and services.
- Benefitting the streets in the vicinity of the site from increased natural surveillance, reducing crime & anti-social behaviour.
- Creating construction jobs.
- Creating new sources of employment and economic activity at the site.
- Additional spending by new residents on local goods & services.

In conclusion, in terms of the Conservation Area it is acknowledged that there would be an impact on the setting of the Conservation Area resulting from the development proposed and conflict with paragraph 72 of the act. Overall, the proposal does cause some harm to the Conservation Area, but this level is such that the impact can be described as leading to less than substantial harm.

It is considered that the public benefits sufficiently outweigh the harm caused to the Conservation Area and the proposal is therefore compliant with Policy HER SP1 and Policy HER DM3 (a),(d),(e) and (f) of the Arun Local Plan, Policy VE4 of the Walberton NP and the NPPF.

Listed Buildings

Policy HER DM1 says that proposals affecting statutory Listed Buildings will be required to (e) protect and where possible enhance the setting of the building.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Whilst there are no statutory Listed Buildings located within the site boundary, a number of Listed Buildings are situated within its immediate vicinity: The remains of the Village Pound, Friars Oak and Friars Oak Cottage are some distance from the site. Pear Tree Cottage is located on the junction of The Street with Tye Lane, facing south and south-east; it has no significant inter-visibility with the Site. The Buildings and Structures of Character are located close to the South-West of the site in the Walberton Green Conservation Area. They are properties of 18th-19th century date and are focussed south towards the road at the point where it enters the village green.

The Heritage Statement identifies that there is no inter-visibility with the site, due to the presence of modern development between the assets and the development site. The site is separated from the conservation areas, the various listed buildings and the Buildings or Structures of Character through the location of some intervening development and associated garden spaces. However, it is still considered that the design of the dwellings should closely reflect those within the conservation areas in order to ensure that they form part of the village and not a clearly identifiable urban extension. However, there are concerns about the impact that the development could have on Tye Lane; any necessary highways improvements and an increase in traffic using this lane would impact upon its rural character. Further, there is concern that the increase in traffic will ultimately impact upon The Street, which will also harm its semi-rural character. It is considered that the development could have some negative impact upon the conservation area.

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

It is therefore necessary to consider the public benefits that the development may achieve. These include:

- Providing much needed housing to meet the deficit in Arun's 5-year Housing Land Supply (HLS) and affordable housing.
- Benefitting the local economy by bringing in additional customers to the village centre shops and services.
- Benefitting the streets in the vicinity of the site from increased natural surveillance, reducing crime & anti-social behaviour.

- Creating construction jobs.
- Creating new sources of employment and economic activity at the site.
- Additional spending by new residents on local goods & services.

In conclusion, in terms of listed buildings it is acknowledged that there would be an impact on the setting of the Listed Buildings resulting from the development proposed (in conflict with section 66 of the aforementioned act). Overall, the proposal does cause some harm to the Heritage Assets, but this level is such that the impact can be described as leading to less than substantial harm.

It is considered that the public benefits sufficiently outweigh the harm caused to the listed buildings and the proposal is therefore compliant with Policy HER DM1 and Policy HER SP1 of the Local Plan, and the NPPF.

ARCHAEOLOGY

Archaeological remains are a fragile and finite resource. Permission will not be granted for development that would be harmful to the significant archaeological interest of the site.

A site of this size on the coastal plain is bound to contain deposits relating to past settlement, especially in light of the recent discoveries made on the Land East of Tye Lane (i.e. at Avisford Grange). It is considered that there should be an investigation of the site by trial trenching in order to establish what deposits might be threatened and how to mitigate this; and this should be conditioned.

BIODIVERSITY

Policy ENV DM5 of the Local Plan says: "development schemes shall seek to achieve a net gain in biodiversity and protect existing habitats on the site. They shall also however incorporate elements of biodiversity including green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitats".

The outline planning application was accompanied by Phase 2 Ecology Surveys, a Preliminary Ecological Appraisal (March 2018) and Phase 1 Habitats Survey, and a Walkover Survey.

As detailed within the Preliminary Ecological Appraisal and Phase 1 Habitat Survey, a HSI assessment needs to be undertaken on pond 13 to assess the ponds suitability for Great Crested Newts. If the pond is assessed as being suitable a DNA assessment and population size survey would be required. Both these surveys and any mitigation measures need to be submitted and agreed prior to determination. Prior to start on site, a badger survey should be undertaken to ensure badgers are not using the site. If a badger sett is found onsite, Natural England should be consulted and a mitigation strategy produced. The lack of requisite badger and Great Crested Newt surveys and mitigation strategies submitted with the outline planning application in relation to the impact on protected species and the potential for the proposed development to protect existing habitats where possible is unacceptable, and is contrary to Policy ENV DM5 of the Local Plan and the National Planning Policy Framework.

The net biodiversity gains proposed in the Ecological Mitigation and Enhancement Statement (Revision 03, September 2020) include the planting of a wildflower meadow; the planting of new species rich native hedgerows; two SuDs ponds would be created along the southern boundary; bat and bird boxes would be installed on the buildings and in trees; hedgehog nesting boxes would be included on the site grassland areas managed to benefit reptiles. The proposed net biodiversity gains are considered to be acceptable in accordance with Policy ENV DM5 of the Local Plan and they should be conditioned.

RESIDENTIAL AMENITY

Policy D DM1(3) of the Local Plan requires development to "have minimal impact on users and occupiers of nearby property and land; for example, by avoiding significant loss of sunlight, privacy and outlook and

unacceptable noise and disturbance. "

It is considered that the siting of the houses, including the provision of bungalows on the southern part of the site, as illustrated on the Concept Masterplan - 01 Rev. P4 would ensure that there would be no materially adverse overlooking or overbearing impacts on the existing houses on Copse Lane, Long Mead, The Street, Mill Lane or Tye Lane in Walberton. In this case, subject to details of layout and design, it is considered that the proposed residential development on Land to the West of Tye Lane, Walberton would be acceptable on the residential amenities of neighbouring properties.

A schedule of the internal space standards should be submitted with the reserved matters application, to ensure that the houses comply with the Nationally Described Spaced Standard (NDSS) table (Table 1).

Although there are no adopted standards on rear garden sizes in the Local Plan, all of the rear gardens of the houses on the site need to measure at least 10 metres in length, to ensure adequate amenity space is provided. It is difficult to conclude from the Concept Masterplan - 01 Rev. P4 that all of the rear gardens of the houses on the site measure at least 10 metres in length.

Consequently, it is not possible given the absence of elevational details to conclude that the proposed residential development would comply with Policy D DM1(3) of the Local Plan and the Arun Design Guide in terms of impact on neighbouring residential amenity.

LIGHT POLLUTION

Policy QE DM2 of the Local Plan emphasises the need to consider the impact of light on neighbouring uses and wider landscape, particularly with regard the South Downs International Dark Sky Reserve designation (a), light levels should be the minimum required for security and working purposes (b), and minimise potential glare and spillage (c); and the degree to which outdoor lighting can be powered by on-site renewable sources (d).

Policy VE8 of the Walberton NP says "development proposals which detract from the unlit environments of the Parish will not be supported".

Environmental Health has requested the submission of details of a proposed lighting scheme for the residential development. The imposition of a condition ensuring that the external lighting scheme meets the limits the environmental zone E2 (as set out in the Institute of Lighting Professionals Guidance for Reduction of Obtrusive Light) is proposed. The guidance sets out limits for the main sources of light pollution (sky glow, glare and spill) and would ensure that the lighting is appropriate to the wider landscape setting and minimises the impact of the development on the Dark Sky Reserve designation within the SDNP.

Consequently, subject to the imposition of a lighting condition, it is considered that the proposed residential development complies with Policy QE DM2(a), (b), (c) and (d) inclusive of the Local Plan.

NOISE QUALITY

The NPPF and Policy QE DM1 of the Local Plan emphasise that noise sensitive development will not be permitted if its users would be affected by noise by proposed noise generating uses.

Policy QE DM1 (2) of the Local Plan says: "developers proposing new noise generating development must seek advice from an early stage to determine the level of noise assessment required. Proposals will need to be supported by evidence to demonstrate that there are no suitable alternative locations for the development."

Environmental Health has requested the imposition of conditions requiring the submission of a

Construction Management Plan and a condition controlling the hours of construction activities.

Therefore, subject to the imposition of noise conditions, it is considered that the future and existing residents would not be adversely affected by noise in accordance with Policy QE DM1 of the Local Plan.

AIR QUALITY

Policy QE DM3 of the Local Plan says "all major development proposals will be required to assess the likely impacts of the development on air quality and mitigate any negative impacts".

The proposed development is not located in an Air Quality Management Area. Environmental Health has requested a condition regarding the submission of an air quality report and the provision of electric vehicle (EV) charging points, so as to mitigate against any potential adverse impact of the development on local air quality. Petrol and diesel cars and vans will not be sold beyond 2040.

It is considered that, subject to the imposition of conditions requiring an air quality report and the provision of EV charging points that the proposed development complies with Policy QE DM3 of the Local Plan, in terms of air quality.

CONTAMINATED LAND

Policy QE DM4 of the Local Plan says that "prior to any development, the Council will require evidence to show that unacceptable risk from contamination will be successfully addressed through remediation without undue environmental impact during and following the development".

The outline planning application was accompanied by a Preliminary Risk Assessment (February 2018) which recorded the potential for asbestos to be present on site as well as the potential for industrial contaminants to migrate onto / beneath the site from Hooe Farm Industrial Estate to the north. In terms of the precautionary principle, Environmental Health has requested that contaminated land conditions be recommended in case contamination is uncovered on the site during construction works.

Subject to the imposition of the contaminated land conditions, the proposed development complies with Policy QE DM4 of the Local Plan.

SURFACE WATER DRAINAGE

The NPPF requires development not to give rise to an unacceptable risk of flooding detrimental to human health or property. There will be a requirement for the submission of a Flood Risk Assessment (FRA) and Sequential test documentation. The relevant requirements for these are dependent upon the designated flood zone that the site is located within and the Technical Guidance to the NPPF provides more details on these issues.

Policy W DM3 of the Local Plan says: "to increase the levels of water capture and storage and improve water quality, all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SuDS), appropriate to the size of development, at an early stage of the design process."

Policy VE7 of the Walberton NP says "surface water management measures will be required for development proposals to ensure that the risk of flooding both on-site and downstream is not significantly increased".

A Flood Risk Assessment was submitted with the outline planning application which confirmed that the site was located in Flood Zone 1 (i.e. low probability of flooding). The application was also accompanied by a Drainage Strategy (Plan A).

The hierarchy for sustainable drainage must be adhered to, with infiltration fully investigated. It is anticipated that deeper infiltration features will be required in this location. Winter infiltration testing and winter groundwater monitoring must be undertaken prior to determination of this outline planning application.

Infiltration tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Adequate treatment of surface water must be ensured prior to discharge and permeable paving would be expected to achieve this.

In addition, it is very likely that improvement works would be required to the existing watercourses on and around the site; and any alterations to watercourses or culverting to facilitate vehicular crossings would require Land Drainage Consent from ADC, on behalf of WSCC (the Lead Flood Authority).

Consequently, it is considered that insufficient surface water drainage details have been submitted to fully determine the viability of the proposed surface water drainage scheme in the Concept Masterplan; and further groundwater monitoring over a full winter period is required to take place.

CLIMATE CHANGE

Policy ECC SP1 of the Local Plan says: "The Council will support development which is located and appropriately designed to adapt to impacts arising from climate change such as the increased probability of tidal and fluvial flooding; water stress; health impacts as a result of extreme temperatures and a decline in the quality of habitats and richness in biodiversity". Policy ECC SP2 of the Local Plan says: "All major developments must produce 10% of the total predicted energy requirements from renewable or low carbon energy generation on site, unless it can be demonstrated that this is unviable".

The Concept Masterplan - 01 Rev. P4 submitted with the outline planning application does not set out the orientation of the houses so the LPA is not able to evaluate whether the orientation would ensure maximum solar gain, in compliance with Policy ECC SP1 of the Local Plan. The reserved matters application would need to maximise the number of houses set out in an east/west orientation so as to ensure maximum solar gain. The proposed residential development could comply with Policy ECC SP2 through the imposition of a condition requiring 10% on-site generation from renewable or low carbon energy generation, plus the fabric first approach.

SUPPORTING INFRASTRUCTURE

Policy INF SP1 of the Local Plan says: "the Local Planning Authority will support development proposals which provide or contribute towards the infrastructure and services needed to support development (including the necessary infrastructure set out in the Infrastructure Delivery Plan) to meet the needs of occupiers and users of the development and the existing community. Infrastructure provision or improvements should be provided on-site as an integral part of a development, wherever possible and appropriate. Off-site measures will require planning obligations or financial contributions, to secure the necessary provision. "

Policy CL6 of the Walberton NP says "proposals for new medical facilities, especially in Fontwell Village, will be supported".

The proposed development could help to support the local community by providing up to 155 dwellings with a mix of bedrooms (and affordable homes) to meet future needs.

The proposed development would be required to make a CIL contribution towards local schools, libraries, sports facilities (including an off-site Neighbourhood Equipped Area of Play) and allotments as set out in the Open Space SPD, and the local health service. As such, there would be a further benefit to the local community as the development site is located in Zone 2 of the Arun CIL Charging Schedule Zone Maps and would therefore be liable to pay CIL at £70 per square metre of net additional floorspace.

As far as possible, Section 106 contributions would be limited to on-site mitigation and affordable housing provision, in accordance with Appendix 2 of the Arun CIL Charging Schedule.

If outline planning permission were to be granted for this development, the Council would request that the applicant signs up to the Developer and Partner Charter and agrees to use local suppliers wherever possible as well as producing a Skills Plan.

SUMMARY

It is considered that insufficient information has been submitted identifying the potential impacts of the development on the strategic road network. The Transport Assessment needs updating to include additional information on existing local conditions, trip distribution and route assignment, junction capacity assessment. The Fontwell West roundabout is already over capacity as it is severely impacted by traffic in the peak periods and accordingly any additional traffic on top of already severe conditions are in themselves classed as severe. The applicant has not demonstrated that their impacts on the A27 are mitigated to a NIL detriment. The preferred route for the A27 Arundel Bypass: the Grey Option 5BV1 route would be constructed in close proximity to the north of the proposed development, which would have the effect of stopping up Tye Lane to the north of the development. Consequently, insufficient information has been submitted to determine whether or not the proposal complies with Policy T SP1 of the Local Plan.

The Walberton Neighbourhood Development Plan review, which is proposing alternative sites to meet their housing requirements under the current adopted local plan, is now at regulation 16 stage and due for examination on 25 January 2021. There is a consequent risk of prematurity in determining this application which could prejudice the outcome of the examination into the NDP which is to form part of the statutory Development Plan.

It is considered that insufficient information has been submitted to demonstrate that the proposed development would provide a high quality development with a sense of place and a permeable layout including an emergency vehicle access and a cycleway / footway link southwards to The Street via North Pound, to make the site more accessible from the village centre contrary to Policy D DM1, Policy T DM1 of the Arun Local Plan and the National Planning Policy Framework.

There appears to be a lack of permeability and opportunities for movement around the individual clusters of housing on the Concept Masterplan and for the provision of Green Infrastructure, especially around the north western corner of the site. Consequently, the LPA is not satisfied that 155 dwellings could be accommodated on this site. The quantum of development on this site would have a detrimental impact upon the character of the site and the surrounding area, contrary to Policy D DM1 of the Local Plan, Policy HP13 of the Walberton Neighbourhood Plan and the National Planning Policy Framework.

Insufficient surface water drainage details have been submitted to fully determine the viability of the proposed surface water drainage scheme in the Concept Masterplan. Further groundwater monitoring over a full winter period is required. Even if infiltration is ruled out groundwater monitoring is required to inform design of attenuation features including flotation resistance measures. The adverse impact arising from the failure to achieve high quality design by incorporating surface water drainage into the Concept Masterplan would significantly and demonstrably outweigh any benefits of delivering new houses quickly on a greenfield site outside the Walberton BUAB on a site that is not a strategic allocation in the Local

Plan. The adverse impact arising from the failure to achieve high quality design by incorporating surface water drainage in the Concept Masterplan is unacceptable and it is contrary to Policy W DM3 of the Local Plan and Policy VE7 of the Walberton Neighbourhood Plan and the National Planning Policy Framework.

The site is located in Grade 1 Agricultural Land and the applicant has failed to submit an Appraisal of Agricultural Land Quality, a Soil Resources Plan and a Sustainability and Options Appraisal, which needs to demonstrate that care would be taken to preserve the soil resource, such that it could be incorporated into a productive green environment following development. Consequently, there is currently insufficient information to determine whether or not the proposal complies with Policy SO DM1 of the Local Plan.

The site is located in a Mineral Safeguarding Area for Sharp Sand and Gravel and the applicant has failed to conduct a more detailed assessment of the deposits within the site and their potential uses within the site or by nearby operations. Consequently, the applicant has not satisfied the LPA and MWPA that there is an overriding need for the non-mineral development that outweighs the continued safeguarding of the sand and gravel resources.

The badger survey and the Great Crested Newt survey are required to be carried out and mitigation measures drawn up and agreed prior to the determination of this outline planning application. Consequently, there is currently insufficient information to determine whether or not the proposal complies with Policy ENV DM5 of the Local Plan.

RECOMMENDATION

It is therefore recommended that this outline planning application is refused for the following reasons.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

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

SECTION 106 DETAILS

If outline planning permission had been granted for this residential development a Section 106 Agreement would have been required for the provision of 47 affordable dwellings on the site and the maintenance of the public open space, the Local Equipped Area of Play (LEAP) and 3 Local Areas of Play (LAPs).

CIL DETAILS

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

RECOMMENDATION

REFUSE

- 1 Insufficient information has been submitted identifying the potential impacts of the development on the strategic road network. The Transport Assessment needs updating to include additional information on existing local conditions, trip distribution and route assignment, junction capacity assessment. The preferred route for the A27 Arundel Bypass: the Grey Option 5BV1 route would be constructed in close proximity to the north of the proposed development, which would have the effect of stopping up Tye Lane to the north of the development. The Fontwell West roundabout is already over capacity as it is severely impacted by traffic in the peak periods and accordingly any additional traffic on top of already severe conditions are in themselves classed as severe. The applicant has not demonstrated that their impacts on the A27 are mitigated to a NIL detriment. Consequently, insufficient information has been submitted to determine whether or not the proposal complies with Policy T SP1 of the Local Plan and the National Planning Policy Framework.
- 2 The Walberton Neighbourhood Development Plan review, which is proposing alternative sites to meet their housing requirements under the current adopted local plan, is now at regulation 16 stage and due for examination on 25 January 2021. There is a consequent risk of prematurity in determining this application which could prejudice the outcome of the examination into the NDP which is to form part of the statutory Development Plan.
- 3 Insufficient information has been submitted to demonstrate that the proposed development would provide a high quality development with a sense of place and permeable layout including an emergency vehicle' access and a cycleway / footway link southwards to The Street via North Pound, to make the site more accessible from the village centre contrary to Policy D DM1, Policy T DM1 of the Arun Local Plan, Policy HP13 and Policy GA2 of the Walberton Neighbourhood Plan and the National Planning Policy Framework.
- 4 There appears to be a lack of permeability and opportunities for movement around the individual clusters of housing on the Concept Masterplan and for the provision of Green Infrastructure, especially around the north western corner of the site. Consequently, the LPA is not satisfied that 155 dwellings could be accommodated on this site. The quantum of development on this site would have a detrimental impact upon the character of the site and the surrounding area, contrary to Policy D DM1 of the Arun Local Plan, Policy HP13 of the Walberton Neighbourhood Plan and the National Planning Policy Framework.
- 5 Insufficient surface water drainage details have been submitted to fully determine the viability of the proposed surface water drainage scheme in the Concept Masterplan. Further groundwater monitoring over a full winter period is required. Even if infiltration is ruled out groundwater monitoring is required to inform design of attenuation features including flotation resistance measures. The adverse impact arising from the failure to achieve high quality design by incorporating surface water drainage in the Concept Masterplan is unacceptable and it is contrary to Policy W DM3 of the Local Plan and Policy VE7 of the Walberton

Neighbourhood Plan and the National Planning Policy Framework.

- 6 The site is located in a Mineral Safeguarding Area for Sharp Sand and Gravel and the applicant has failed to conduct a detailed assessment of the deposits within the site and their potential uses within the site or by nearby operations. Consequently, the applicant has not satisfied the LPA and MWPA that there is an overriding need for the non-mineral development that outweighs the safeguarded sand and gravel resources. Consequently, there is insufficient information to confirm whether or not the proposal complies with Policy M9 of the Joint West Sussex Minerals Local Plan in relation to mineral safeguarding.
- 7 The site is located in Grade 1 Agricultural Land and the applicant has failed to submit an Appraisal of Agricultural Land Quality, a Soil Resources Plan and a Sustainability and Options Appraisal, which needs to demonstrate that care would be taken to preserve the soil resource, such that it could be incorporated into a productive green environment following development. Consequently, there is currently insufficient information to determine whether or not the proposal complies with Policy SO DM1 of the Local Plan and the National Planning Policy Framework.
- 8 Insufficient information has been submitted regarding a badger survey and Great Crested Newt survey to determine whether or not the proposal complies with Policy ENV DM5 of the Local Plan. The badger survey and the Great Crested Newt survey are required to be carried out and mitigation measures drawn up and agreed prior to the determination of this outline planning application. The lack of surveys and mitigation strategies in relation to the impact on protected species and the potential for the proposed development to protect existing habitats where possible is unacceptable, and is contrary to Policy ENV DM5 of the Local Plan and the National Planning Policy Framework.
- 9 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.