

Recommendation Report for Outline Consent

REF NO:	WA/73/17/OUT
LOCATION:	Land East of Wandleys Lane and West of West Walberton Lane Fontwell
PROPOSAL:	Outline Planning Application with some matters reserved for up to 157 No. residential dwellings including 30% affordable. This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. Permission being sought for principle of residential development and access only. Vehicle and pedestrian access to be provided onto Wandleys Lane. Upgrade to northern section of Wandleys Lane to Walberton Lane which would include road widening and footpath to south side and further north to the northern side. This would be agreed via a S106 agreement which would include other contributions to be examined in Conclusions section.
SITE AREA	Approximately 7 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	22 dwellings per hectare.
TOPOGRAPHY	Predominantly flat
TREES	Mature trees along Wandleys Lane may be impacted by road widening. Some of application site boundaries are made up of mature trees. Ancient Woodland "Wandleys Copse" to south.
BOUNDARY TREATMENT	Trees and vegetation of various height to all boundaries.
SITE CHARACTERISTICS	Open farmland with access to Wandleys Lane where the site is connected to some hard surfacing for parking and ancillary farm buildings.
CHARACTER OF LOCALITY	Rural country lane and fields with sporadic farms and low density residential properties to west, north and east. Ancient Woodland to the south. Other than limited pedestrian footpaths at either end of Wandleys Lane there is no continuous dedicated footpath. There is an absence of light columns along the whole of the lane and this is continued along all of West Walberton Lane which adjoins Wandleys Lane to the east.

RELEVANT SITE HISTORY

PAA/114/17/	Outline Planning Application for up to 170No. residential dwellings including 30% affordable, all matters to be	Refuse Pre App 05-07-17 REPORT(ODB)
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reserved apart from Access.

None relevant. The site has been used as farmland.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Walberton Parish Council

Walberton Parish Council

Objection.

Detrimental impact on the character of the countryside, unsustainable development, highways safety and traffic generation, increase risk of flooding,

237 letters of public representation objecting on the grounds of:-

- loss of agricultural land
- urbanisation of a rural area. Out of character with the density of the surrounding area
- loss of trees, hedgerows and habitats
- roads and infrastructure cannot support the development
- schools and doctor's surgeries cannot accommodate the additional population
- highways danger
- no connection to gas, sewage and electricity supply
- the site was identified as 'not developable' in the most recent HELAA study on the grounds of it being unsustainable
- lack of affordable housing
- flooding through surface water increase
- will create significant light pollution against Walberton Neighbourhood Development Plan (WNDP) policy VE8 'Unlit Village' status
- overlooking and loss of privacy to nearby housing
- detrimental impact on Wandleys Copse (Ancient Woodland) to the south

One representation of support on the grounds of:-

- the development is sustainable development
- contributions to infrastructure and a bus service
- supports local businesses
- affordable housing to be provided
- much needed market housing to be created
- 15m buffer zone means the ancient woodland will not be detrimentally impacted
- will provide employees for local businesses

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

Issues raised will be addressed in the Conclusions section of the report.

CONSULTATIONS

Highways England
 WSCC Strategic Planning
 Environment Agency
 Surface Water Drainage Team
 Environmental Health
 Arboriculturist
 Economic Regeneration
 Planning and Housing Strategy
 Sussex Police-Community Safety
 Parks and Landscapes
 Engineering Services Manager
 Engineers (Drainage)
 Southern Water Planning
 Ecology Advisor
 NHS Coastal West Sussex CCG
 Archaeology Advisor
 Natural England
 Arboriculturist
 Planning and Housing Strategy
 Ecology Advisor
 WSCC Strategic Planning
 Parks and Landscapes
 Ecology Advisor
 Highways England
 Environmental Health
 Parks and Landscapes
 WSCC Strategic Planning
 Highways England
 South Downs National Park
 Highways England
 WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

Highways England - No objection subject to S106.

WSCC Strategic Planning (Highways) - No objection subject to S106.

Arboriculturist - No objection at this stage. Details to be further assessed at reserved matters stage.

Planning and Housing Strategy - No objection as 30% affordable housing proposed via S106 legal agreement.

Sussex Police - No objection as required contribution agreed.

Parks and Landscapes - No objection as public open space and formal play space can be accommodated on site and has been agreed by applicant. If not contribution can be made to existing off site provision.

Engineers (Drainage) - No objection subject to conditions.

Southern Water - Do not currently have the sewage capacity for a site of this size within the next 5 years. Informative requested.

Ecology - No objection subject to condition requiring submission of biodiversity plans for the protection of great crested newts.

HMS Coastal West Sussex CCG - No objection as required contribution agreed.

Archaeology Advisor - No objection subject to pre-commencement condition.

South Downs National Park - The site doesn't appear to be significantly visually intrusive in views from the National Park but changes to the landscape character of the area as a result of the development and the indirect effects of lighting, traffic, joined up green infrastructure, and tranquillity should be considered in detail.

Cultural Development Manager - The Sport England calculator takes the additional population generated by the new housing development (e.g. at Walberton 157 houses x 2.5 = 393) and estimates the additional demand for key sports facilities to be met at today's values. The emerging Local Plan states that all new housing is required to contribute to the provision of additional indoor sport, arts and cultural facilities to a level at least commensurate with the additional population generated by that development. Based on the evidence provided the contributions required as stated below are to go towards the following project at Arun Leisure Centre the catchment leisure centre for the new housing development:

Sports halls - £69,756 - To provide additional multi use health and fitness/studio space and dry changing to increase capacity and overall customer experience at Arun Leisure Centre.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Outside of built up area boundary (BUAB)

Grade 3b agricultural land

Within the Lidsey Water Water Treatment Works Catchment Area

DEVELOPMENT PLAN POLICES

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

DEV17	Affordable Housing
GEN33	Light Pollution

GEN12	Parking in New Development
GEN14	Public Transport
GEN15	Cycling and Walking
GEN2	Built-up Area Boundary
GEN20	Provision of Public Open Space within New Development
GEN29	Nature and Conservation Across the District
GEN11	Inland Flooding
GEN25	Water Resources
GEN26	Water Quality
GEN28	Trees and Woodlands
GEN3	Protection of the Countryside
GEN32	Noise Pollution
GEN5	Provision of New Residential Development
GEN7	The Form of New Development
GEN8	Development and the Provision of Infrastructure
GEN9	Foul and Surface Water Drainage

Publication Version of the Local Plan (October 2014):

QE DM2 Light Pollution
 C SP1 Countryside
 D DM2 Internal Space Standards
 D DM3 External Space Standards
 ECC SP1 Adapting to Climate Change
 ECC SP2 Energy and climate change mitigation
 INF SP1 Infrastructure provision and implementation
 OSR DM1 Open Space, Sport & Recreation
 SD SP1 Sustainable Development
 SO DM1 Soils
 T SP1 Transport and Development
 W DM1 Water Supply & Quality
 W DM2 Flood Risk
 W SP1 Water
 D DM1 Aspects of Form and Design Quality
 D SP1 Design
 ENV DM4 Protection of Trees
 ENV DM5 Development and Biodiversity
 ENV SP1 Natural Environment
 H SP1 Strategic housing, parish and town council allocations
 LAN DM1 Protection of Landscape Character
 H SP2 Affordable Housing
 QE DM1 Noise Pollution

SD SP2 Built -Up Area Boundary

SD SP3 Gaps Between Settlements

[Walberton Neighbourhood Plan Policy 2017 GA1](#)

Walberton Neighbourhood Plan Policy 2017 GA2

Walberton Neighbourhood Plan Policy 2017 GA3

Walberton Neighbourhood Plan Policy 2017 GA5

Walberton Neighbourhood Plan Policy 2017 GA6

Walberton Neighbourhood Plan Policy 2017 HP1

Walberton Neighbourhood Plan Policy 2017 HP13

Walberton Neighbourhood Plan Policy 2017 VE3

Walberton Neighbourhood Plan Policy 2017 VE7

Walberton Neighbourhood Plan Policy 2017 VE8

Open Access and Permissive Paths

Footpath Bridleway and Cycle Patch Network

Car Parking

Traffic Management

A27/A29 Junction West, and Other Strategic Junctions

Spatial Plan of the Parish

Design Guidance

Protection of Trees and Hedgerows

Surface Water Management

'Unlit village' status

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD1 Open Space & Recreation Standards

POLICY COMMENTARY

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

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

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

The Main Modifications to the Arun Local Plan (2011-2031) were out for Public Consultation over a six week period between 12 January 2018 and 23 February 2018.

The Neighbourhood Development Plan

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

weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

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

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

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

The relevant policies within the Walberton Neighbourhood Development Plan have been considered in the preparation 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."

The proposal is not considered to comply with the relevant development plan policies in that it is unrestricted residential development located outside of the Development Plan defined built up area boundary of Walberton which will result in unacceptable harm to the existing character and appearance of the area..

OTHER MATERIAL CONSIDERATIONS

There are material considerations that would weigh in favour of the proposal. However, these are not considered to be sufficient to outweigh the conflict with the development plan, namely the harm to the rural character of the area that a residential development of up to 157 house would give rise to.

CONCLUSIONS

PRINCIPLE

The application site falls within the parish of Walberton and as such the development plan for the determination of this application will comprise of the Arun District Local Plan (ADLP) and Walberton Neighbourhood Plan (WNP).

Arun District Local Plan (2003):

The key policy considerations in the determination of this application are considered to be GEN2, GEN3

and GEN5 of the Arun District Local Plan (ADLP). The application site is situated outside of the built up area boundary (BUAB) as specified by policy GEN2. Policy GEN2 will not permit development situated outside of the BUAB unless it is consistent with other ADLP policies. Policy GEN3 of the ALP seeks to protect the countryside for its own sake and as such exerts strict control over development situated outside of the BUAB. Due to the sites location outside of the BUAB development in this location would be in conflict with policies GEN2 and GEN3 of the Arun District Local Plan.

Walberton Neighbourhood Plan (2016):

The Walberton Neighbourhood Plan (ANP) was made on the basis of the saved policies in the ADLP and the draft policies of the emerging Arun Local Plan 2014 (eALP).

The key policy consideration within the WNP is deemed to be HP1 which states that "By reference to Emerging Policies SD SP2 - Built Up Area Boundary, C SP1 - Countryside, GI SP1 - Green Infrastructure and development, SD SP3 -Gaps Between Settlements, Policy H SP1 -Strategic Housing, parish and town council allocations, and other relevant policies, development proposals for new dwellings as specified in the Development Timeline in Schedule 7, will be supported. Development proposals for other new dwellings outside the Built-up Areas will be resisted unless the Plan has made specific provision for those proposals." The application site is outside the built up area boundary and is not allocated by Arun District Council or Walberton Parish Council for residential development.

Therefore, the proposed development by virtue of its location is considered to conflict with policy HP1.

Planning Balance:

For reasons given above, the application is not considered to accord with ALP Policies GEN2, GEN3 and Policy HP1 of the ANP. 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.

The 2003 Local Plan predates the NPPF and the requirement to establish the full objectively assessed housing need and only made housing provision to 2011. Policy GEN3, in protecting the countryside for its own sake, is inconsistent with the approach in the NPPF which is to protect valued landscape. This policy is inconsistent with the NPPF and being inconsistent with the NPPF is out of date.

Policy GEN 2 is clear that the boundaries of the built up area were defined 'for the purposes of the West Sussex Structure Plan and this District Local Plan'. The built-up areas were drawn for the purposes of defining the extent of the built up areas and countryside. This was done with the background of the required number of dwellings for the plan making period being provided within the built-up areas or on allocated sites (up to 2011). Therefore this policy is out-of-date as it does not relate to the development needs after 2011.

A written Ministerial Statement was published on the 13th December 2016 which stated that;

"relevant policies for the supply of housing in a neighbourhood plan, that is part of the development plan, should not be deemed to be 'out-of-date' under paragraph 49 of the National Planning Policy Framework where all of the following circumstances arise at the time the decision is made:

- this written ministerial statement is less than 2 years old, or the neighbourhood plan has been part of the development plan for 2 years or less;
- the neighbourhood plan allocates sites for housing; and
- the local planning authority can demonstrate a three-year supply of deliverable housing sites.

The statement applies to decisions made on planning applications and appeals from the date it was laid."

The Council is currently only able to demonstrate a 2.09 year HLS and as such the policies relating to the supply of housing in Neighbourhood Plans must be considered 'out-of-date' in accordance paragraph 49 of the NPPF and in accordance with the written ministerial statement (published 13th December 2016). Because of the current HLS position and the fact that the Neighbourhood Plan policies were based on out of date housing needs, policy HP1 of the WNP is out of date in the determination of this application and as such reduced weight can be attributed to this policy.

The WNP was prepared on the basis of the OAN identified within the Publication Version of the eALP (2015). Therefore, given the significant revision of this figure which has taken place it is considered that only limited weight can be attributed to policy HP1 of the WNP.

Currently the Council is unable to demonstrate a 5-year housing land supply as required by paragraph 49 of the NPPF. The primary purpose of paragraph 49 is to act as a trigger to the operation of the tilted balance in favour of approving sustainable development. The Council is currently only able to demonstrate 2.09 years supply of deliverable housing and by virtue of this significant shortfall that the tilted balance in favour of the grant of permission is triggered unless the benefits are significantly and demonstrably outweighed by the adverse effects of the development as stated in paragraph 14 of the NPPF.

In recognition of this, Full Council resolved (January 2017) to invite planning applications on 'deliverable' HELAA sites or for the first phases of sites being investigated at potential strategic allocations in order to boost the short term housing land supply.

The 2017 HELAA report assesses the application site (Ref NEWWA13) as being not currently developable owing to constraints related to the site access and potential impacts upon Lidsey Catchment. The site is also considered to be too remote from the existing village to be sustainable. However, these issues can be addressed by condition and the highways and access upgrade to Wandleys Lane and bus service to be secured via S106 agreement. The Arun Local Plan Viability Study 2016 the site is considered to be viable and achievable.

The consideration of the emerging Development Plans relates to the emerging Arun Local Plan 2011-2031 Publication Version October 2014 (eALP) as modified in January 2018 ('the modified eALP').

The Examination of the Publication Version of the eALP (2015) was suspended by the Planning Inspector on the grounds that the Council's OAN should be reviewed higher than that proposed (580 units p.a). The Council has therefore had to identify more suitable land to meet additional housing supply requirements. Thus the OAN figure has been increased to 919 units per annum as of October 2016 with additional strategic sites currently being assessed and allocated in order to meet this higher figure. The proposed Modifications were approved by Full Council on the 22nd March 2017 and consultation took place between the 10th April and 30th May 2017. The proposed Modifications underwent further consultation between 12 January 2018 - 23 February 2018 and the Inspectors decision is expected in May/June 2018.

The key policy considerations contained within the 'the modified eALP' are considered to be;

Policy H SP1 - Housing Allocation of the modified eALP sets out the overall provision of 20,000 new homes through the Local Plan phased over the plan period to 2031. It includes reference to additional allocations for small sites being made across the District.

Policy H SP2 - Strategic Site Allocations - is split into 3 sections covering different areas of the District.

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

Policy C SP1 - Countryside - states that outside the BUAB as well as outside both the strategic, site specific and broad allocations, the countryside will be safeguarded for its own sake.

Given that the application site is situated outside of the BUAB and is not a strategic allocation identified in policy H SP1 or H SP2 the proposed development the subject of this application will conflict with policy SD SP2 and C SP1 of 'the modified eALP'

The proposed development conflicts with policies SD SP2 and C SP1 the modified eALP (2018). This Plan is at an advanced stage towards adoption and therefore, whilst it is not adopted at the time of determination, it carries weight in the consideration of the proposals.

Given the policy position which has been identified above it will be necessary to consider the development and ascertain if it will give rise to any adverse impacts which would significantly and demonstrably outweigh the benefits of the development as stated in paragraph 14 of the NPPF.

Presumption in favour of Sustainable Development

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

Paragraph 7 of the NPPF states that in order to achieve sustainable development; economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

(1) Environmental Role

The Institute of Highway and Transportation (IHT) publication 'Guidelines for Providing Journeys on Foot (2000)' sets out recommended guidelines for walking distances and provide desirable, acceptable & preferred maximum distances. For town centres these range between 200 to 800 metres, for commuting/school 500 to 2000 metres and elsewhere 400 to 1200 metres. As this is not a town centre location the relevant distances would be 400m-1200m for day to day journeys and in respect of school/work commuting, 500m-2000m.

All of the following distances are measured from the position of the proposed access onto Wandleys Lane and then using existing local roads.

The nearest schools would be:

- * Walberton & Binsted Primary School -1.9km
- * Ormiston Six Villages Academy, Westergate - 2.1km
- * St Phillip Howard, Catholic School (6th Form), Barnham - 3.7km

The 228 Bus to Ormiston Six Villages Academy and 85A (88 also operates) which operates to Walberton and Barnham from Barnfield bus stop which is a 440m (approx.) walk from the site. A hopper bus service would also be operated as part of the S106 agreement from the site for a temporary period but the S106 agreement is not currently in place.

The site is considered to be poorly served by public transport for travel to nearby schools and the distances are not attractive as a walking option, even with the proposed upgrade of the north part of Wandleys Lane to include a footpath as part of a potential S106 agreement. These amenities are considered to be a significant distance away and it is more likely the journeys would be made by car. This does not weigh in favour of sustainable development. Furthermore, paragraph 34 of the NPPF states that "Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised." It is not considered that given the distance from these schools that sustainable transport modes can be maximised.

In terms of employment, it is considered that there are some nearby opportunities for employment supplemented by others in the wider area.

In terms of Doctors:

- * The Croft Surgery, Barnham-1.9km; and
- * Flitcroft surgery 2.2km

Both be reached using bus service 85A but this is an infrequent and unattractive option.

The following facilities are available in the local area but owing to the unattractive pedestrian environment along Wandleys Lane are not safely available:

- * The Old Stables Public House and Restaurant 900m to the west;
- * Shell Garage 800m to the west;
- * The Walberton Village centre 1.7km to the south east;
- * Barnham post office and local shop 1.7km to south west

The other environmental aspects of sustainable development such as impacts on trees, ecology and in respect of flooding/drainage these are considered in detail in the report below. It is concluded that there are adverse environmental impacts such as a poor pedestrian environment and the urbanisation of Wandleys Lane from the proposed road widening. Furthermore, a further urbanising effect will be the illumination of the lane which will be in conflict with Walberton NDP policy VE8.

(2) Social Role

It is considered that the proposal would help to support the local community by providing up to 157 new homes including 45 affordable dwellings (still subject to a s106 agreement) to help meet future needs. In addition, increasing the amount of external play space associated with the site would also be a social benefit. These factors weigh in the scheme's favour. However, there is no S106 agreement in place to ensure the affordable housing and play space is brought forward.

(3) Economic Role

It is considered the proposal would likely result in economic benefits to the local area in the form of the following:

- * An increase in Council Tax receipts;
- * Potential 'New Homes Bonus' payments from the Government;
- * Financial contributions towards local libraries, education establishments and (potentially) doctors surgeries (if a S106 was agreed);

- * The creation/maintenance of construction jobs; and
- * Additional spending by new residents on local goods & services.

Assessment of Sustainable Development

It is considered that the proposal is not environmentally sustainable. There would be a cost to the local environment from light pollution and the loss of rural location from the urbanisation of the area.

Therefore, it is considered, on balance, that the proposal would not be environmentally sustainable and therefore not a sustainable form of development as required by paragraph 14 of the NPPF.

Conclusion on Matters of Principle:

Overall, the principle of development on this site is contrary to the Development Plan. The material considerations set out above are considered to weigh against granting permission.

Whilst there is a lack of a current 5 year supply of housing land the principle of development is unacceptable. The proposals conflict with the development plan, its not sustainable development and there are not sufficient considerations that weigh in favour of the proposals.

VISUAL AMENITY

The immediate locality is considered to be rural in character. The development would lead to an urbanising impact on Wandleys Lane, through the proposed upgrade to the lane. This cannot be achieved without it having an unacceptable urbanising impact. The lane would change from a rural lane to an engineered urban road.

As such, the character of Wandleys Lane will be significantly and unacceptably altered contrary to saved policies GEN7 (ii) and WNDP HP13 and emerging policy LAN DM1.

LIGHT POLLUTION

WNDP policy VE 8 'Unlit village' status states:

"Development proposals which detract from the unlit environments of the Parish will not be supported. New lighting will be required to conform to the highest standard of light pollution restrictions in force at the time. Security and other outside lighting on private and public premises will be restricted or regulated to be neighbourly in its use.."

The development of 157 dwellings would introduce lighting to a lane that currently derives its character from its unlit nature. The proposal would therefore conflict with Policy VE8 which seeks to protect unlit areas.

ECOLOGY

The Council's Ecologist advisor is satisfied with the ecology and biodiversity plans submitted subject to a condition being imposed to protect Great Crested Newts. Further measures may be needed if the proposal was to proceed to reserved matters stage. As the development is currently proposed it is considered to comply with the requirements of saved policy GEN29 with regards to protection of biodiversity and nature conservation.

AGRICULTURAL LAND:

Emerging Local Plan policy SO DM1 considers soils and 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."

The site is Grade 3b Agricultural Land, as such the development would not lead to a loss of grade 1, 2 or 3a agricultural land and is compliant with emerging policy SO DM1.

RESIDENTIAL AMENITY:

Objections have been raised by local residents as to the potential for detrimental impact on residential amenity.

Arun District Local Plan Policy GEN7 (iv) indicates that development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. None of the WNDP policies refer to residential amenity issues. However, one of the 'core planning principles' of the NPPF is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17).

It is not considered possible to make a detailed assessment of residential amenity at this stage given that layout, scale and appearance are all reserved matters.

AFFORDABLE HOUSING:

For all developments over 45 residential units, the Council requires the minimum provision of 30% affordable housing on site, as set out in Policy AH SP2 of the modified Local Plan and in the Interim Affordable Housing Policy (2010).

The proposal includes 30% affordable housing, equating to 45 units and this therefore complies with the policy requirement. The applicant has stated that all of the affordable homes will be provided for rent and this has been queried by the Councils Housing Strategy and Enabling Manager on the grounds that it may not be a viable offer for a registered partner to take forward. However, this could be resolved through the formulation of a S106 agreement.

Therefore should a S106 agreement be made the proposal would accord with Policy DEV17 of the ADLP and Policy AH SP2 of the modified Local Plan. However given the absence of a s106 agreement the proposal is currently in conflict with policy DEV17.

SUPPORTING INFRASTRUCTURE:

Policy GEN 8 of the ADLP states:

"Development will not be permitted unless the infrastructure or facilities made necessary by the development are available or will be provided at the appropriate time.

Permission may be granted subject to the development being phased in step with such provision by a landowner, developer or service provider. The Local Planning Authority may seek fair and reasonable contributions to be made by landowners or developers towards the cost of infrastructure, service or amenity provision, to meet the needs of the occupiers or users of the development. Regard will be had to

the advice set out in Circular 1/97 on Planning Obligations."

Policy INF SP1 of the modified eLP includes the following statements:

"The Local Planning Authority will support development proposals which provide or contribute towards the infrastructure and services needed to support development to meet the needs of occupiers and users of the development and the existing community"

And

"Off-site measures will require planning obligations or financial contributions, to secure the necessary provision. Where a contribution towards other, district wide, infrastructure improvements or provision is needed and viable this will be achieved through planning obligations (where they meet the statutory test for planning obligations)"

WSCC Highways have requested financial contributions in respect of:-

- Improvements to Wandleys Lane
- Development of a standalone bus service schedule and provision of a bus service and pooled resource with Dandara bus service.
- Highway Contribution of £5,000 per dwelling towards improvements to the A29.

WSCC have requested financial contributions in respect of primary education, secondary education, 6th form education, libraries and fire & rescue. The level of these contributions will be based on a formula to allow the contribution amounts to be based on the housing mix at the reserved matters stage.

The contributions will be spent on the following projects:

- * Additional expansion of Walberton and Binsted C of E Primary School (or on alternative primary school provision elsewhere in the District subject to meeting the CIL tests);
- * Expansion of the Ormiston Six Villages Academy in Westergate;
- * Restructuring of the St Phillip Howard, Catholic School (6th Form) in Barnham;
- * New tier 7 Library facilities at Ormiston Six Villages Academy expansion of facilities at Littlehampton Library;
- * re-development or re-location of fire stations and associated vehicles and equipment in West Sussex Fire Rescue Services Southern Area serving Walberton); and
- * On the future maintenance of the on-site public open space and local equipped area of play facility.
- * £69,756 to provide additional multi use health and fitness/studio space and dry changing to increase capacity and overall customer experience at Arun Leisure Centre

The Councils Landscape department has advised that on site POS can be provided with play equipment to form part of the S106 agreement.

Sussex Police were consulted on the application and £25,474.55 has been agreed to be made as a contribution towards police support staffing at Bognor Regis Police station, vehicles and police premises.

NHS contribution of £166,618 for the Croft GP Surgery for infrastructure needs of managing "Treatment rooms' project" & a contribution to the "Strategic Hub treatment rooms".

The S106 agreement for the above contributions has not been completed and the proposal is therefore

unacceptable in this regard.

FLOODING AND SURFACE WATER DRAINAGE

West Sussex County Council Flooding Engineers and ADC Drainage Engineers have commented on the application. However, neither raise any objection to the principle of development but require details to be provided at a later stage in respect of surface water drainage. ADC Engineers do identify the potential presence of a perched water table on the site and consider that, if present, this could pose problems for the proposed siting of the POS on the eastern side of the site. However, the approval of permission would not be binding on the layout drawing that has been provided and therefore, the layout could be varied at the reserved matters stage if a perched water table was present and if deemed to be a constraint.

Southern Water have stated there is no sewerage capacity for the development within the next 5 years. However, this is not a reason to withhold planning permission as in its outline stage only the development is unlikely to be complete for occupation within the next 5 years.

It is therefore considered that the proposal is in accordance with the relevant development plan saved policies GEN9 and GEN11 and WNDP policy VE7.

HIGHWAY SAFETY & PARKING

WSCC have raised no objection subject to S106 agreement requiring the financial contributions outlined in Supporting Infrastructure which includes the upgrade of the north section of Wandleys Lane. As such there is no objection to the development on the grounds of access in terms of highways safety, details of parking and internal road layout will be assessed at reserved matters stage. However, given that there is no signed s106 agreement the application is unacceptable in this regard and in conflict with policy GEN7 and GEN12 of the ADLP and emerging Arun Local Plan policy T SP1.

Highways England retain a holding objection but it is considered likely this will be overcome upon submission of further details

SUMMARY:

The proposed development is contrary to the Development Plan. Whilst the housing supply policies are out of date the scheme is not considered to be sustainable development. Furthermore when applying the 'tilted balance' in paragraph 14 of the NPPF, there are adverse environmental impacts which would significantly or demonstrably outweigh the benefits. The proposed development is unacceptable in terms of the development plan and the NPPF when taken as a whole and is therefore recommended for refusal for the reasons set out below.

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 negative impact on those of minor age and disabilities from the unsafe environment of Wandleys Lane.

RECOMMENDATION

REFUSE

- 1 The development is contrary to the adopted Walberton Neighbourhood Plan. It does not constitute sustainable development by reason of its unsustainable location in the countryside, outside a defined built up area boundary, its lack of lit footpath access to bus stops and local shops. The proposal will be car reliant with unacceptable environmental harm contrary to Policy HD1 of the Neighbourhood Plan, the National Planning Policy Framework and Policies C SP1, SD SP1, SD SP1a and SD SP2 of the emerging Local Plan.
- 2 The proposed highway upgrading of Wandleys Lane would have an out of character and unacceptable urbanising impact on the existing rural character of the lane contrary to saved policy GEN7 of the Arun District Local Plan (ADLP) and the National Planning Policy Framework (NPPF).
- 3 The development by reason of its lighting levels will detract from the existing unlit nature of the lane and surrounding area contrary to Walberton Neighbourhood Development Plan policy VE8.
- 4 In the absence of a signed Section 106 legal agreement, the proposed development makes no contribution towards public open space or children's play equipment, indoors sports facilities, local infrastructure (education, libraries, fire & rescue services & highway improvements), the NHS, local policing or affordable housing in conflict with policies GEN8, GEN12, GEN20 and DEV17 GEN20 of the ADLP, the Arun District Council Supplementary Planning Document SPD1 and the NPPF.
- 5 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.