

Recommendation Report for Planning Permission

REF NO:	WA/76/17/PL
LOCATION:	Land South of Wandleys Farm Wandleys Lane Walberton BN18 0QR
PROPOSAL:	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. This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	It is proposed to erect a total of 5 dwellings at this site, 4 would be affordable intermediate sale homes and 1 would be a full market value home. The proposal includes associated car parking, garaging, landscaping and bin storage and the creation of 2 new accesses onto Wandleys Lane. The affordable dwellings would be 2 pairs of semi-detached dwellings served by their own access towards the south west corner of the site close to the existing dwelling known as Woodfield Place. The market value dwelling would be detached and set within a large plot and served by its own separate access towards the north west corner of the site close to Wandleys Farm. The proposed affordable dwellings would be 2 bed, with kitchen bathroom and lounge. They would have a habitable area of 70sqm. The pairs would be linked by their garages. Materials would be red sand faced concrete tiles and Sussex stock bricks with flint panels. Small gables on the front and rear elevations would be grey brown Cederal type weatherboard. The detached market dwelling would be 3 bed and have a habitable area of 190sqm. It would be a substantial two-storey dwelling with limited single storey side 'wing' elements. Materials would be fibre cement slate and Sussex stock bricks. Gables and first floor walls would be dark heather plain clay tiles. This dwelling would also have a detached triple garage on the south west side which would be of plain red sand faced concrete tiles with 2 conservation type roof lights and walls of Sussex stock brick. The proposal has been revised in order address proximity to specimen tree impact issues relating to access provision.
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The application is accompanied by the following:

- Planning Statement
- Phase 1 Ecological Assessment
- Phase 2 Protected Species Assessments
- Mitigation Statement, Habitat Creation & Ecological Enhancement
- Planning Design & Access Statement
- Housing Survey
- Flood Risk Assessment
- Transport Statement
- Section 106 Agreement

In support of the application, the agent advises that the application is for a Rural Exception Site in accordance with policy H SP3 in the Emerging Local Plan and that it is in accord with this policy. Also that it includes only 1 market dwelling rather than 2 which could be proposed - 1 for every 2 affordable dwellings. The agent advises that there is a demonstrable housing need indicated in a 2017 Housing Needs Survey.

The expected market cost of the proposed dwellings will be at up to 75% of the market value. Taking the average £315,000 the discounted price would be £236,250. In this case, the applicant has agreed to sell the dwellings at £215,000 maximum as they are absorbing the land cost so as to give something back to the village.

SITE AREA	0.95 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	5.26 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development within the site itself. Specimen trees in the hedgerow adjoining Wandleys Lane which have been TPO'd and in order to protect which access has been revised.
BOUNDARY TREATMENT	Site boundaries are characterised by substantial hedgerows, with specimen trees also, with fencing to the rear in the form of ranch style and chain link,
SITE CHARACTERISTICS	The site is laid to grass and has the general appearance of a mowed paddock. It is served by an existing gated access to Wandleys Lane in the north west corner adjacent to Wandleys Farm.
CHARACTER OF LOCALITY	The character of the surrounds of the site is rural and is characterised by sporadic ribbon type development, including some residential and some farm/rural. To the south west there is more concentrated development between Wandleys Lane and Fontwell Avenue. This includes residential development and is approximately 300m from the edge of the site. To the

north, within the BUAB of Fontwell, there is also more concentrated development, including residential, in the Arundel Road area and this is approximately 300m from the site. Wandleys Farm to the north has buildings facing the site, although there is an intervening triple garage and screening. There is a small group of 3 dwelling close to the south west corner of the site.

RELEVANT SITE HISTORY

WA/15/59	Outline For One House	Refused 21-10-59
WA/3/59	Outline For 4 - 6 Dwellings	Refused 17-04-59
WA/3/59/A	Outline For Residential Development	Refused 27-06-61
WA/3/59/B	Outline For Residential Development	Refused 09-12-65
WA/34/79	Change Of Use Siting Of Residential Caravan	Refused 06-06-79

Application reference WA/73/17/OUT for up to 157 dwellings on land accessed off Wandleys Lane which is approximately 100m north of the application site was refused on the 23-3-18 for, partly, having an adverse and unacceptable environmental impact on the locality.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Walberton Parish Council

Walberton Parish Council objects on the grounds that the application conflicts with its Neighbourhood Development Plan (NDP) and advises that it is willing to consider this site along with others when undertaking its Neighbourhood Development Plan review shortly.

11 objections have been received on the following grounds:

1. Departure from Development Plan.
2. Represents ribbon style development. Losing rural nature of the area.

3. Poor drainage.
4. Increase in vehicle movements in a narrow country Lane. Danger to horse riders, cyclists, and pedestrians.
5. Loss of more green space.
6. Light pollution
7. Walberton School full.
8. Not enough doctors
9. The proposal lays outside the Walberton NP and rejected by residents during that process to retain its rural character. Wandleys Lane is a convoluted single track lane with no room for footways or lighting. Further development here would set a precedent for many other unwanted applications in this rural spot. This lane is already a rat run for vehicles avoiding Fontwell roundabout and this trend is set to get worse.
10. This is over development on a single track lane, no footpaths, cars cannot pass safely, entrances are on blind bends, loss of Trees WNP policy VE3, loss of a wildlife corridor. Policy VE8 unlit village status. Everyone will need to travel by private car. This site was rejected by residents in the consultation process of the Neighbourhood Plan, and should be rejected again. There is a nearby watercourse and will increase flooding downstream. A pipe has already been fitted to an adjacent watercourse to drain this land.
11. The Neighbourhood Plan (NP) is legally made and determines sites for development in the next 15 years. The same objections to a neighbouring site apply here as well. This site is not in the NP and therefore should not be developed.
12. In principle, the addition of one or two homes will not have any impact on the existing 'hamlet', and the standard and quality of homes this applicant builds, is very high. However, to be consistent, the same argument used for WA/73/17/OUT also applies to this application.
 - The proposed exact entry point is, by far, the most dangerous point along Wandleys Lane, being a 'low light', double-blind bend on a very narrow single lane, with no pavements, traffic speed control or street lighting.
 - Never the less, this lane will soon be significantly affected by application WA/73/17/OUT, where a doubling, even tripling, of the number of cars will use the southern part of the lane to get to the schools and to Bognor Regis via the A29 to avoid the A27, so the dangers of access at that point along the double-blind bend will be vastly increased.
 - In addition, many more school children will be using the Southern Part of the Lane from the Welbeck development, meaning to say that the likelihood of a serious injury or fatality is more certain.
 - This development is also very isolated in accordance to the HELAA report for WA/73/17/OUT, and even more so due the unimproved lane and it's distance from the two main villages. The problem will be further compounded by construction traffic for both sites 76/17 and 73/17, where the lane will be wholly unsuitable for access of these types of vehicles, not to underestimate the dangers it imposes on a lane that is both height and width restricted too.
 - Therefore, some form of mitigation or solution should be applied before this application is considered.

2 representations in support have been received:

This small scheme presents a real opportunity for younger people from the local area to gain their own housing. The houses are the most 'affordable' among present rates and there is the opportunity for shared ownership. It will have the benefit of allowing families to remain closer together and support each other, particularly as the population demographic is ageing in this part of the world.

The scheme 'gives back' a lot: 4 affordable houses for 1 market value house. That is an immense bonus for the community in an area where there is little affordable housing but where a recent survey has identified a clear need.

This application stands out from the others being proposed for this part of Walberton. Whilst it is outside the Development Plan it offers significant benefits for the community and should be accepted for

exceptional reasons.

The village needs low cost housing for local people. The balance of low cost to full market value is more than reasonable. It would have minimal impact on the area.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted and see conclusions section of this report.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

Southern Water Planning

WSCC Strategic Planning

Parks and Landscapes

Arboriculturist

Environmental Health

Planning and Housing Strategy

Archaeology Advisor

Southern Water Planning

CONSULTATION RESPONSES RECEIVED:

The Councils Senior Engineer raises no objection subject to conditions and an informative.

Southern Water has not objected and requests an informative regarding connection to the sewerage system. Also that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer. Further comments regarding SUDS, soakaways and surface water.

WSCC Highways raises no objection subject to conditions and an informative. On the revised scheme WSCC comments that the effect of the revisions on the application is to move the access for a single dwelling northward by approximately 20m. The access can still achieve visibility requirements of 64.8m x 2.4m. It is noted that the visibility splay southwards runs under the canopy of 'Tree 2' however given the height of the canopy no concern is raised.

The Councils Housing Strategy Officer raises no objection and advises that the proposal is considered to accord with policy H SP3; the intermediate housing for sale meets the Councils requirements; the level housing need has been identified by a Local Needs Survey approved by the Council; four two bed bungalows for intermediate housing is acceptable; affordable housing must be constructed and designed to be broadly indistinguishable from the single proposed open market dwelling; a S106 Planning Obligation is required to secure precisely how the intermediate housing will be marketed and sold to local persons identified in the Local Needs Survey and agreed with the Council. The S106 Agreement would need a cascade clause setting out the precise acquisition arrangements for the intermediate housing units to an affordable housing provider approved by the Council.

The Archaeologist advises that it would be appropriate for the site to be investigated prior to development as the site lies in an area where prehistoric and Roman use of land has concentrated. A

condition has therefore been requested.

The Councils Tree Officer originally objected due to the impact of the northern access on 2 significant trees and also recommended a TPO. No further objection has been received to the revised scheme.

The Councils Parks and Landscapes raises no objection and advises there is no requirement for public open space for this size of site. That trees and hedgerows should be protected and retained. A landscaping scheme must maximise biodiversity and mitigate the removal of any vegetation.

COMMENTS ON CONSULTATION RESPONSES:

Regarding the Tree Officer, the scheme has been revised to address the impact on trees and a TPO has been made.

Other comments could be dealt by means of conditions and informatives. The intermediate housing could be secured via a S106 legal agreement.

POLICY CONTEXT

Designation applicable to site:

Outside of Built Up Area Boundary (BUAB)

Tree Preservation Order

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
GEN3	Protection of the Countryside
GEN9	Foul and Surface Water Drainage
GEN8	Development and the Provision of Infrastructure
GEN7	The Form of New Development
GEN5	Provision of New Residential Development
GEN28	Trees and Woodlands
GEN25	Water Resources
GEN11	Inland Flooding
GEN14	Public Transport
GEN15	Cycling and Walking
GEN2	Built-up Area Boundary
GEN20	Provision of Public Open Space within New Development
DEV18	Affordable Housing Outside the Built Up Area

[Publication Version of the Local Plan \(October 2014\):](#)

QE DM2	Light Pollution
C SP1	Countryside
H SP3	Rural Housing and Exception Sites

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
 T DM1 Sustainable Travel and Public Rights of Way
 W DM1 Water Supply & Quality
 W DM2 Flood Risk
 W SP1 Water
 AH SP2 Affordable Housing
 QE DM1 Noise Pollution
 LAN DM1 Protection of Landscape Character
 ENV SP1 Natural Environment
 ENV DM5 Development and Biodiversity
 ENV DM4 Protection of Trees
 D SP1 Design
 H SP1 Strategic housing, parish and town council allocations
 D DM1 Aspects of Form and Design Quality

Walberton Neighbourhood Plan Policy 2017 HP10	Affordable Housing
Walberton Neighbourhood Plan Policy 2017 HP1	Spatial Plan of the Parish
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 VE7	Surface Water Management
Walberton Neighbourhood Plan Policy 2017 VE8	'Unlit village' status

PLANNING POLICY GUIDANCE:

NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE:

SPD1	Open Space & Recreation Standards
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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.

The Main Modifications to the Arun Local Plan (2011-2031) were published for Public Consultation purposes over a six week period from Friday 12 January 2018 until 5pm on Friday 23 February 2018 and the consultation period is now over. The emerging Arun Local Plan is therefore at a very advanced stage and carries weight.

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 taken into account 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.

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.

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 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.

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 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 approximately:

- * Walberton & Binsted Primary School -2km
- * Ormiston Six Villages Academy, Westergate - 2km
- * St Phillip Howard, Catholic School (6th Form), Barnham - 3.6km

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 400m (approx.) walk from the site.

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 given that this is an unlit narrow road with largely no pavement. 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 Doctors:

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

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

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

However, owing to the unattractive pedestrian/cycling environment along Wandleys Lane these are not safely available.

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 creation of two new access points and the prominence of at least 3 of the dwellings from the new access. Furthermore, a further urbanising effect will be the illumination at this point 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 5 new homes including 4 affordable dwellings (still subject to an acceptable s106 agreement) to help meet future needs. These, albeit limited, factors weigh in the scheme's favour. However, there is no acceptable S106 agreement in place to ensure the affordable housing 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:

- * 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.

Exemption Site Policy

The ADLP policy DEV18 applies to affordable housing located outside of the built up area boundary. The policy however is permissible only for development where it is wholly for affordable housing. In this case one of the 5 dwellings will be for the open market.

The advice since DEV18 was adopted has grown and it is now accepted advice that developments such as this should include some form of leverage so as to make proposals viable and deliverable. This is now reflected in emerging policy H SP3 where there is a permitted principle that for every two dwellings one can be an open market home and advice in paragraph 173 of the NPPF which requires that plans should be deliverable and the scale of development should not be subject to policy burdens where their viability is threatened.

However, the proposal is in conflict with emerging policy H SP3 c. in so much as it is not in keeping with the existing character of the area and the market and affordable housing proposed are not similar in scale and design. Further more the policy requires that the affordable housing proposed is underpinned by an agreeable planning obligation. In this case the Council's affordable housing officer requires an agreement that has not been offered by the applicants and the development is therefore contrary to policies DEV18 of the ADLP and H SP3 of the emerging plan.

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 creation of two new access points with considerable block paving associated with each access. This cannot be achieved without it having an unacceptable urbanising impact. The lane would change from sporadic 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 these 5 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.

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:

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 single storey nature of plots 1-4 It is not considered that they will have an unneighbourly or unacceptable visually intrusive effect on the nearest neighbouring property to the south. Plot 1 although two storey in nature will be sufficiently sited away from its neighbour to the north to avoid an unacceptable impact on neighbouring residential amenity.

AFFORDABLE HOUSING:

The proposal includes the provision of 4 affordable units in line with policy H SP3 of the emerging local plan. The applicant has submitted a signed unilateral legal agreement. However, the Councils housing strategy officer needs to be satisfied that the agreement has a cascade clause to be agreed with the Council. The agreement provided does not include such a clause and cannot therefore be supported by the Council.

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 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. However, they comment that 'Limited opportunities exist for sustainable travel from the site, no dedicated footway is provided within the vicinity of the application site and public transport is limited. Barnham station is located to the south and can be accessed via the five villages cycle route (accessed to the north of West Walberton Lane) and as such the vast majority of trips are likely to be undertaken by private vehicle.'

As such whilst there is no objection to the development on the grounds of access highways safety and details of parking there is considered 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

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

The applicants have tabled a signed unilateral undertaking. However, this does not accord with the

advice of the Councils housing strategy officer who seeks a cascade clause to be agreed with the Council. The legal agreement provided does not include such a clause and is therefore not acceptable.

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 The proposed creation of two independent accesses on Wandleys Lane would have an out of character and unacceptable urbanising impact on the existing rural character of the lane contrary to policy GEN7 of the Arun District Local Plan (ADLP), policy HP13 of the Walberton Neighbourhood Plan, policy 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 The proposal is not in keeping with the character of the area and the proposed housing is not similar in scale and design and is therefore in conflict with policy H SP3 c. of the emerging Local Plan.
- 5 In the absence of an acceptable signed Section 106 legal agreement, the proposed development will not secure the proposed affordable housing in conflict with policies DEV18 of the ADLP and policy H SP3 of the emerging Arun Local Plan.
- 6 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reasons 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.