

Recommendation Report for Planning Permission

REF NO: WA/75/17/PL

LOCATION: Land adjacent to Sunny Corner
Copse Lane
Walberton
BN18 0QH

PROPOSAL: 9 No. dwellings with associated car parking, bin storage & landscaping & creation of new access road from existing access onto West Walberton Lane. This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	9 No. dwellings with associated car parking, bin storage & landscaping and creation of new access road from existing access onto West Walberton Lane
SITE AREA	0.93 hectares.
TOPOGRAPHY	Predominantly flat.
TREES	An Arboricultural Statement has been submitted which advises that the proposed nine unit residential development will require the removal of two Field Maples. These are claimed to be of no significance to the setting of the site or its publicly visible amenity value. A load bearing/spreading porous access drive will be constructed to minimise disturbance to a roadside Oak. The design will comply with current guidance and can be the subject of a precommencement condition. The proposed houses overlap with the outer RPA of one offsite Oak tree and proposals to minimise any impact on roots are put forward in line with industry best practice. Robust tree protection measures are proposed to BS5837:2012 requirements to ensure that on and offsite trees are not adversely affected by the proposals.
BOUNDARY TREATMENT	The Arboricultural Statement advises that the site comprises a rectangular grass field orientated east/west located to the south-west of "Sunny Corner", a detached residential property with part of its garden adjoining the field at its east side. To the north of the field is woodland with residential properties adjoining to the south-east and southern boundary. Along the western boundary a stream runs north/south with a paddock adjoining. A narrow field entrance, shared with the adjoining paddock accesses out onto Walberton Lane to the south-west.

CHARACTER OF LOCALITY

Rural location on edge of Walberton village, access via Copse Lane, a narrow country lane off West Walberton Lane.

Fields to north and west with low density residential properties adjoining the site to the south and east. There is an absence of street lighting in surrounding area which is continued along all of West Walberton Lane.

RELEVANT SITE HISTORY

None relevant on application site.

Outline planning permission was refused in 2018 for up to 157 dwellings including 30% affordable (WA/73/17/OUT) on land east of Wandleys Lane and west of West Walberton Lane, Fontwell.

Application of four Affordable Intermediate Sale Homes and one Full Market home with associated car parking, garaging, landscaping and bin storage and the creation of 2 new accesses onto Wandleys Lane reference WA/76/17/PL.

These site are no further than 750m to the west of the current application site and both outside the built up area boundaries of the settlements of Walberton and Fontwell.

Although different in quantum and site area many of the planning issues and reasons for refusal in these applications have much in common with the Copse Lane application.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Walberton Parish Council

Walberton PC objects to this application on the grounds that it conflicts with its Neighbourhood Development Plan (NDP). The parish council is willing to consider this site along with others in formulating its NDP review shortly.

11 letters of objection summarised as follows:

1.The Neighbourhood Plan (NP) identifies the sites for development over the next 15 years. This site is not in the NP and therefore should not be developed.

2.Concerns about the safety/visibility of the access on West Walberton Lane.
There should be no access onto Copse Lane from this development as this will result in people parking in Copse lane and then walking through. This will block access for residents and therefore Emergency Services.

3. Copse Lane is a Bridle way. The Highway report is incorrect, there is not a clear site each side of the access on West Walberton Road and there is no pedestrian access. The accidents in the last 10 years will uphold this.

4.The HELAA says 29 houses, and there are concerns about a future application to increase the number of houses on this site.

5. There are endangered species on this site and the mitigation suggested will not protect species such as the dormice found on this site. Nobody will be able to ensure that hedging is planted, or retained by future owners or indeed pruned to the correct height at the correct time of year. The dormice are unlikely to survive. There are also newts and reptiles which are all endangered and protected species in the UK.

6.No proposals for drainage, despite re submitting plans. It is obvious that to build on land which will increase water consumption and drainage, a transparent and logical system needs to be identified. Highway maintenance has not managed to resolve flooding or pot holes in West Walberton Lane, this development would make the situation much worse.

7..The light and noise pollution from 27 cars and 9 houses, would not be in the interests of Local residents who have put faith in planning and built accordingly. It would not be in keeping with the surrounding properties.

8. Any lighting would need to be ground level and unseen by surrounding properties. If new properties installed their own security lighting, this, like the access, would compromise the lives of those on Copse Lane, to an unacceptable level

9. The proposed density is not in scale with surrounding properties in the area. These properties have an average of approx. 1.2 acres, the proposed development would have an average of 0.25 acres.

10. Although more houses are needed this should not be at the cost of the community and the village which will have to absorb the impact with a lack of school places and local medical facilities.

11. It is also clear that none of the houses are Social housing, Affordable housing, none are key worker housing and none are designed for Wheelchair users, we are not sure if any are sustainable or ecological .

7 letters of support:

- contributions to infrastructure and a bus service
- supports local businesses
- affordable housing to be provided
- much needed market housing to be created
- will provide employees for local businesses

The agent has submitted the following supporting comments:

"Sunny Corner was considered by the HELLA reference 94 as a deliverable site "the site is considered suitable in principle and is an allocation in the unmade Walberton neighbourhood plan as a rural exception site to provide affordable housing.

Therefore the HELAA conclusion was that Sunny Corner is in a sustainable location. It is close to bus stops in The Street and within walking distance to the shops at Maple Parade and the local school.

The distance from the site to the shops is less than 1 mile (0.8miles). There is a footpath that runs from Long Mead (at the end of Copse Lane) to the shops. There is a Doctors surgery in the village, a dentist, and convenience store. There are no objections from Southern Water or the Drainage Engineers.

There are no highway changes proposed that would alter the character of West Walberton Lane as an existing access is being utilised. County Highways have raised no objections. The design of the houses is in character with houses in Walberton and therefore does not result in an unacceptable urbanising effect.

The site is adjacent to existing housing on either side and to the north of the site and it is not considered that the additional 9 houses would create significant light pollution compared to the refused schemes proposal of 157 houses.

The proposed development would provide a contribution to the housing land supply shortfall on a site that is currently not utilised, abuts residential properties, is of a size that would not be viable for any other use than residential and is in a sustainable location.

Walberton Parish Council did allocate the site for affordable housing, but the Inspector removed it on the basis that insufficient evidence had been provided to support the affordable housing need. This resulted in an objection based on the Neighbourhood Plan. The Parish were not unsupportive when the plans were presented to them and they have commented that the Parish is willing to consider this site during its NP review.

The application is similar to the approved application AL/83/16/OUT Land Southwest of Barnside, in that it was for 8 houses in a rural lane. If anything the site is less sustainable than this application in that there are a lack of the service in Aldingbourne that are provided by the village centre of Walberton. Aldingbourne Parish Council raised significant objections to the proposed development, however, on balance the application was approved.

It is therefore considered that the "tilted balance" should be in favour of approving this scheme given the insufficient 5 year housing supply and NPPF policy paragraph 14 that where a plan is out of date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. It is considered that in this case, planning approval should be granted as there are no demonstrable impacts that would outweigh the benefits of providing 9 homes, and it is similar in scale and location to that recently approved AL/83/16/OUT"

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. The issues raised by these comments are addressed in the Conclusions section.

CONSULTATIONS

Engineering Services Manager
Engineers (Drainage)
Southern Water Planning
Parks and Landscapes
Arboriculturist
WSCC Strategic Planning
Environmental Health
Environmental Health
Engineers (Drainage)
Archaeology Advisor
Ecology Advisor

CONSULTATION RESPONSES RECEIVED:

LOCAL HIGHWAY AUTHORITY

I refer to your consultation in respect of the above planning application and would provide the following comments:

Summary and Context

The proposals will be accessed from West Walberton Lane a "D" class road which is located to the north of Walberton village centre; the road serves a number of agricultural and residential sites. The Lane is subject to a 30 mph speed limit. The proposals are supported by way of a Transport Statement (TS). This includes data from the Trip Rate Information Computer System (TRICS) and a supporting speed survey.

Access and Visibility

The site proposes a new access onto West Walberton Lane, the access will be 4.8 metres in width with 6 metre kerb radii. The access is considered to be of sufficient geometry to accommodate the anticipated level of vehicular activity. Sightlines along West Walberton Lane from the existing point are considered acceptable with splays of 85 and 83 m. These are based on speeds recorded were 36 mph northbound and 35.6 mph southbound.

A review of the proposed access onto West Walberton Lane indicates that, there have been no recorded accidents within the last 3 years and that there is no evidence to suggest that the access and local highway network are operating unsafely.

Capacity

In assessing trip generation and its impact, it is standard practice to do this on an hourly and daily basis in order to establish the day to day impact resulting from a development proposal. In addition to the information submitted by the Applicant, the LHA have used the Trip Rate Information Computer System (TRICS) to assess the likely trip generation of the proposed use. This is industry standard software that is supported as an assessment tool through the WSCC 'Transport Assessment Methodology' and the DfT 'Guidance on Transport Assessment'.

A trip analysis has been undertaken on the use type 'residential' in the use class 'houses privately owned'; the assessment has been undertaken in accordance with TRICS 'Best Practice Guidance'. A copy of this report is found within the TS. This establishes that there would be two defined peak hours, one at 0800-0900 and another at 1700-1800. An overall vehicular trip rate of 41 daily movements would be expected. Having assessed this data it is considered that there will be no material increase in traffic movements over the existing use. In addition there are no known capacity and congestion issues within the immediate vicinity of the site. From a capacity perspective we are satisfied the proposal will not have a severe residual impact.

Parking

The proposed parking is considered acceptable. The LHA are not aware of that the previous use resulted in excess parking onto Terminus Road; it is considered unlikely that there would be an increase in on-street parking as a result of this proposal.

Sustainability

The submitted design and access statement does suggest that persons using the site could arrive on foot, cycle, bus, train or by car. Terminus Road does have footway links that lead to

the town centre and Chichester train station is within short walking distance of the site. Realistically given the type of use, the majority of visits would be via the car. However as previously stated the proposal is not anticipated to result in a material increase in traffic movements over the permitted and historic uses.

Conclusion

The LHA does not consider that the proposal would have 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 32), and that there are no transport grounds to resist the proposal.

Further LHA comments:

The Local Highway Authority (LHA) acknowledges the proposed changes to the plans as part of the proposals. The changes would not however materially change the LHA's comments from the 14th November 2017.

GREENSPACE

Developments of 7 dwellings or more are expected to provide for green infrastructure within their proposals. As there are 9 dwellings proposed for this site, then POS or LAP would not be sought on site however a commuted sum of £1600.00 per dwelling would be sought towards offsite children's play/informal recreation in the locale (location of this allocation would be to Walberton Parish Play area).

The proposals put forward in this application have included consideration of its siting within the existing landscape. Existing landscape features such as existing screening trees and hedgerows have been considered and indicated within the layout proposals. A further detailed landscape scheme will need to be proposed that will maximise the biodiversity of the site in its semi-rural setting with the inclusion of mixed ornamental and native species for the retention of a variety of habitats.

The landscape proposals will need to be shown in plan from detailing species choice, planting densities and size at time of planting. This will need to include mitigation planting for any removed vegetation and additional planting would be required to provide screening and to soften what is presently a green area. This is particularly required in order to encourage the proposals to fit within the setting.

The existing vegetation to the surrounds of the proposals is established with some significant and aesthetically valuable trees, these areas must be protected and retained.

The submitted Arboricultural Impact Assessment 2017 indicates the tree protection measures to be taken. Before construction, this tree protection scheme must be in place for all retained trees including trees whose root protection areas fall within the construction zone. This should be in accordance with BS 5837:20012 'Trees in relation to construction' Any tree removal must be in consultation with Arun District Councils Tree Officer.

I would recommend no landscape objection to the proposals subject to the submission and implementation of details above

SOUTHERN WATER

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent:

"A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS).

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme
- Specify a timetable for implementation
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The application details for this development indicate that the proposed means of surface water drainage for the site is via a watercourse. The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that noncompliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water. Any works within highway/ access road will require to protect public apparatus and the protection details need to be submitted to, and approved by Southern Water under NRSWA enquiry.

Due to surface water inundation issues in the Lidsey Catchment "The applicant is advised to adopt, where appropriate, the measures in the table "Practical measures to reduce the potential impacts of development".

Developer should look to protect the public sewerage system from inundation and infiltration, which

contribute to flooding in unfavourable conditions.

ECOLOGY

Ancient woodland

Due to the location of Ancient woodland to the site we require that a 15m buffer zone is created from the ancient woodland to ensure this area remains undisturbed. Though the ecologist has provided some justification as to why this buffer could be reduced, there is sound reasoning behind the 15m buffer zone which we require is upheld. The 15m buffer is in place to not only ensure there is no damage to the woodland, but also to ensure there is no disturbance to the species using the woodland (bats, dormice etc), it also ensures there is no light spill from development into the woodland, noise is reduced and the buffer also takes into consideration the permitted development rights that new properties would have. From looking the site and the size of each plot and garden, there is potential for the closest plots to be moved further away to ensure a 15m buffer is created.

Dormice

The phase two habitat surveys have found that there is a good population of dormice onsite. Though some positive mitigation has been detailed within the reports stating that new hedgerow will be planted onsite to provide new and connecting habitat for the dormice, there is a lack of information regarding how the dormice will be protected from harm during the works. We require that further information regarding the mitigation for dormice is submitted prior to determination.

Bats

The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

The hedgerows on site are used by bats for commuting and foraging and will need to be retained and enhanced for bats. This will include having a buffer strip around the hedgerows (5m) and during construction fencing should be used to ensure this area is undisturbed. Any gaps should also be filled in using native hedge species to improve connectivity. Where any hedge is to be removed at detailed within the survey, new hedgerow should be planted. Conditions should be used to ensure this.

Reptiles

The reptile survey has shown that there is good population of reptile's onsite. Due to this mitigation has been proposed within the Mitigation Statement, Habitat Creation and Ecological Enhancement report (Oct 2017) and we are happy that the proposed mitigation is suitable and this can be conditioned. The applicant should note that no works cannot commence until the reptile translocation has taken place.

Nesting Birds

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

Badgers

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.

ENVIRONMENTAL HEALTH

No objections in principle to this application. Given the proximity to existing residential properties in the area, I would suggest a condition requiring a Construction Management Plan be placed on any permission given.

Contaminated Land.- This is a greenfield development therefore no contamination comments;

ENGINEERS

Surface water drainage:

Please apply standard conditions ENGD2A, ENGD4A, ENGD5A, ENGD5B and ENGD6A.

It is noted that the use of infiltration techniques may be limited due to the underlying ground conditions, however, infiltration must be fully investigated before being dismissed.

Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE 365, 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 30% 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. Supplementary guidance notes are also enclosed for information.

There is a watercourse on the western boundary. The proposed development layout does not fully consider future access for the maintenance of this ditch. The applicant will need to ensure that all boundary fences are kept at least 3 metres from the top of the ditch bank in order to provide a maintenance strip. Any culverting of the watercourse to facilitate the new access, will require Land Drainage consent.

ARCHEOLOGY

No objection subject to conditions.

TREE OFFICER

Objection

Objects to the potential impact of the development on a highly valued oak tree denoted as T24 as the development will overlap its Root Protection Area.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The Oak tree T24 does not benefit from a TPO order at this stage so the fact that it is threatened by this development cannot be used as a reason for refusal.

POLICY CONTEXT

Designation applicable to site:

Outside 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):

GEN15	Cycling and Walking
GEN11	Inland Flooding
GEN25	Water Resources
GEN7	The Form of New Development
GEN9	Foul and Surface Water Drainage
GEN12	Parking in New Development
GEN8	Development and the Provision of Infrastructure
GEN20	Provision of Public Open Space within New Development
GEN28	Trees and Woodlands
GEN3	Protection of the Countryside
GEN33	Light Pollution

Publication Version of the Local Plan (October 2014):

D DM1	Aspects of Form and Design Quality
H SP1	Strategic housing, parish and town council allocations
ENV DM4	Protection of Trees
ENV DM5	Development and Biodiversity
ENV SP1	Natural Environment
W SP1	Water
W DM2	Flood Risk
W DM1	Water Supply & Quality
T DM1	Sustainable Travel and Public Rights of Way
T SP1	Transport and Development
SD SP1	Sustainable Development
OSR DM1	Open Space, Sport & Recreation
INF SP1	Infrastructure provision and implementation
C SP1	Countryside
D SP1	Design
LAN DM1	Protection of Landscape Character
QE DM2	Light Pollution
SD SP2	Built -Up Area Boundary
ECC SP1	Adapting to Climate Change
ECC SP2	Energy and climate change mitigation

Walberton Neighbourhood Plan Policy 2017 VE8

'Unlit village' status

Walberton Neighbourhood Plan Policy 2017 VE7

Surface Water Management

Walberton Neighbourhood Plan Policy 2017 HP13

Design Guidance

Walberton Neighbourhood Plan Policy 2017 HP11 Housing Density
Walberton Neighbourhood Plan Policy 2017 HP1 Spatial Plan of the Parish

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 has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. 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.

Update - 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 Council was informed by the Planning Inspectorate in July 2018 that its emerging plan was found to be 'sound' and ready for adoption following a meeting of its Full Council to be held on the 18th July 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

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

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 GEN2, GEN3, GEN5 and DEV18 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 (WNP) 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 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.

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 nearest education facilities are:

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

In terms of Doctors:

- * The Croft Surgery, Barnham and
- * Flitcroft surgery

The following facilities/employment opportunities are available in the local area:

- * Fontwell Racecourse and the Old Stables Public House and Restaurant
- * Shell Garage complex
- * The Walberton Village centre
- * Barnham post office and local shop

There are bus stops some 500m south of the site of which all but 200m is devoid of a footpath and unlit. To walk/cycle north of the site towards facilities in Fontwell involves a significant journey largely unlit and without a footpath.

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/cycling option. It is considered that the journeys to the facilities above are therefore more than likely to 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." In view of the foregoing it is not considered that sustainable transport modes can be maximised.

The other environmental aspects of sustainable development involve the proposals impact on the visual character of the area. The design of the 9 dwellings on the site is not in keeping with the character and appearance of adjoining development. It is at odds with the spaciousness of curtilage of neighbouring properties and with the way properties are aligned along West Walberton Lane fronting the road and with a relatively uniform set back. Furthermore, a further negative urbanising effect will be the illumination at this point in an area which is currently largely unlit.

(2) Social Role

It is considered that the proposal would nominally help to boost the supply of housing in the District not with standing that the soon to be adopted Local Plan can demonstrate a housing Land Supply of 5.3 years. There is also the potential for a commuted sum for open spaces which however remains unsecured from the lack of a signed section 106 agreement These, albeit very limited, factors weigh in the scheme's favour.

(3) Economic Role

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

- * A small increase in Council Tax receipts;
- * The creation 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 due to the adverse impact to the local environment from light pollution and the deterioration of a rural location from the urbanisation of the area and poor access to local services.

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 current 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. This is in recognition that some 300m south in Long Mead there is a more dense sub urban environment. However, with its access onto West Walberton Lane this development needs to be read against the strongly rural character of the Lane with a uniformity of design comprised of detached dwellings within mainly spacious plots and neatly aligned with similar set backs from the road.

The proposed 9 dwellings are at odds with this character. The creation of a mini housing estate at this location would lead to an urbanising impact on West Walberton Lane and the roads ribbon like development would be eroded.

As such, the character of West Walberton Lane will be unacceptably altered contrary to saved policies GEN7 (ii) and WNDP HP13 and soon to be adopted 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 these 9 dwellings will require night time lighting in an area which is largely unlit. The Lane currently derives its character from its unlit nature. The proposal would therefore conflict with Policy VE8 which seeks to protect unlit areas. The applicants do not address this issue by for example submitting levels of potential lighting.

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).

Due to the siting and fenestration of the dwellings there are no unacceptable adverse effects by way of overlooking and unneighbourly impacts.

FLOODING AND SURFACE WATER DRAINAGE

ADC Drainage Engineers have commented on the application and do not raise any objection but require imposition of standard conditions.

Southern Water have stated the applicant be made aware that there are no public surface water sewers in the area to serve this development and alternative means of draining surface water from this development would be required.

Therefore subject to conditions the proposal is in keeping with policies GEN9 and GEN11 and WNDP policy 7.

HIGHWAY SAFETY & PARKING

WSCC have raised no objection to the proposal in terms of access safety, trip generation and provision of parking spaces.

As such whilst there is no objection to the development on the grounds of access highways safety and details of parking there is considered, as described in earlier part of the report, to be an objection in terms of a non sustainable location of the development in conflict with policy GEN7 of the ADLP and emerging Arun Local Plan policy T SP1.

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

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

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

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

SECTION 106 DETAILS

A draft S106 Agreement has been submitted which remains unsigned by Arun District Council.

RECOMMENDATION

REFUSE

- 1 The development does not constitute sustainable development by reason of its unsustainable location in the countryside, 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 GEN7 of the Arun District Local Plan, Policy HP1 of the Walberton Neighbourhood Plan, Policies C SP1, SD SP1, T SP1 and T DM1 of the emerging Local Plan and the National Planning Policy Framework.
- 2 By reason of the number, siting and layout of the dwellings the proposal would have an out of character and unacceptable urbanising impact on the existing rural and relatively uniform character of West Walberton Lane contrary to policy GEN7 of the Arun District Local Plan (ADLP), policy HP13 of the Walberton Neighbourhood Plan, policies D SP1 and D DM1 of the emerging Local Plan 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 an acceptable signed Section 106 legal agreement, the proposed development will not secure the required commuted sum of £1,600 per dwelling to be used towards off site children's play/informal recreation in the Walberton Parish play area in conflict with policies GEN20 of the ADLP and policy OSR DM1 of the emerging Arun Local Plan.
- 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 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.